

AMENDING TVA ACT OF 1933—TRIAL BY JURY

TUESDAY, MAY 14, 1968

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FLOOD CONTROL
OF THE COMMITTEE ON PUBLIC WORKS,
Washington, D.C.

The subcommittee met at 10 a.m., in room 1267, Rayburn Building, Hon. Robert E. Jones, subcommittee chairman, presiding.

Mr. JONES (presiding). The subcommittee will come to order. The purpose of our meeting today is to consider several bills introduced by our House colleagues, as well as S. 1637, which passed on December 15, 1967, all of which would amend the Tennessee Valley Authority Act of 1933, to provide that the issue of just compensation may be tried by a jury in any case involving the condemnation of real property by the Tennessee Valley Authority.

(H.R. 4846, H.R. 10351, H.R. 11181, H.R. 11268, H.R. 17178, and S. 1637 follow:)

[H.R. 4846, 90th Cong., first sess.]

A BILL To amend the Tennessee Valley Authority Act of 1933 to provide that the issue of just compensation may be tried by a jury in any case involving the condemnation of real property by the Tennessee Valley Authority

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 25 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831x) is amended to read as follows:

"SEC. 25. (a) The Corporation may cause proceedings to be instituted for the acquisition by condemnation of any lands, easements, or rights-of-way which, in the opinion of the Corporation, are necessary to carry out the provisions of this Act. The proceedings shall be instituted in the United States district court for the district in which the land, easement, right-of-way, or other interest, or any part thereof, is located, and such court shall have full jurisdiction to divest the complete title to the property sought to be acquired out of all persons or claimants and vest the same in the United States in fee simple, and to enter a decree quieting the title thereto in the United States of America. Any party to such proceedings shall have a trial by jury of the issue or just compensation if a demand therefore is filed within the time allowed for answer or within such further time as the court may fix.

"(b) Upon (1) acceptance of an award by the owner of any property herein provided to be appropriated, and the payment of the money awarded, or (2) payment of the compensation finally awarded into the registry of the court by the Corporation, the title to said property and the right to the possession thereof shall pass to the United States, and the United States shall be entitled to a writ in the same proceeding to dispossess the former owner of said property, and all lessees, agents, and attorneys of such former owner, and to put the United States, by its corporate creature and agent, the Corporation, into possession of said property."

SEC. 2. The amendment made by the first section of this Act shall apply only with respect to condemnation proceedings instituted by the Tennessee Valley Authority on and after the day after the date of its enactment.