

Sec.	
7726.	Reconsideration of stay.
7727.	Duration of stay.
7728.	Restricted certificate.
7729.	Investigation before issue of certificate.
7730.	Evidence admissible when witness is not available.

§ 7721. Scope of chapter

(a) This chapter applies to any suit against the United States under chapter 311 of title 46 for—

(1) damage caused by a vessel in the naval service; or

(2) compensation for towage or salvage services, including contract salvage, rendered to a vessel in the naval service.

(b) In this chapter, the term “vessel in the naval service” means—

(1) any vessel of the Navy, manned by the Navy, or chartered on bareboat charter to the Navy; or

(2) when the Coast Guard is operating as a service in the Navy, any vessel of the Coast Guard, manned by the Coast Guard, or chartered on bareboat charter to the Coast Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 483; Pub. L. 96-513, title V, §513(43), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 100-26, §7(k)(10), Apr. 21, 1987, 101 Stat. 284; Pub. L. 103-35, title II, §201(c)(11), May 31, 1993, 107 Stat. 98; Pub. L. 109-304, §17(a)(6), Oct. 6, 2006, 120 Stat. 1706.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7721(a)	46 U.S.C. 791 (2d sentence).	July 3, 1944, ch. 399, §1 (2d sentence), 58 Stat. 723.
7721(b)	46 U.S.C. 793.	July 3, 1944, ch. 399, §3, 58 Stat. 724.

In subsection (a) the words “wherein a claim is made” are omitted as surplusage. The words “vessel in the naval service” are substituted for the words “vessel in the Navy, or in the naval service” for brevity. No change in meaning results, since the term used in subsection (a) is defined in subsection (b).

In subsection (b) the words “service in” are substituted for the words “part of” to conform to the terminology used in 14 U.S.C. 3.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-304 substituted “chapter 311 of title 46” for “the Act of March 3, 1925 (commonly referred to as the ‘Public Vessels Act’) (46 U.S.C. App. 781-790)”.

1993—Subsec. (a). Pub. L. 103-35 substituted “(46 U.S.C. App. 781-790)” for “(46 U.S.C. 781-790)”.

1987—Subsec. (b). Pub. L. 100-26 inserted “, the term” after “In this chapter”.

1980—Subsec. (a). Pub. L. 96-513 substituted “the Act of March 3, 1925 (commonly referred to as the ‘Public Vessels Act’) (46 U.S.C. 781-790)” for “sections 781-790 of title 46”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 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.

§ 7722. Stay of suit

(a) Whenever in time of war the Secretary of the Navy certifies to a court, or to a judge of a court, in which a suit described in section 7721 of this title is pending, that the prosecution of the suit would tend to endanger the security of naval operations in the war, or would tend to interfere with those operations, all further proceedings in the suit shall be stayed.

(b) A stay under this section does not suspend the issue of process to take or preserve evidence to be used in the trial or prevent the completion of action under similar process issued before the stay.

(Aug. 10, 1956, ch. 1041, 70A Stat. 484.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7722(a)	46 U.S.C. 791 (1st sentence, less applicability to duration of stay).	July 3, 1944, ch. 399, §1 (1st sentence, less applicability to duration of stay), 58 Stat. 723.
7722(b)	46 U.S.C. 791 (less 1st and 2d sentences and less proviso).	July 3, 1944, ch. 399, §1 (less 1st and 2d sentences and less proviso), 58 Stat. 723.

In subsection (a) the word “forthwith” is omitted as surplusage.

In subsection (b) the words “of proceedings in pending suits as provided” are omitted as surplusage. The words “does not suspend” are substituted for the words “shall not operate to suspend”. The words “of the issues” and “the authority of” are omitted as surplusage. The words “issued before the stay” are substituted for the words “already issued at the time of such stay of suit”.

§ 7723. Stay of proceedings for preserving evidence after stay of suit

If, at the time of certification under section 7722 of this title, or at any time before the termination of the stay based on the certificate, the Secretary of the Navy files with the court an additional certificate to the effect that the issue of any process to preserve evidence or the completion of action on process previously issued would tend to endanger the security of the United States or of any of its naval or military operations in the war, or would tend to interfere with those operations, then all proceedings for the taking or preserving of evidence to be used by either party in the trial shall be stayed.

(Aug. 10, 1956, ch. 1041, 70A Stat. 484.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7723	46 U.S.C. 791 (proviso, less applicability to duration of stay).	July 3, 1944, ch. 399, §1 (proviso, less applicability to duration of stay), 58 Stat. 723.

The word “stayed” is substituted for the word “suspended” for uniformity and clarity.