

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.

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.

§ 8892. 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 8891 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, §7722; renumbered §8892 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)
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”.

AMENDMENTS

2018—Pub. L. 115-232, §807(d)(10), renumbered section 7722 of this title as this section.

Subsec. (a). Pub. L. 115-232, §809(a), substituted “section 8891” for “section 7721”.

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§ 8893. Stay of proceedings for preserving evidence after stay of suit

If, at the time of certification under section 8892 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, §7723; renumbered §8893 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)
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.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7723 of this title as this section and substituted “section 8892” for “section 7722”.

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§ 8894. Stay of proceedings for taking evidence before suit is filed

(a) If in time of war, with respect to any claim against the United States on which a suit described in section 8891 of this title would lie, the Secretary of the Navy certifies to the court, or to a judge of the court, in which proceedings are pending for—

- (1) the granting of a *dedimus potestatem* to take depositions;
- (2) a direction to take depositions in *perpetuum rei memoriam*; or
- (3) the taking of depositions or production of evidence pursuant to such *dedimus potestatem* or direction, or pursuant to any other proceedings for the purpose;

that the proceedings would tend to endanger the security of the United States or any of its naval 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.