

Public Law 158

CHAPTER 253

July 28, 1953
[H. R. 1070]

AN ACT

To amend title 28, United States Code.

Court of Claims.
62 Stat. 898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 171 of title 28, United States Code, is amended by adding at the end thereof the following:

“Such court is hereby declared to be a court established under article III of the Constitution of the United States.”

SEC. 2. Section 291 of title 28, United States Code, is amended by changing present subsection (c) to subsection (d) and inserting after subsection (b) the following new subsection (c):

Assignment of
judges.

“(c) The Chief Justice of the United States may designate and assign temporarily any circuit judge to serve as a judge of the United States Court of Claims, when requested so to do, upon a certificate by the chief judge of such court that it is in need of such assistance.”

SEC. 3. Section 292 of title 28, United States Code, is amended by adding the following as section 292 (d):

“(d) The Chief Justice of the United States may designate and assign temporarily any district judge to serve as a judge of the United States Court of Claims, when requested so to do, upon a certificate by the chief judge of such court that it is in need of such assistance.”

SEC. 4. (a) Paragraph (a) of section 792, title 28, United States Code, is hereby amended to read as follows:

Commissioners.

“(a) The United States Court of Claims may appoint fifteen commissioners who shall be subject to removal by the court.”

58 Stat. 663.

(b) The authority contained in subsection (a) of section 14 of the Act of July 1, 1944 (41 U. S. C. 114), respecting the appointment of commissioners of the Court of Claims is hereby terminated.

SEC. 5. Subsection (a) of section 14 of the Act of July 1, 1944 (41 U. S. C. 114) is amended to read as follows:

Auditors.

“For the purpose of expediting the adjudication of termination claims, the Court of Claims is authorized to appoint not more than ten auditors.”

Repeal.

SEC. 6. Section 793 of title 28, United States Code, is repealed.

SEC. 7. Section 1491 of title 28, United States Code, is hereby amended to read as follows:

Jurisdiction.

“The United States Court of Claims shall have jurisdiction to render judgment upon any claim against the United States—

“(1) founded upon the Constitution; or

“(2) founded upon any Act of Congress; or

“(3) founded upon any regulation of an executive department;

or

“(4) founded upon any express or implied contract with the United States; or

“(5) for liquidated or unliquidated damages in cases not sounding in tort.

“Nothing herein shall be construed to give the Court of Claims jurisdiction in suits against, or founded on actions of, the Tennessee Valley Authority, nor to amend or modify the provisions of the Tennessee Valley Authority Act of 1933, as amended, with respect to suits by or against the Authority.”

48 Stat. 58.
16 USC 831.

Repeal.

SEC. 8. Section 1493 of title 28, United States Code, is repealed.

SEC. 9. Section 1494 of title 28, United States Code, is hereby amended to read as follows:

“The United States Court of Claims shall have jurisdiction to determine the amount, if any, due to or from the United States by reason of any unsettled account of any officer or agent of, or contractor with,

the United States, or a guarantor, surety or personal representative of any such officer, agent or contractor, and to render judgment thereon, where—

“(1) claimant or the person he represents has applied to the proper department of the Government for settlement of the account;

“(2) three years have elapsed from the date of such application without settlement; and

“(3) no suit upon the same has been brought by the United States.”

SEC. 10. Section 2508, title 28, United States Code, is hereby amended to read as follows:

62 Stat. 977.
Procedure.

“Upon the trial of any suit in the United States Court of Claims in which any setoff, counterclaim, claim for damages, or other demand is set up on the part of the United States against any plaintiff making claim against the United States in said court, the court shall hear and determine such claim or demand both for and against the United States and plaintiff.

“If upon the whole case it finds that the plaintiff is indebted to the United States it shall render judgment to that effect, and such judgment shall be final and reviewable.

“The transcript of such judgment, filed in the clerk’s office of any district court, shall be entered upon the records and shall be enforceable as other judgments.”

SEC. 11. Section 2510, title 28, United States Code, is amended to read as follows:

“The Comptroller General may transmit to the Court of Claims for trial and adjudication any claim or matter of which the Court of Claims might take jurisdiction on the voluntary action of the claimant, together with all vouchers, papers, documents, and proofs pertaining thereto.

“The Court of Claims shall proceed with the claims or matters so referred as in other cases pending in such court and shall render judgment thereon.”

SEC. 12. Section 2511, title 28, United States Code, is hereby amended to read as follows:

“Notice of suit under section 1494 of this title shall be given to the Attorney General, to the Comptroller General, and to the head of the department requested to settle the account in question.

“The judgment of the Court of Claims in such suit, or of the Supreme Court upon review, shall be conclusive upon the parties, and payment of the amount found due shall discharge the obligation.

“The transcript of such judgment, filed in the clerk’s office of any district court, shall be entered upon the records, and shall be enforceable as other judgments.”

Approved July 28, 1953.

Ante, p. 226.

Public Law 159

CHAPTER 254

AN ACT

To amend the Color of Title Act.

July 28, 1953
[H. R. 1308]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the part of section 1 of the Act of December 22, 1928 (45 Stat. 1069; 43 U. S. C., 1946 ed., sec. 1068 et seq.), preceding the first proviso is amended to read as follows:

Color of Title
Act, amendments.