

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.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7729 of this title as this section.

Statutory Notes and Related Subsidiaries

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.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7730 of this title as this section.

Statutory Notes and Related Subsidiaries

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.

Editorial Notes

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.

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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 appointment or enlistment in the Naval Reserve of members of the Naval Militia but does not make such appointments or enlistments. Section 593 of this title, based on 50 U.S.C. 942, 943, provides the manner in which all reserve appointments are made, and §510 of this title, based on 50 U.S.C. 941, 952, 956 provides the authority to enlist persons in the reserve components. As worded, this section removes the conflicting statement of appointing authority, and allows appointments and enlistments to be controlled by these other provisions. The words “rank” and “or rating” are omitted as covered by the word “grade”.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 7852 of this title as this section.

2006—Pub. L. 109–163 substituted “Navy Reserve” for “Naval Reserve”.

Statutory Notes and Related Subsidiaries

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.

§ 8903. Release from Militia duty upon order to active duty in reserve components

When ordered to active duty, a member of the Navy Reserve or the Marine Corps Reserve who is a member of the Naval Militia is relieved from all service and duty in the Naval Militia from the date of active duty specified in his orders until he is released from active duty.

(Aug. 10, 1956, ch. 1041, 70A Stat. 486, §7853; Pub. L. 109–163, div. A, title V, §515(b)(1)(X), Jan. 6, 2006, 119 Stat. 3233; renumbered §8903, Pub. L. 115–232, div. A, title VIII, §807(d)(11), 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>
7853	50 U.S.C. 1073.	July 9, 1952, ch. 608, §503, 66 Stat. 500.

The words “in the service of the United States” are omitted as covered by the definition of “active duty” in §101 of this title. The words “is relieved” are substituted for the words “shall stand relieved”.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 7853 of this title as this section.

2006—Pub. L. 109–163 substituted “Navy Reserve” for “Naval Reserve”.

Statutory Notes and Related Subsidiaries

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.

§ 8904. Availability of material for Naval Militia

Under regulations prescribed by the Secretary of the Navy, vessels, material, armament, equipment, and other facilities of the Navy and the Marine Corps available to the Navy Reserve and the Marine Corps Reserve may also be made available for issue or loan to any State, the District of Columbia, Guam, or the Virgin Islands for the use of its Naval Militia if—

(1) at least 95 percent of the members of the portion or unit of the Naval Militia to which the facilities would be made available are members of the Navy Reserve or the Marine Corps Reserve; and

(2) the organization, administration, and training of the Naval Militia conform to standards prescribed by the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 486, §7854; Pub. L. 109–163, div. A, title V, §515(b)(1)(Y), title X, §1057(a)(12), Jan. 6, 2006, 119 Stat. 3233, 3441; renumbered §8904, Pub. L. 115–232, div. A, title VIII, §807(d)(11), 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>
7854	50 U.S.C. 1074.	July 9, 1952, ch. 608, §504, 66 Stat. 500.

The words “are or may be made”, before the word “available”, are omitted as surplusage.

In clause (1) the word “members” is substituted for the word “personnel”.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 7854 of this title as this section.

2006—Pub. L. 109–163 substituted “Navy Reserve” for “Naval Reserve” and “any State, the District of Columbia, Guam, or the Virgin Islands” for “any State, any Territory, or the District of Columbia” in introductory provisions and substituted “Navy Reserve” for “Naval Reserve” in par. (1).

Statutory Notes and Related Subsidiaries

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 889—ACCOUNTABILITY AND RESPONSIBILITY

Sec.	
8911.	Custody of departmental records and property.
8912.	Accounts of paymasters of lost or captured naval vessels.
8913.	Disposal of public stores by order of commanding officer.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232, div. A, title VIII, §807(e)(4), (f)(1), Aug. 13, 2018, 132 Stat. 1838, redesignated chapter