

any documents or papers connected with the property or to any deposition or other document or paper connected with the proceedings, with intent to defraud, delay, or injure the United States or any claimant of that property, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(Aug. 10, 1956, ch. 1041, 70A Stat. 482.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7678 .....	34 U.S.C. 1167.	Mar. 4, 1909, ch. 321, § 38, 35 Stat. 1096.

The words “captor or” between “any” and “claimant” are omitted because the Act of March 3, 1899, ch. 413, § 13, 30 Stat. 1007, repealed all laws authorizing the distribution of prize proceeds to captors. These words were apparently carried over inadvertently to § 38 of the 1909 Act from the source of that section, namely R.S. 5441.

The section is worded in the style of Title 18, U.S. Code.

**§ 7679. Powers of district court over prize property notwithstanding appeal**

Notwithstanding an appeal, the district court may make and execute all necessary orders for the custody and disposal of prize property.

(Aug. 10, 1956, ch. 1041, 70A Stat. 483.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7679 .....	34 U.S.C. 1147.	R.S. 565; R.S. 4637.

34 U.S.C. 1147 and this section reflect—  
 (1) Act of March 3, 1899, ch. 413, § 13, 30 Stat. 1007, which repealed all laws authorizing distribution of prize proceeds to captors;

(2) Acts of March 3, 1911, ch. 231, § 128, 36 Stat. 1133, and February 13, 1925, ch. 229, § 1, 43 Stat. 938, which defined the appellate jurisdiction of the United States circuit courts, and provided that the Supreme Court should not directly review district court decisions except in specified cases, not including prize cases; and

(3) Act of June 25, 1948, ch. 646, 62 Stat. 869, which repealed the Acts of February 13, 1925, and March 3, 1911, supra, but enacted similar provisions and changed the name of United States Circuit Courts of Appeals to United States Courts of Appeals for the several circuits.

Reference to the court is omitted from 34 U.S.C. 1147 and from the revised section in view of the 1948 Act.

**§ 7680. Appeals and amendments in prize causes**

(a) A United States Court of Appeals may allow an appeal in a prize cause if it appears that a notice of appeal was filed with the clerk of the district court within thirty days after the final decree in that cause.

(b) A United States Court of Appeals, if in its opinion justice requires it, may allow amendments in form or substance of any appeal in a prize cause.

(Aug. 10, 1956, ch. 1041, 70A Stat. 483.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7680 .....	34 U.S.C. 1146.	R.S. 1006; R.S. 4636.

34 U.S.C. 1146 and this section reflect—

(1) Acts of March 3, 1911, ch. 231, § 128, 36 Stat. 1133, and February 13, 1925, ch. 229, § 1, 43 Stat. 938, which defined the appellate jurisdiction of the United States Circuit Courts of Appeals; and

(2) Act of June 25, 1948, ch. 646, 62 Stat. 869, which repealed the 1911 and 1925 Acts, but enacted similar provisions and changed the name of the circuit courts to United States Courts of Appeals for the several circuits.

The words “or of intention to appeal” are omitted as surplusage. Formerly “notices of appeal” were filed in some courts and “notices of intention to appeal” were filed in others. The difference was in terminology, not in substance. These notices are now known as “notices of appeal”. The words “next” and “the rendition of” are omitted as surplusage.

**§ 7681. Reciprocal privileges to cobelligerent**

(a) A cobelligerent of the United States that consents to the exercise of jurisdiction conferred by section 7652(a) of this title with respect to any prize of the United States brought into the territorial waters of the cobelligerent or appropriated for the use of the United States within those territorial waters shall be given, upon proclamation by the President of the United States, like privileges with respect to any prize captured under the authority of that cobelligerent and brought into the territorial waters of the United States or appropriated for the use of the cobelligerent within the territorial waters of the United States.

(b) Reciprocal recognition shall be given to the jurisdiction acquired by courts of a cobelligerent under this section and full faith and credit shall be given to all proceedings had or judgments rendered in the exercise of that jurisdiction.

(Aug. 10, 1956, ch. 1041, 70A Stat. 483.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7681 .....	34 U.S.C. 1165.	Aug. 18, 1942, ch. 553, § 7, 56 Stat. 747.

The words “taking or” before “appropriation” and the words “taken or” before “appropriated” are omitted as surplusage.

RECIPROCAL PRIVILEGES

The Governments listed below are accorded like privileges with respect to prizes captured under authority of the said Governments and brought into the territorial waters of the United States or taken or appropriated in the territorial waters of the United States for the use of the said Governments, namely: Australia, Proc. No. 2617, Aug. 16, 1944, 9 F.R. 9969; Canada, Proc. No. 2594, Sept. 27, 1943, 8 F.R. 13217; India, Proc. No. 2601, Dec. 6, 1943, 8 F.R. 16351; New Zealand, Proc. No. 2582, Apr. 2, 1943, 8 F.R. 4275; United Kingdom, Proc. No. 2575, Feb. 2, 1944, 8 F.R. 1429.

**CHAPTER 657—STAY OF JUDICIAL PROCEEDINGS**

Sec.	
7721.	Scope of chapter.
7722.	Stay of suit.
7723.	Stay of proceedings for preserving evidence after stay of suit.
7724.	Stay of proceedings for taking evidence before suit is filed.
7725.	Stay extended or shortened.

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.