

Public Law 95-243  
95th Congress

An Act

To amend the Indian Claims Commission Act of August 13, 1946,  
and for other purposes.

Mar. 13, 1978

[S. 838]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 20(b) of the Act of August 13, 1946 (c. 959, 60 Stat. 1054), as amended, is hereby further amended by adding a new sentence at the end thereof, as follows: "Notwithstanding any other provision of law, upon application by the claimants within thirty days from the date of the enactment of this sentence, the Court of Claims shall review on the merits, without regard to the defense of res judicata or collateral estoppel, that portion of the determination of the Indian Claims Commission entered February 15, 1974, adjudging that the Act of February 28, 1877 (19 Stat. 254), effected a taking of the Black Hills portion of the Great Sioux Reservation in violation of the fifth amendment, and shall enter judgment accordingly. In conducting such review, the Court shall receive and consider any additional evidence, including oral testimony, that either party may wish to provide on the issue of a fifth amendment taking and shall determine that issue de novo."

Indian Claims  
Commission Act,  
amendment.  
25 USC 70s.  
Judicial review.

Approved March 13, 1978.

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**LEGISLATIVE HISTORY:**

HOUSE REPORT No. 95-529 accompanying H.R. 2664 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-112 (Comm. on Indian Affairs).

**CONGRESSIONAL RECORD:**

Vol. 123 (1977): May 3, considered and passed Senate.

Vol. 124 (1978): Feb. 9, considered and passed House, amended, in lieu of H.R. 2664.

Feb. 27, Senate concurred in House amendment.