

of the armed forces, he may, under such regulations as the Secretary concerned may prescribe, convene a board to investigate the complaint. The board shall consist of from one to three commissioned officers and, for the purpose of that investigation, it has power to summon witnesses and examine them upon oath, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by the board is subject to the approval of the commanding officer, and in the amount approved by him shall be charged against the pay of the offenders. The order of the commanding officer directing charges herein authorized is conclusive on any disbursing officer for the payment by him to the injured parties of the damages so assessed and approved.

(b) If the offenders cannot be ascertained, but the organization or detachment to which they belong is known, charges totaling the amount of damages assessed and approved may be made in such proportion as may be considered just upon the individual members thereof who are shown to have been present at the scene at the time the damages complained of were inflicted, as determined by the approved findings of the board.

(Aug. 10, 1956, ch. 1041, 70A Stat. 78.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
939(a)	50:735(a).	May 5, 1950, ch. 169, §1
939(b)	50:735(b).	(Art. 139), 64 Stat. 144.

In subsection (a), the words “Secretary concerned” are substituted for the words “Secretary of the Department”. The word “under” is substituted for the words “subject to”. The words “or affirmation” are omitted as covered by the definition of the word “oath” in section 1 of title 1. The words “it has” are substituted for the words “shall have” in the second sentence. The word “is” is substituted for the words “shall be” before the words “subject” and “conclusive”. The word “commissioned” is inserted for clarity.

In subsection (b), the word “If” is substituted for the word “Where”. The word “considered” is substituted for the word “deemed”.

§ 940. Art. 140. Delegation by the President

The President may delegate any authority vested in him under this chapter, and provide for the subdelegation of any such authority.

(Aug. 10, 1956, ch. 1041, 70A Stat. 78.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
940	50:736.	May 5, 1950, ch. 169, §1 (Art. 140), 64 Stat. 145.

The word “may” is substituted for the words “is authorized to * * * to”.

§ 940a. Art. 140a. Case management; data collection and accessibility

The Secretary of Defense shall prescribe uniform standards and criteria for conduct of each of the following functions at all stages of the military justice system, including pretrial, trial, post-trial, and appellate processes, using, insofar as practicable, the best practices of Federal and State courts:

(1) Collection and analysis of data concerning substantive offenses and procedural matters in a manner that facilitates case management and decision making within the military justice system, and that enhances the quality of periodic reviews under section 946 of this title (article 146).

(2) Case processing and management.

(3) Timely, efficient, and accurate production and distribution of records of trial within the military justice system.

(4) Facilitation of access to docket information, filings, and records, taking into consideration restrictions appropriate to judicial proceedings and military records.

(Added Pub. L. 114-328, div. E, title LXI, § 5504(a), Dec. 23, 2016, 130 Stat. 2961.)

EFFECTIVE DATE

Pub. L. 114-328, div. E, title LXI, § 5504(b), Dec. 23, 2016, 130 Stat. 2961, provided that:

“(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act [Dec. 23, 2016], the Secretary of Defense shall carry out section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a).

“(2) STANDARDS AND CRITERIA.—Not later than 4 years after the date of the enactment of this Act, the standards and criteria under section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a), shall take effect.”

Except as otherwise provided, section effective on Jan. 1, 2019, as designated by the President, with implementing regulations and provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328 and Ex. Ord. 13825, set out as notes under section 801 of this title.

SUBCHAPTER XII—UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

Sec.	Art.	
941.	141.	Status.
942.	142.	Judges.
943.	143.	Organization and employees.
944.	144.	Procedure.
945.	145.	Annuities for judges and survivors.
946.	146.	Military Justice Review Panel.
946a.	146a.	Annual reports.

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(8). See 2016 Amendment note below.

2016—Pub. L. 114-328, div. E, title LXIII, § 5541(8), 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 946a and substituted “Military Justice Review Panel” for “Code committee” in item 946.

1994—Pub. L. 103-337, div. A, title IX, § 924(c)(3)(A), Oct. 5, 1994, 108 Stat. 2831, substituted “UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES” for “COURT OF MILITARY APPEALS” as subchapter heading.

1990—Pub. L. 101-510, div. A, title XIV, § 1484(i)(2), Nov. 5, 1990, 104 Stat. 1718, redesignated subchapter XI as XII.

§ 941. Art. 141. Status

There is a court of record known as the United States Court of Appeals for the Armed Forces. The court is established under article I of the Constitution. The court is located for administrative purposes only in the Department of Defense.