

or military operations in the war, or would tend to interfere with those operations, then the proceedings may not be started or, if they have been started, they shall, when the certificate is filed, be stayed.

(b) The time during which a claimant may file suit of the type described in section 8891 of this title is computed by excluding the time during which a stay under this section or any extension of such a stay is in effect.

(Aug. 10, 1956, ch. 1041, 70A Stat. 484, §7724; renumbered §8894 and amended Pub. L. 115-232, div. A, title VIII, §§807(d)(10), 809(a), Aug. 13, 2018, 132 Stat. 1837, 1840.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7724	46 U.S.C. 792 (less applicability to duration of stay). 46 U.S.C. 796.	July 3, 1944, ch. 399, §2 (less applicability to duration of stay), 58 Stat. 724. July 3, 1944, ch. 399, §6, 58 Stat. 726.

In subsection (b) the words “upon a claim against the United States” and “as to any proceedings by or on behalf of such claimant for the taking of a deposition or the production of evidence in connection with or in relation to such claim” are omitted as surplusage.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7724 of this title as this section and substituted “section 8891” for “section 7721” in introductory provisions of subsec. (a) and in subsec. (b).

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 8895. Stay extended or shortened

The Secretary of the Navy, when a stay under this chapter is in effect, may file with the court, or a judge of the court, a certificate extending or shortening the time stated in the prior certificate. The filing of such a new certificate extends or shortens the stay to the period specified in the new certificate or terminates the stay if the new certificate so states.

(Aug. 10, 1956, ch. 1041, 70A Stat. 484, §7725; renumbered §8895, Pub. L. 115-232, div. A, title VIII, §807(d)(10), Aug. 13, 2018, 132 Stat. 1837.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7725	46 U.S.C. 794 (1st, and 9th (less proviso), sentences).	July 3, 1944, ch. 399, §4 (1st, and 9th (less proviso), sentences), 58 Stat. 724.

The words “or suspension”, “either of prosecution of the suit or of the taking of testimony”, “during which the prosecution of such suit or taking of such deposition or production of evidence would tend to endanger the security of the United States or of such operations in time of war, or to interfere therewith”, “as the case may be”, and “in relation to which it is made shall continue in effect” are omitted as surplusage.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7725 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 8896. Reconsideration of stay

(a) A claimant or party who considers himself adversely affected by a stay under this chapter may serve a written notice on the Secretary of the Navy at Washington, D.C., requesting him to reconsider the stay previously issued and to issue a new certificate. The notice shall identify the stay by means of an attached copy of the certificate of the Secretary or a sufficient description of the stay. The notice may not contain any recital of the facts or circumstances involved.

(b) Within ten days after receiving notice under this section, the Secretary or his designee shall hold a secret meeting at which the claimant or party, or his representative, may present any facts and arguments he thinks material.

(c) Within ten days after a hearing under this section, the Secretary shall file with the court that ordered the stay a new certificate stating whether the stay is then to be terminated or for what period the stay is to continue in effect. If the Secretary fails to file a new certificate, the court, upon application by the claimant or party, shall issue an order directing the Secretary to file a new certificate within a specified time.

(Aug. 10, 1956, ch. 1041, 70A Stat. 485, §7726; renumbered §8896, Pub. L. 115-232, div. A, title VIII, §807(d)(10), Aug. 13, 2018, 132 Stat. 1837.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7726(a)	46 U.S.C. 794 (2d, 3d, and 4th sentences).	July 3, 1944, ch. 399, §4 (2d, 3d, and 4th sentences), 58 Stat. 724.
7726(b)	46 U.S.C. 794 (5th sentence).	July 3, 1944, ch. 399, §4 (5th sentence), 58 Stat. 724.
7726(c)	46 U.S.C. 794 (6th and 7th sentences).	July 3, 1944, ch. 399, §4 (6th and 7th sentences), 58 Stat. 724.

In subsection (a) the words “then in effect”, “upon which the stay is based”, and “for its identification” are omitted as surplusage.

In subsection (b) the words “with respect to whether or not a stay should be issued or maintained” are omitted as surplusage. The words “his designee” are substituted for the words “some official designated by him” for brevity.

In subsection (c) the words “that ordered the stay” are substituted for the words “in which said stay is pending or the court in which the proceeding stayed was instituted” for brevity and clarity.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7726 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.