

Public Law 95-69
95th Congress

An Act

To authorize appropriations for the Indian Claims Commission for fiscal year 1978; to facilitate the transfer of cases from the Indian Claims Commission to the United States Court of Claims; and for other purposes.

July 20, 1977
[H.R. 4585]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to carry out the provisions of the Indian Claims Commission Act (25 U.S.C. 70), during fiscal year 1978, not to exceed \$2,250,000.

Indian Claims
Commission.
Appropriation
authorization.

SEC. 2. The Act entitled "An Act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes," approved August 13, 1946 (60 Stat. 1049), as amended, is further amended by adding thereto the following new section:

25 USC 70.

"CASES TRANSFERRED TO THE UNITED STATES COURT OF CLAIMS

"SEC. 29. (a) The powers of the Commission set forth in the first paragraph of section 15 of this Act, relative to fees and expenses for any attorney or attorneys for any tribe, band, or other identifiable group of Indians, shall be exercised by the United States Court of Claims with respect to any case transferred pursuant to this Act, as amended.

25 USC 70v-3.
25 USC 70n.

"(b) The powers of the Commission set forth in section 14 of this Act, relating to information from governmental departments and official records as evidence, may be exercised by the United States Court of Claims with respect to any case transferred pursuant to this Act, as amended.

25 USC 70m.

"(c) Final judgments rendered by the United States Court of Claims on cases transferred to it pursuant to this Act, as amended, shall be paid in the same manner as other judgments of the court in accordance with the provisions of sections 2517 and 2518 of title 28, United States Code.

"(d) Cases transferred to the United States Court of Claims pursuant to this Act, as amended, shall be thereafter subject to review by the Supreme Court in accordance with the provisions of section 1255 of title 28, United States Code: *Provided*, That any decision of the Commission rendered in a case prior to its transfer, which could have been appealed pursuant to the provisions of section 20 of this Act, as amended, shall be appealable to the Court of Claims subject to such provisions: *Provided further*, That such provisions shall not otherwise be applicable to transferred cases.

25 USC 70s.

"(e) The provisions of the Act of November 4, 1963 (77 Stat. 301), as amended, shall continue and shall be in effect with respect to all cases transferred to the United States Court of Claims pursuant to this Act, as amended."

25 USC 70n-1.

U.S. Court of
Claims
commissioners,
appointment.

SEC. 3. Subsection (a) of section 792 of title 28, United States Code is amended to read as follows:

“(a) The Court of Claims may appoint sixteen commissioners who shall be subject to removal by the court and shall devote all their time to the duties of the office. The Court shall designate one of the commissioners to serve at the will of the court as chief commissioner.”.

Approved July 20, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-234, pt. I (Comm. on Interior and Insular Affairs) and 95-234, pt. II (Comm. on the Judiciary).

SENATE REPORT No. 95-303 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 6, considered and passed House.

June 30, considered and passed Senate.