

[§ 904a. Art. 104a]

CODIFICATION

For text of new section 904a as transferred by Pub. L. 114-328, see Amendment of Analysis and Subchapter note set out preceding section 877 of this title.

[§ 904b. Art. 104b]

CODIFICATION

For text of new section 904b as transferred by Pub. L. 114-328, see Amendment of Analysis and Subchapter note set out preceding section 877 of this title.

§ 905. Art. 105. Misconduct as prisoner

Any person subject to this chapter who, while in the hands of the enemy in time of war—

(1) for the purpose of securing favorable treatment by his captors acts without proper authority in a manner contrary to law, custom, or regulation, to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners; or

(2) while in a position of authority over such persons maltreats them without justifiable cause;

shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 71.)

TRANSFER OF SECTION

Pub. L. 114-328, div. E, title LX, § 5401(6), (12), title LXIII, § 5542, Dec. 23, 2016, 130 Stat. 2938, 2939, 2967, provided that, effective on the date designated by the President, not later than the first day of the first calendar month beginning two years after Dec. 23, 2016, with implementing regulations prescribed by the President not later than one year after Dec. 23, 2016, and with provisions relating to applicability to various situations, this section is redesignated and transferred to become section 898 of this title (article 98), and section 923 of this title (article 123) is redesignated and transferred to become this section. See Amendment of Analysis and Subchapter note preceding section 877 of this title.

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 905 | 50:699. | May 5, 1950, ch. 169, § 1 (Art. 105), 64 Stat. 138. |

EFFECTIVE DATE OF 2016 AMENDMENT

Transfers by Pub. L. 114-328 effective on the date designated by the President, not later than the first day of the first calendar month beginning two years after Dec. 23, 2016, with implementing regulations prescribed by the President not later than one year after Dec. 23, 2016, and with provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328, set out as a note under section 801 of this title.

[§ 905a. Art. 105a]

CODIFICATION

For text of new section 905a as enacted by Pub. L. 114-328, see Amendment of Analysis and Subchapter note set out preceding section 877 of this title.

§ 906. Art. 106. Spies

Any person who in time of war is found lurking as a spy or acting as a spy in or about any

place, vessel, or aircraft, within the control or jurisdiction of any of the armed forces, or in or about any shipyard, any manufacturing or industrial plant, or any other place or institution engaged in work in aid of the prosecution of the war by the United States, or elsewhere, shall be tried by a general court-martial or by a military commission and on conviction shall be punished by death. This section does not apply to a military commission established under chapter 47A of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 71; Pub. L. 109-366, § 4(a)(2), Oct. 17, 2006, 120 Stat. 2631.)

TRANSFER AND ENACTMENT OF SECTION

Pub. L. 114-328, div. E, title LX, §§ 5401(7), 5417, title LXIII, § 5542, Dec. 23, 2016, 130 Stat. 2938, 2945, 2967, provided that, effective on the date designated by the President, not later than the first day of the first calendar month beginning two years after Dec. 23, 2016, with implementing regulations prescribed by the President not later than one year after Dec. 23, 2016, and with provisions relating to applicability to various situations, this section is redesignated and transferred to become section 903 of this title (article 103), and a new section 906 (article 106) is enacted. For text of new section 906 after the effective date, see Amendment of Analysis and Subchapter note preceding section 877 of this title.

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 906 | 50:700. | May 5, 1950, ch. 169, § 1 (Art. 106), 64 Stat. 138. |

The words “of the United States” are omitted as surplusage.

AMENDMENTS

2006—Pub. L. 109-366 inserted last sentence.

EFFECTIVE DATE OF 2016 AMENDMENT

Transfer of current section and enactment of new section 906 by Pub. L. 114-328 effective on the date designated by the President, not later than the first day of the first calendar month beginning two years after Dec. 23, 2016, with implementing regulations prescribed by the President not later than one year after Dec. 23, 2016, and with provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328, set out as a note under section 801 of this title.

PROCLAMATION NO. 2561. ENEMIES DENIED ACCESS TO UNITED STATES COURTS

Proc. No. 2561, July 2, 1942, 7 F.R. 5101, 56 Stat. 1964, provided:

Whereas the safety of the United States demands that all enemies who have entered upon the territory of the United States as part of an invasion or predatory incursion, or who have entered in order to commit sabotage, espionage or other hostile or warlike acts, should be promptly tried in accordance with the law of war;

Now, therefore, I, Franklin D. Roosevelt, President of the United States of America and Commander in Chief of the Army and Navy of the United States, by virtue of the authority vested in me by the Constitution and the statutes of the United States, do hereby proclaim that all persons who are subjects, citizens or residents of any nation at war with the United States or who give obedience to or act under the direction of any such