

Editorial Notes

AMENDMENTS

2016—Subsec. (c). Pub. L. 114-328 designated first through third sentences as pars. (1) to (3), respectively, and, in par. (2), substituted “who is (A) subject to this chapter, (B) employed by the Department of Defense, or (C) with respect to the Coast Guard, employed by the department in which the Coast Guard is operating when it is not operating as a service in the Navy, and” for “subject to this chapter or employed by the Department of Defense”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 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. No. 13825, set out as notes under section 801 of this title.

§ 936. Art. 136. Authority to administer oaths

(a) The following persons on active duty or performing inactive-duty training may administer oaths for the purposes of military administration, including military justice:

- (1) All judge advocates.
- (2) All summary courts-martial.
- (3) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants.
- (4) All commanding officers of the Navy, Marine Corps, and Coast Guard.
- (5) All staff judge advocates and legal officers, and acting or assistant staff judge advocates and legal officers.
- (6) All other persons designated by regulations of the armed forces or by statute.

(b) The following persons on active duty or performing inactive-duty training may administer oaths necessary in the performance of their duties:

- (1) The president, military judge, trial counsel, and assistant trial counsel for all general and special courts-martial.
- (2) The president and the counsel for the court of any court of inquiry.
- (3) All officers designated to take a deposition.
- (4) All persons detailed to conduct an investigation.
- (5) All recruiting officers.
- (6) All other persons designated by regulations of the armed forces or by statute.

(c) Each judge and senior judge of the United States Court of Appeals for the Armed Forces shall have the powers relating to oaths, affirmations, and acknowledgments provided to justices and judges of the United States by section 459 of title 28.

(Aug. 10, 1956, ch. 1041, 70A Stat. 77; Pub. L. 86-589, July 5, 1960, 74 Stat. 329; Pub. L. 90-179, §1(7), Dec. 8, 1967, 81 Stat. 546; Pub. L. 90-632, §2(34), Oct. 24, 1968, 82 Stat. 1343; Pub. L. 98-209, §2(f), Dec. 6, 1983, 97 Stat. 1393; Pub. L. 99-661, div. A, title VIII, §804(c), Nov. 14, 1986, 100 Stat. 3907; Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 101-510, div. A, title V, §551(b), Nov. 5, 1990, 104 Stat. 1566; Pub. L. 110-181, div. A, title V, §542, Jan. 28, 2008,

122 Stat. 114; Pub. L. 114-328, div. A, title V, §541(a), div. E, title LXI, §5502, Dec. 23, 2016, 130 Stat. 2124, 2960.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
936(a)	50:732(a).	May 5, 1950, ch. 169, §1 (Art. 136), 64 Stat. 143.
936(b)	50:732(b).	
936(c)	50:732(c).	
936(d)	50:732(d).	

In subsection (a), the word “may” is substituted for the words “shall have authority to”. The word “shall” before the words “have the general powers” is omitted as surplusage. The words “the continental limits” are omitted, since section 101(1) of this title defines the United States to include the States and the District of Columbia.

In subsections (a) and (b), the words “in the armed forces” are omitted as surplusage.

In subsection (b), the word “may” is substituted for the words “shall have authority to”.

In subsection (c), the words “of any character” are omitted as surplusage. The word “may” is substituted for the word “shall”.

In subsection (d), the word “is” is substituted for the words “shall be”.

Editorial Notes

AMENDMENTS

2016—Pub. L. 114-328, §5502, struck out “and to act as notary” after “oaths” in section catchline.

Subsec. (c). Pub. L. 114-328, §541(a), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The judges of the United States Court of Appeals for the Armed Forces may administer the oaths authorized by subsections (a) and (b).”

2008—Subsec. (c). Pub. L. 110-181 added subsec. (c).

1990—Subsec. (a). Pub. L. 101-510, §551(b)(1), struck out “, and have the general powers of a notary public and of a consul of the United States, in the performance of all notarial acts to be executed by members of any of the armed forces, wherever they may be, by persons serving with, employed by, or accompanying the armed forces outside the United States and outside Puerto Rico, Guam, and the Virgin Islands, and by other persons subject to this chapter outside of the United States” after “including military justice” in introductory provisions.

Subsecs. (c), (d). Pub. L. 101-510, §551(b)(2), struck out subsecs. (c) and (d) which read as follows:

“(c) No fee may be paid to or received by any person for the performance of any notarial act herein authorized.

“(d) The signature without seal of any such person acting as notary, together with the title of his office, is prima facie evidence of his authority.”

1988—Subsec. (a). Pub. L. 100-456 struck out “the Canal Zone,” before “Puerto Rico.”

1986—Subsecs. (a), (b). Pub. L. 99-661 inserted “or performing inactive-duty training” after “active duty”.

1983—Subsec. (a)(1). Pub. L. 98-209, §2(f)(1), struck out “of the Army, Navy, Air Force, and Marine Corps” after “All judge advocates”.

Subsec. (a)(2) to (7). Pub. L. 98-209, §2(f)(2), struck out par. (2) which included law specialists among those persons authorized to administer oaths and to act as notaries under this section, and redesignated pars. (3) to (7) as (2) to (6), respectively.

1968—Subsec. (b). Pub. L. 90-632 substituted “military judge” for “law officer” in par. (1).

1967—Subsec. (a)(1). Pub. L. 90-179 inserted references to judge advocates of the Navy and the Marine Corps.

1960—Subsec. (a). Pub. L. 86-589 permitted the administration of oaths and the performance of notarial acts for persons serving, employed by, or accompanying the armed forces outside the United States and outside the Canal Zone, Puerto Rico, Guam, and the Virgin Islands.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by section 5502 of Pub. L. 114-328 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. No. 13825, set out as notes under section 801 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-661 effective the earlier of (1) the last day of the 120-day period beginning on Nov. 14, 1986; or (2) the date specified in an Executive order for such amendment to take effect, see section 808 of Pub. L. 99-661, set out as a note under section 802 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-209 effective first day of eighth calendar month beginning after Dec. 6, 1983, see section 12(a)(1) of Pub. L. 98-209, set out as a note under section 801 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-632 effective first day of tenth month following October 1968, see section 4 of Pub. L. 90-632, set out as a note under section 801 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 937. Art. 137. Articles to be explained

(a) ENLISTED MEMBERS.—(1) The sections (articles) of this chapter specified in paragraph (3) shall be carefully explained to each enlisted member at the time of (or within fourteen days after)—

(A) the member's initial entrance on active duty; or

(B) the member's initial entrance into a duty status with a reserve component.

(2) Such sections (articles) shall be explained again—

(A) after the member has completed six months of active duty or, in the case of a member of a reserve component, after the member has completed basic or recruit training; and

(B) at the time when the member reenlists.

(3) This subsection applies with respect to sections 802, 803, 807-815, 825, 827, 831, 837, 838, 855, 877-934, and 937-939 of this title (articles 2, 3, 7-15, 25, 27, 31, 37, 38, 55, 77-134, and 137-139).

(b) OFFICERS.—(1) The sections (articles) of this chapter specified in paragraph (2) shall be carefully explained to each officer at the time of (or within six months after)—

(A) the initial entrance of the officer on active duty as an officer; or

(B) the initial commissioning of the officer in a reserve component.

(2) This subsection applies with respect to the sections (articles) specified in subsection (a)(3)

and such other sections (articles) as the Secretary concerned may prescribe by regulation.

(c) TRAINING FOR CERTAIN OFFICERS.—Under regulations prescribed by the Secretary concerned, officers with the authority to convene courts-martial or to impose non-judicial punishment shall receive periodic training regarding the purposes and administration of this chapter. Under regulations prescribed by the Secretary of Defense, officers assigned to duty in a joint command or a combatant command, who have such authority, shall receive additional specialized training regarding the purposes and administration of this chapter with respect to joint commands and the combatant commands.

(d) AVAILABILITY AND MAINTENANCE OF TEXT.—The text of this chapter and the text of the regulations prescribed by the President under this chapter shall be—

(1) made available to a member on active duty or to a member of a reserve component, upon request by the member, for the member's personal examination; and

(2) maintained by the Secretary of Defense in electronic formats that are updated periodically and made available on the Internet.

(Aug. 10, 1956, ch. 1041, 70A Stat. 78; Pub. L. 99-661, div. A, title VIII, §804(d), Nov. 14, 1986, 100 Stat. 3907; Pub. L. 104-106, div. A, title XI, §1152, Feb. 10, 1996, 110 Stat. 468; Pub. L. 114-328, div. E, title LXI, §5503, Dec. 23, 2016, 130 Stat. 2960; Pub. L. 115-91, div. A, title X, §1081(c)(1)(R), Dec. 12, 2017, 131 Stat. 1599.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
937	50:733.	May 5, 1950, ch. 169, §1 (Art. 137), 64 Stat. 144.

The word "each" is substituted for the word "every". The word "member" is substituted for the word "person". The words "in [any of] the armed forces of the United States" are omitted as surplusage.

Editorial Notes

AMENDMENTS

2017—Subsec. (a)(1). Pub. L. 115-91, §1081(c)(1)(R)(i), struck out "(the Uniform Code of Military Justice)" after "this chapter" in introductory provisions.

Subsec. (b). Pub. L. 115-91, §1081(c)(1)(R)(ii), which directed amendment of subsec. (b) by striking out "(the Uniform Code of Military Justice)" after "this chapter" in the matter preceding subparagraph (A), was executed by making the amendment in introductory provisions of par. (1) of subsec. (b), to reflect the probable intent of Congress.

Subsec. (d). Pub. L. 115-91, §1081(c)(1)(R)(iii), struck out "(the Uniform Code of Military Justice)" after "this chapter" in introductory provisions.

2016—Subsec. (a). Pub. L. 114-328, §5503(1), inserted heading.

Subsec. (a)(1). Pub. L. 114-328, §5503(1), substituted "The sections (articles) of this chapter (the Uniform Code of Military Justice)" for "The sections of this title (articles of the Uniform Code of Military Justice)" in introductory provisions.

Subsecs. (b) to (d). Pub. L. 114-328, §5503(2), (3), added subsecs. (b) to (d) and struck out former subsec. (b) which read as follows: "The text of the Uniform Code of Military Justice and of the regulations prescribed by the President under such Code shall be made available to a member on active duty or to a member of a reserve