

§ 831w. Acquisition of real or personal property; payment by delivery of power; sale or lease of vacant land for industrial purposes

For the purpose of securing any rights of flowage, or obtaining title to or possession of any property, real or personal, that may be necessary or may become necessary, in the carrying out of any of the provisions of this chapter, the President of the United States for a period of three years from May 18, 1933, is authorized to acquire title in the name of the United States to such rights or such property, and to provide for the payment for same by directing the Board to contract to deliver power generated at any of the plants now owned or hereafter owned or constructed by the Government or by said Corporation, such future delivery of power to continue for a period not exceeding thirty years. Likewise, for one year after May 18, 1933, the President is further authorized to sell or lease any parcel or part of any vacant real estate now owned by the Government in said Tennessee River Basin, to persons, firms, or corporations who shall contract to erect thereon factories or manufacturing establishments, and who shall contract to purchase of said Corporation electric power for the operation of any such factory or manufacturing establishment. No contract shall be made by the President for the sale of any of such real estate as may be necessary for present or future use on the part of the Government for any of the purposes of this chapter. Any such contract made by the President of the United States shall be carried out by the Board: *Provided*, That no such contract shall be made that will in any way abridge or take away the preference right to purchase power given in this chapter to States, counties, municipalities, or farm organizations: *Provided further*, That no lease shall be for a term to exceed fifty years: *Provided further*, That any sale shall be on condition that said land shall be used for industrial purposes only.

(May 18, 1933, ch. 32, §24, 48 Stat. 69; Pub. L. 108-447, div. C, title VI, §603(a)(2), Dec. 8, 2004, 118 Stat. 2966.)

AMENDMENTS

2004—Pub. L. 108-447 substituted “Board” for “board” in two places.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-447 effective on the later of the date on which at least three persons nominated under section 604(a) of Pub. L. 108-447 take office or May 18, 2005, see section 604(b) of Pub. L. 108-447, set out in an Appointments; Effective Date; Transition note under section 831a of this title.

§ 831x. Condemnation proceedings; institution by Corporation; venue

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 chapter. 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.

(May 18, 1933, ch. 32, §25, 48 Stat. 70; July 12, 1952, ch. 700, 66 Stat. 591; Pub. L. 90-536, §1, Sept. 28, 1968, 82 Stat. 885.)

AMENDMENTS

1968—Pub. L. 90-536 repealed six paragraphs following initial paragraph which provided as follows: appointment of three commissioners, oath as to absence of interest, and per diem for services and subsistence, and transportation expenses; duties of commissioners as to valuation of lands, conduct of hearings, taking of evidence, administration of oaths, subpoena of witnesses, submission of report as to value of land, and notice of award to parties; hearing de novo of exceptions to award by three Federal district judges and judicial award; disposition upon record after appeal from decision of judges; passage of title and possession to property and enforcement by writ of dispossession; and legal representatives for minors, insane or incompetents, and estates of deceased, or guardians ad litem for wards.

1952—Act July 12, 1952, increased the commissioners’ per diem from \$15 to \$30, their sustenance from \$5 to \$10 a day, and allowed them 7 cents mileage.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 2 of Pub. L. 90-536 provided that: “The amendment made by this Act [amending this section] shall be effective only with respect to condemnation proceedings initiated after thirty days following the date of enactment of this Act [Sept. 28, 1968].”

§ 831y. Net proceeds over expense payable into Treasury

Commencing July 1, 1936, the proceeds for each fiscal year derived by the Board from the sale of power or any other products manufactured by the Corporation, and from any other activities of the Corporation including the disposition of any real or personal property, shall be paid into the Treasury of the United States on March 31 of each year, save and except such part of such proceeds as in the opinion of the Board shall be necessary for the Corporation in the operation of dams and reservoirs, in conducting its business in generating, transmitting, and distributing electric energy and in manufacturing, selling, and distributing fertilizer and fertilizer ingredients. A continuing fund of \$1,000,000 is also excepted from the requirements of this section and may be withheld by the Board to defray emergency expenses and to insure continuous operation: *Provided*, That nothing in this section shall be construed to prevent the use by the Board, after June 30, 1936, of proceeds accruing prior to July 1, 1936, for the payment of obligations lawfully incurred prior to such latter date.

(May 18, 1933, ch. 32, §26, 48 Stat. 71; Aug. 31, 1935, ch. 836, §10, 49 Stat. 1079; Pub. L. 94-273, §35(b), Apr. 21, 1976, 90 Stat. 380.)

AMENDMENTS

1976—Pub. L. 94-273 substituted “on March 31 of each year” for “at the end of each calendar year”.

1935—Act Aug. 31, 1935, amended section generally.

§ 831y-1. Approval of plans by Board as condition precedent to construction and operation; restraining action without approval; other laws unaffected

The unified development and regulation of the Tennessee River system requires that no dam, appurtenant works, or other obstruction, affecting navigation, flood control, or public lands or reservations shall be constructed, and thereafter operated or maintained across, along, or in the said river or any of its tributaries until plans for such construction, operation, and maintenance shall have been submitted to and approved by the Board; and the construction, commencement of construction, operation, or maintenance of such structures without such approval is prohibited. When such plans shall have been approved, deviation therefrom either before or after completion of such structures is prohibited unless the modification of such plans has previously been submitted to and approved by the Board.

In the event the Board shall, within sixty days after their formal submission to the Board, fail to approve any plans or modifications, as the case may be, for construction, operation, or maintenance of any such structures on the Little Tennessee River, the above requirements shall be deemed satisfied, if upon application to the Secretary of the Army, with due notice to the Corporation, and hearing thereon, such plans or modifications are approved by the said Secretary of the Army as reasonably adequate and effective for the unified development and regulation of the Tennessee River system.

Such construction, commencement of construction, operation, or maintenance of any structures or parts thereof in violation of the provisions of this section may be prevented, and the removal or discontinuation thereof required by the injunction or order of any district court exercising jurisdiction in any district in which such structures or parts thereof may be situated, and the Corporation is authorized to bring appropriate proceedings to this end.

The requirements of this section shall not be construed to be a substitute for the requirements of any other law of the United States or of any State, now in effect or hereafter enacted, but shall be in addition thereto, so that any approval, license, permit, or other sanction now or hereafter required by the provisions of any such law for the construction, operation, or maintenance of any structures whatever, except such as may be constructed, operated, or maintained by the Corporation, shall be required, notwithstanding the provisions of this section.

(May 18, 1933, ch. 32, §26a, as added Aug. 31, 1935, ch. 836, §11, 49 Stat. 1079; amended July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

§ 831z. Authorization of appropriations

All appropriations necessary to carry out the provisions of this chapter are authorized.

(May 18, 1933, ch. 32, §27, 48 Stat. 71.)

§ 831aa. Laws repealed

All acts or parts of acts in conflict with this chapter are repealed, so far as they affect the operations contemplated by this chapter.

(May 18, 1933, ch. 32, §28, 48 Stat. 71.)

§ 831bb. Reservation of right to amend or repeal

The right to alter, amend, or repeal this chapter is expressly declared and reserved, but no such amendment or repeal shall operate to impair the obligation of any contract made by said Corporation under any power conferred by this chapter.

(May 18, 1933, ch. 32, §29, 48 Stat. 72.)

§ 831cc. Separability

The sections of this chapter are declared to be separable, and in the event any one or more sections of this chapter be held to be unconstitutional, the same shall not affect the validity of other sections of this chapter.

(May 18, 1933, ch. 32, §30, 48 Stat. 72; Aug. 31, 1935, ch. 836, §15, 49 Stat. 1081.)

AMENDMENTS

1935—Act Aug. 31, 1935, reenacted provisions of this section without change.

§ 831dd. Liberal construction of chapter; sale of surplus lands

This chapter shall be liberally construed to carry out the purposes of Congress to provide for the disposition of and make needful rules and regulations respecting Government properties entrusted to the Authority, provide for the national defense, improve navigation, control destructive floods, and promote interstate commerce and the general welfare, but no real estate shall be held except what is necessary in the opinion of the Board to carry out plans and projects actually decided upon requiring the use of such land: *Provided*, That any land purchased by the Authority and not necessary to carry out plans and projects actually decided upon shall be sold by the Authority as agent of the United States, after due advertisement, at public auction to the highest bidder.

(May 18, 1933, ch. 32, §31, as added Aug. 31, 1935, ch. 836, §12, 49 Stat. 1080.)

CODIFICATION

As originally enacted, the last sentence of this section contained, at the end thereof, the words "or at private sale as provided in section 3 of this amendatory Act." Section 3 of the amendatory act of Aug. 31, 1935, added subsec. (k) to section 831c of this title.

§ 831ee. Essential stewardship activities

For essential stewardship activities for which appropriations were provided to the Tennessee Valley Authority in Public Law 104-206, such sums as are necessary in fiscal year 1999 and