

**§ 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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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”.

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.

**§ 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 *perpetuam 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.

(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.