

(b) Proceedings in a congressional reference case shall be under rules and regulations prescribed for the purpose by the chief judge who is hereby authorized and directed to require the application of the pertinent rules of practice of the Court of Federal Claims insofar as feasible. Each hearing officer and each review panel shall have authority to do and perform any acts which may be necessary or proper for the efficient performance of their duties, including the power of subpoena and the power to administer oaths and affirmations. None of the rules, rulings, findings, or conclusions authorized by this section shall be subject to judicial review.

(c) The hearing officer to whom a congressional reference case is assigned by the chief judge shall proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitation should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of fact conclusions sufficient to inform Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

(d) The findings and conclusions of the hearing officer shall be submitted by him, together with the record in the case, to the review panel for review by it pursuant to such rules as may be provided for the purpose, which shall include provision for submitting the report of the hearing officer to the parties for consideration, exception, and argument before the panel. The panel, by majority vote, shall adopt or modify the findings or the conclusions of the hearing officer.

(e) The panel shall submit its report to the chief judge for transmission to the appropriate House of Congress.

(f) Any act or failure to act or other conduct by a party, a witness, or an attorney which would call for the imposition of sanctions under the rules of practice of the Court of Federal Claims shall be noted by the panel or the hearing officer at the time of occurrence thereof and upon failure of the delinquent or offending party, witness, or attorney to make prompt compliance with the order of the panel or the hearing officer a full statement of the circumstances shall be incorporated in the report of the panel.

(g) The Court of Federal Claims is hereby authorized and directed, under such regulations as it may prescribe, to provide the facilities and services of the office of the clerk of the court for the filing, processing, hearing, and dispatch of congressional reference cases and to include within its annual appropriations the costs thereof and other costs of administration, including (but without limitation to the items herein listed) the salaries and traveling expenses of the judges serving as hearing officers and panel members, mailing and service of process, necessary physical facilities, equipment, and supplies, and personnel (including secretaries and law clerks).

(June 25, 1948, ch. 646, 62 Stat. 977; Pub. L. 89-681, § 2, Oct. 15, 1966, 80 Stat. 958; Pub. L. 97-164, title

I, § 139(h), Apr. 2, 1982, 96 Stat. 42; Pub. L. 102-572, title IX, § 902(a), Oct. 29, 1992, 106 Stat. 4516.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 257 (Mar. 3, 1911, ch. 231, § 151, 36 Stat. 1138).

Jurisdiction provisions of section 257 of title 28, U.S.C., 1940 ed., appear in section 1492 of this title.

A provision as to the court's power to render judgment on a referred claim and its duty to report thereon to Congress, was omitted from this section as covered by sections 791(c) and 1492 of this title.

Changes were made in phraseology.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-572, § 902(a)(1), substituted “United States Court of Federal Claims” for “United States Claims Court”.

Subsecs. (b), (f), (g). Pub. L. 102-572, § 902(a)(2), substituted “Court of Federal Claims” for “Claims Court”.

1982—Subsec. (a). Pub. L. 97-164, § 139(h)(1), substituted “chief judge” for “chief commissioner” wherever appearing, “United States Claims Court” for “Court of Claims”, “judge as hearing officer” for “trial commissioner”, “judges” for “commissioners”, and “presiding officer” for “presiding commissioner”.

Subsec. (b). Pub. L. 97-164, § 139(h)(2)(A)-(C), substituted “chief judge” for “chief commissioner”, “Claims Court” for “Court of Claims”, and “hearing officer” for “trial commissioner”.

Subsec. (c). Pub. L. 97-164, § 139(h)(2)(A), (B), substituted “hearing officer” for “trial commissioner” and “chief judge” for “chief commissioner”.

Subsec. (d). Pub. L. 97-164, § 139(h)(2)(A), (D), substituted “hearing officer” for “trial commissioner” wherever appearing and struck out “of commissioners” after “review panel”.

Subsec. (e). Pub. L. 97-164, § 139(h)(2)(B), substituted “chief judge” for “chief commissioner”.

Subsec. (f). Pub. L. 97-164, § 139(h)(2)(A), (C), substituted “Claims Court” for “Court of Claims”, and “hearing officer” for “trial commissioner” wherever appearing.

Subsec. (g). Pub. L. 97-164, § 139(h)(2)(C), (E), substituted “Claims Court” for “Court of Claims” and “judges serving as hearing officers” for “commissioners serving as trial commissioners”.

1966—Pub. L. 89-681 substituted provisions for reference of bills to the chief commissioner of the Court of Claims pursuant to section 1492 of this title for provisions calling simply for reference to the Court of Claims, substituted provisions naming the trial commissioner to whom a reference case is assigned by the chief commissioner for provisions simply naming the Court of Claims as the agency by which findings and conclusions are made, and inserted provisions for the designation of a trial commissioner and reviewing body consisting of three other commissioners, the promulgation of rules and regulations for Congressional reference cases by the chief commissioner, the procedure to be followed, and the supplying of facilities and personnel for the dispatch of Congressional reference cases.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.

§ 2510. Referral of cases by Comptroller General

(a) The Comptroller General may transmit to the United States Court of Federal Claims for trial and adjudication any claim or matter of

which the Court of Federal Claims might take jurisdiction on the voluntary action of the claimant, together with all vouchers, papers, documents, and proofs pertaining thereto.

(b) The Court of Federal Claims shall proceed with the claims or matters so referred as in other cases pending in such Court and shall render judgment thereon.

(June 25, 1948, ch. 646, 62 Stat. 977; July 28, 1953, ch. 253, §11, 67 Stat. 227; Sept. 3, 1954, ch. 1263, §47(b), 68 Stat. 1243; Pub. L. 95-563, §14(h)(1), (2)(A), Nov. 1, 1978, 92 Stat. 2390; Pub. L. 97-164, title I, §139(i)(1), Apr. 2, 1982, 96 Stat. 43; Pub. L. 102-572, title IX, §902(a), Oct. 29, 1992, 106 Stat. 4516.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§254 and 255 (Mar. 3, 1911, ch. 231, §§148, 149, 36 Stat. 1137, 1138; June 10, 1921, ch. 18, §304, 42 Stat. 24).

Section consolidates procedural provisions of sections 254 and 255 of title 28, U.S.C., 1940 ed., relating to departmental reference cases.

Jurisdiction provisions of such section 254 appear in section 1493 of this title.

Changes were made in phraseology.

AMENDMENTS

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court” and “Court of Federal Claims” for “Claims Court” wherever appearing.

1982—Pub. L. 97-164 substituted “Referral of cases by Comptroller General” for “Referral of cases by the Comptroller General or the head of an executive department or agency” in section catchline.

Subsec. (a). Pub. L. 97-164 substituted “transmit to the United States Claims Court for trial and adjudication any claim or matter of which the Claims Court might take jurisdiction” for “transmit to the Court of Claims for trial and adjudication any claim or matter of which the Court of Claims might take jurisdiction” in first sentence of subsec. (a). The second sentence of subsec. (a) was redesignated (b).

Subsec. (b). Pub. L. 97-164 designated as subsec. (b) the former second sentence of subsec. (a) and substituted “The Claims Court” for “The Court of Claims” and “Court” for “court”. Former subsec. (b), which provided that the head of any executive department or agency could, with the prior approval of the Attorney General, refer to the Court of Claims for judicial review any final decision rendered by a board of contract appeals pursuant to the terms of any contract with the United States awarded by that department or agency which such head of such department or agency had concluded was not entitled to finality pursuant to the review standards specified in section 10(b) of the Contracts Disputes Act of 1978, with the head of each executive department or agency to make any referral under this section within 120 days of the receipt of a copy of the final appeal decision, that the Court of Claims was to review the matter referred in accordance with the standards specified in section 10(b) of the Contracts Disputes Act of 1978, and that the court was to proceed with judicial review on the administrative record made before the board of contract appeals on matters so referred as in other cases pending in such court, determine the issue of finality of the appeal decision, and render judgment thereon, take additional evidence, or remand the matter pursuant to the authority specified in section 1491 of this title was struck out.

1978—Pub. L. 95-563, inserted “or the head of an executive department or agency” in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

1954—Act Sept. 3, 1954, substituted “Referral of cases by Comptroller General” for “Departmental reference cases” in section catchline.

1953—Act July 28, 1953, struck out provisions relating to procedure in connection with departmental reference cases provided for by former section 1493 of this title; and, in connection with trial and adjudication of cases referred by the Comptroller General, inserted provision for rendering judgment, and struck out requirement that such cases be transmitted through the Secretary of the Treasury.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-563 effective with respect to contracts entered into 120 days after Nov. 1, 1978, and, at the election of the contractor, with respect to any claim pending at such time before the contracting officer or initiated thereafter, see section 16 of Pub. L. 95-563, Nov. 1, 1978, 92 Stat. 2391, formerly set out as an Effective Date note under section 601 of former Title 41, Public Contracts.

§ 2511. Accounts of officers, agents or contractors

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 United States Court of Federal Claims in such suit 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.

(June 25, 1948, ch. 646, 62 Stat. 977; July 28, 1953, ch. 253, §12, 67 Stat. 227; Pub. L. 97-164, title I, §139(j), Apr. 2, 1982, 96 Stat. 43; Pub. L. 102-572, title IX, §902(a)(1), Oct. 29, 1992, 106 Stat. 4516.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §287 (Mar. 3, 1911, ch. 231, §180, 36 Stat. 1141; Feb. 13, 1925, ch. 229, §3, 43 Stat. 939).

Words “The Attorney General shall represent the United States at the hearing of said cause” were omitted as covered by sections 309 and 310 of title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees.

Jurisdiction provisions of section 287 of title 28, U.S.C., 1940 ed., appear in section 1494 of this title.

A provision for continuances was omitted as unnecessary, in view of the inherent power of the court to grant continuances in any suit.

A provision in section 287 of title 28, U.S.C., 1940 ed., that section 274 of title 28, U.S.C., 1940 ed., should apply to cases under such section 287 was omitted as covered by section 2504 of this title.

Changes were made in phraseology.

AMENDMENTS

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1982—Pub. L. 97-164 substituted “The judgment of the United States Claims Court in such suit shall be conclusive” for “The judgment of the Court of Claims in