

[S. 1637, 90th Cong., first sess.]

AN ACT To amend the Tennessee Valley Authority Act of 1933 with respect to certain provisions applicable to condemnation proceedings

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last six paragraphs of section 25 of the Tennessee Valley Authority Act of 1933 (48 Stat. 70), as amended (16 U.S.C. 831x), are hereby repealed.

Sec. 2. The amendment made by this Act shall be effective only with respect to condemnation proceedings initiated after thirty days following the date of enactment of this Act.

Passed the Senate December 15, 1967.

Attest:

FRANCIS R. VALEO,
Secretary.

Mr. JONES. Briefly, section 25 of the TVA Act provides for the determination of the right of just compensation by three commissioners appointed by the district court, with provision for appeal from their determination to a three-judge Federal court. Further appeal may be made to the court of appeals.

These bills we have under discussion here today would abolish this procedure and permit a party to have the issue of compensation tried by a jury.

Several of our colleagues are here to testify this morning and there are others who will file statements for the record since they are unable to appear.

Congressman Stubblefield of Kentucky will be here tomorrow to testify along with several other witnesses.

It is my pleasure to introduce our colleague, Congressman Duncan of Tennessee.

STATEMENT OF HON. JOHN H. DUNCAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Mr. DUNCAN. Thank you, Mr. Chairman.

Mr. Chairman, for the past several years various bills have been introduced in the House of Representatives to provide jury trials in the condemnation of lands by the Tennessee Valley Authority. The pending legislation is of a bipartisan nature, having been introduced in the House by Members of both political parties from Tennessee and from Kentucky.

These bills would amend section 25 of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831x). This section now provides a means for determination of the issue of just compensation in TVA land condemnation cases which is different from that involved in the condemnation of land for the requirements of any other agency of the United States. The Commissioners are disinterested persons, and appeals may be taken from the award of the Commission to a three-judge Federal court, although by agreement of the parties the three-judge provision may be waived, and the appeals are heard by a single Federal judge.

Similar legislation passed in the Senate on December 18, 1967, with little or no opposition from the Members of that body.

I strongly favor the enactment of this legislation. I have had some experience in governmental condemnation of lands for public use, as