

**§ 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.

The words “naval”, “board of investigation”, and “Coast Guard investigation” are omitted as surplusage.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7730 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.

**CHAPTER 887—NAVAL MILITIA**

- Sec. 8901. Composition.
- 8902. Appointment and enlistment in reserve components.
- 8903. Release from Militia duty upon order to active duty in reserve components.
- 8904. Availability of material for Naval Militia.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §807(e)(4), (f)(1), Aug. 13, 2018, 132 Stat. 1838, redesignated chapter 659 of this title as this chapter and items 7851 to 7854 as 8901 to 8904, respectively.

**§ 8901. Composition**

The Naval Militia consists of the Naval Militia of the States, the District of Columbia, Guam, and the Virgin Islands.

(Aug. 10, 1956, ch. 1041, 70A Stat. 486, §7851; Pub. L. 109-163, div. A, title X, §1057(a)(11), Jan. 6, 2006, 119 Stat. 3441; renumbered §8901, Pub. L. 115-232, div. A, title VIII, §807(d)(11), Aug. 13, 2018, 132 Stat. 1837.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7851 .....	50 U.S.C. 1071.	July 9, 1952, ch. 608, § 501, 66 Stat. 500.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7851 of this title as this section.

2006—Pub. L. 109-163 substituted “States, the District of Columbia, Guam, and the Virgin Islands” for “States, the Territories, and the District of Columbia”.

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.

**§ 8902. Appointment and enlistment in reserve components**

In the discretion of the Secretary of the Navy, any member of the Naval Militia may be appointed or enlisted in the Navy Reserve or the Marine Corps Reserve in the grade for which he is qualified.

(Aug. 10, 1956, ch. 1041, 70A Stat. 486, §7852; Pub. L. 109-163, div. A, title V, §515(b)(1)(W), Jan. 6, 2006, 119 Stat. 3233; renumbered §8902, Pub. L. 115-232, div. A, title VIII, §807(d)(11), Aug. 13, 2018, 132 Stat. 1837.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7852 .....	50 U.S.C. 1072.	July 9, 1952, ch. 608, § 502, 66 Stat. 500.

This section is written to indicate that the Secretary of the Navy has discretion in authorizing the appoint-