

§ 8897. Duration of stay

A stay of proceedings under this chapter remains in effect for the period specified in the certificate upon which it was based unless the Secretary of the Navy issues a new certificate under section 8895 or 8896 of this title changing the termination date. However, a stay under this chapter may not remain in force longer than six months after the cessation of hostilities.

(Aug. 10, 1956, ch. 1041, 70A Stat. 485, § 7727; renumbered § 8897 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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7727	46 U.S.C. 791 (1st sentence as applicable to duration of stay, and proviso as applicable to duration of stay). 46 U.S.C. 792 (as applicable to duration of stay). 646 U.S.C. 794 (8th sentence and proviso of 9th sentence).	July 3, 1944, ch. 399, § 1 (1st sentence as applicable to duration of stay, and proviso as applicable to duration of stay), 58 Stat. 723. July 3, 1944, ch. 399, § 2 (as applicable to duration of stay), 58 Stat. 724. July 3, 1944, ch. 399, § 4 (8th sentence and proviso of 9th sentence), 58 Stat. 724.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7727 of this title as this section and substituted “section 8895 or 8896” for “section 7725 or 7726”.

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.

§ 8898. Restricted certificate

The Secretary of the Navy may restrict a certificate issued under this chapter so that it stays only the taking of testimony of certain witnesses or the production of evidence on certain subjects. The proceedings not stayed may continue.

(Aug. 10, 1956, ch. 1041, 70A Stat. 485, § 7728; renumbered § 8898, Pub. L. 115-232, div. A, title VIII, § 807(d)(10), Aug. 13, 2018, 132 Stat. 1837.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7728	46 U.S.C. 794 (10th sentence).	July 3, 1944, ch. 399, § 4 (10th sentence), 58 Stat. 724.

The words “The Secretary of the Navy may restrict a certificate” are substituted for the words “Any certificate * * * by the Secretary of the Navy * * * may, in his discretion, be restricted.” The words “the production of” are inserted for clarity. The words “in which event” are omitted as surplusage.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7728 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.

§ 8899. Investigation before issue of certificate

The Secretary of the Navy may not issue a certificate under this chapter until he satisfies himself by investigation that it is necessary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 485, § 7729; renumbered § 8899, Pub. L. 115-232, div. A, title VIII, § 807(d)(10), Aug. 13, 2018, 132 Stat. 1837.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7729	46 U.S.C. 794 (less 1st 10 sentences).	July 3, 1944, ch. 399, § 4 (less 1st 10 sentences), 58 Stat. 724.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7729 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.

§ 8900. Evidence admissible when witness is not available

Whenever the court is satisfied by appropriate evidence or by agreement of counsel that the United States or the claimant is unable after reasonable efforts to secure the testimony of a witness and—

- (1) the United States or the claimant has been prevented by a stay under this chapter from examining the witness; or
- (2) the United States establishes that it has refrained from bringing a suit or from taking the testimony of the witness in a pending suit to avoid endangering the security of naval operations or interfering with such operations;

the court shall receive in evidence in place of the testimony of the witness—

- (1) the affidavit of the witness duly sworn to before a notary public or other authorized officer; or
- (2) the statement or testimony of the witness before a court-martial, a court of inquiry, or an investigation; but the use of such statement or testimony does not, in any litigation, make the remainder of the record admissible or compel the United States to produce the remainder of the record.

The court shall give such weight to the affidavit, statement, or testimony as it considers proper under the circumstances.

(Aug. 10, 1956, ch. 1041, 70A Stat. 485, § 7730; renumbered § 8900, Pub. L. 115-232, div. A, title VIII, § 807(d)(10), Aug. 13, 2018, 132 Stat. 1837.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7730	46 U.S.C. 795.	July 3, 1944, ch. 399, § 5, 58 Stat. 725.