

[§ 931e. Art. 131e]

CODIFICATION

For text of new section 931e as enacted by Pub. L. 114-328, see Amendment of Analysis and Subchapter note set out preceding section 877 of this title.

[§ 931f. Art. 131f]

CODIFICATION

For text of new section 931f as transferred by Pub. L. 114-328, see Amendment of Analysis and Subchapter note set out preceding section 877 of this title.

[§ 931g. Art. 131g]

CODIFICATION

For text of new section 931g as enacted by Pub. L. 114-328, see Amendment of Analysis and Subchapter note set out preceding section 877 of this title.

§ 932. Art. 132. Frauds against the United States

Any person subject to this chapter—

(1) who, knowing it to be false or fraudulent—

(A) makes any claim against the United States or any officer thereof; or

(B) presents to any person in the civil or military service thereof, for approval or payment, any claim against the United States or any officer thereof;

(2) who, for the purpose of obtaining the approval, allowance, or payment of any claim against the United States or any officer thereof—

(A) makes or uses any writing or other paper knowing it to contain any false or fraudulent statements;

(B) makes any oath to any fact or to any writing or other paper knowing the oath to be false; or

(C) forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing it to be forged or counterfeited;

(3) who, having charge, possession, custody or control of any money, or other property of the United States, furnished or intended for the armed forces thereof, knowingly delivers to any person having authority to receive it, any amount thereof less than that for which he receives a certificate or receipt; or

(4) who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the armed forces thereof, makes or delivers to any person such writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States;

shall, upon conviction, be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 75.)

TRANSFER, ENACTMENT, AND AMENDMENT OF SECTION

Pub. L. 115-91, div. A, title X, § 1081(c)(1)(Q), (4), Dec. 12, 2017, 131 Stat. 1599, provided that, effective immediately after the redesignation and transfer of this section and enactment of a

new section 932 (article 132) by section 5401(14) of Pub. L. 114-328, see below, takes effect as provided for in section 5542 of that Act, subsection (b)(2) of this section is amended by striking “section 1034(h)” and inserting “section 1034(j)”. See 2017 Amendment note below. For text of subsection (b)(2) after enactment of new section 932 by Pub. L. 114-328 on the effective date, see Amendment of Analysis and Subchapter note preceding section 877 of this title.

Pub. L. 114-328, div. E, title LX, §§ 5401(14), 5450, title LXIII, § 5542, Dec. 23, 2016, 130 Stat. 2939, 2957, 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 924 of this title (article 124), and a new section 932 (article 132) is enacted. For text of new section 932 on the effective date, see Amendment of Analysis and Subchapter note preceding section 877 of this title.

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 1: 932, 50:726, May 5, 1950, ch. 169, § 1 (Art. 132), 64 Stat. 142.

The word “it” is substituted for the words “the same” throughout the revised section.

AMENDMENTS

2017—Subsec. (b)(2). Pub. L. 115-91 substituted “section 1034(j)” for “section 1034(h)”.

EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115-91 effective immediately after the amendments made by div. E (§§ 5001-5542) of Pub. L. 114-328 take effect as provided for in section 5542 of that Act (10 U.S.C. 801 note), see section 1081(c)(4) of Pub. L. 115-91, set out as a note under section 801 of this title.

EFFECTIVE DATE OF 2016 AMENDMENT

Transfer of current section and enactment of new section 932 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.

§ 933. Art. 133. Conduct unbecoming an officer and a gentleman

Any commissioned officer, cadet, or midshipman who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 76.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 1: 933, 50:727, May 5, 1950, ch. 169, § 1 (Art. 133), 64 Stat. 142.

The word “commissioned” is inserted for clarity.

SUBCHAPTER XI—MISCELLANEOUS PROVISIONS

§ 934. Art. 134. General article

Though not specifically mentioned in this chapter, all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, and crimes and offenses not capital, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court.

(Aug. 10, 1956, ch. 1041, 70A Stat. 76; Pub. L. 114-328, div. E, title LX, §5451, Dec. 23, 2016, 130 Stat. 2958.)

AMENDMENT OF SECTION

Pub. L. 114-328, div. E, title LX, §5451, title LXIII, §5542, Dec. 23, 2016, 130 Stat. 2958, 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 amended by inserting at the end “As used in the preceding sentence, the term ‘crimes and offenses not capital’ includes any conduct engaged in outside the United States, as defined in section 5 of title 18, that would constitute a crime or offense not capital if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of title 18.” See 2016 Amendment note below. For text of this section after amendment on the effective date, see Amendment of Analysis and Subchapter note preceding section 877 of this title.

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 934: 50:728, May 5, 1950, ch. 169, §1 (Art. 134), 64 Stat. 142.

The words “shall be” are inserted before the word “punished”.

AMENDMENTS

2016—Pub. L. 114-328 inserted at end “As used in the preceding sentence, the term ‘crimes and offenses not capital’ includes any conduct engaged in outside the United States, as defined in section 5 of title 18, that would constitute a crime or offense not capital if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of title 18.”

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment 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.

Table with 2 columns: Sec., Art. Rows 935-940a listing various provisions like Courts of inquiry, Authority to administer oaths, Articles to be explained, etc.

AMENDMENT OF ANALYSIS

Pub. L. 115-91, div. A, title X, §1081(d)(19)(A), Dec. 12, 2017, 131 Stat. 1599, 1601, made technical amendment to Pub. L. 114-328, §5541(7)(A), set out below, effective as of Dec. 23, 2016, and as if included in Pub. L. 114-328 as enacted. See 2017 Amendment note below.

Pub. L. 114-328, div. E, title LXIII, §§5541(7)(A), 5542, Dec. 23, 2016, 130 Stat. 2967, as amended by Pub. L. 115-91, div. A, title X, §1081(d)(19)(A), Dec. 12, 2017, 131 Stat. 1601, 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 analysis is amended by striking item 936 and inserting the following new item:

Table with 2 columns: Sec., Art. Row 936: Authority to administer oaths.

See 2016 Amendment note below.

AMENDMENTS

2017—Pub. L. 115-91, div. A, title X, §1081(d)(19)(A), Dec. 12, 2017, 131 Stat. 1601, made technical amendment to Pub. L. 114-328, §5541(7). See 2016 Amendment note below.

2016—Pub. L. 114-328, div. E, title LXIII, §5541(7), Dec. 23, 2016, 130 Stat. 2967, as amended by Pub. L. 115-91, div. A, title X, §1081(d)(19)(A), Dec. 12, 2017, 131 Stat. 1601, added item 940a and substituted “Authority to administer oaths” for “Authority to administer oaths and to act as notary” in item 936.

§ 935. Art. 135. Courts of inquiry

(a) Courts of inquiry to investigate any matter may be convened by any person authorized to convene a general court-martial or by any other person designated by the Secretary concerned for that purpose, whether or not the persons involved have requested such an inquiry.

(b) A court of inquiry consists of three or more commissioned officers. For each court of inquiry the convening authority shall also appoint counsel for the court.

(c) Any person subject to this chapter whose conduct is subject to inquiry shall be designated as a party. Any person subject to this chapter or employed by the Department of Defense who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.