

§ 828b. Exemption from formula, books and records, and project cost statement requirements; annual charges

Section 807 of this title pertaining to the taking over by the United States of any project upon or after the expiration of a license, and sections 825 and 825a of this title requiring certain records and accounting procedures and section 797(b) of this title requiring the preparation and filing of the statement of actual legitimate original cost of a project, shall not be applicable to any project owned by a State or municipality, and such rights and requirements shall not exist under any license heretofore or hereafter granted to any State or municipality. The Secretary of Energy in determining the amount of annual charges applicable to any such project may determine the annual charges with reference to the actual cost of services incurred by the Secretary with respect to the project.

(Aug. 15, 1953, ch. 503, § 3, 67 Stat. 587; Pub. L. 86-124, July 31, 1959, 73 Stat. 271; Pub. L. 95-91, title III, § 301(b), Aug. 4, 1977, 91 Stat. 578.)

CODIFICATION

Section was not enacted as part of the Federal Power Act which generally comprises this chapter.

AMENDMENTS

1959—Pub. L. 86-124 struck out “except that the provisions of sections 797(b) and 807 of this title shall continue to be applicable to any license issued for a hydroelectric development in the International Rapids section of the Saint Lawrence River” in first sentence.

TRANSFER OF FUNCTIONS

“Secretary of Energy” and “Secretary” substituted in text for “Federal Power Commission” and “Commission”, respectively, pursuant to Pub. L. 95-91, § 301(b), which is classified to section 7151(b) of Title 42, The Public Health and Welfare.

Federal Power Commission terminated and its functions, personnel, property, funds, etc., transferred to Secretary of Energy (except for certain functions transferred to Federal Energy Regulatory Commission) by sections 7151(b), 7171(a), 7172(a), 7291, and 7293 of Title 42.

§ 828c. Applicability of this subchapter

Except as herein provided, the provisions of this subchapter shall not be construed as repealing or affecting any of the provisions of this chapter.

(Aug. 15, 1953, ch. 503, § 4, 67 Stat. 587.)

CODIFICATION

Section was not enacted as part of the Federal Power Act which generally comprises this chapter.

CHAPTER 12A—TENNESSEE VALLEY AUTHORITY

Sec.	
831.	Creation; short title.
831a.	Membership, operation, and duties of the Board of Directors.
831b.	Officers and employees; wages of laborers and mechanics; application of employees' compensation provisions.
831b-1.	Acceptance of services of volunteers.
831c.	Corporate powers generally; eminent domain; construction of dams, transmission lines, etc.

Sec.	
831c-1.	Bridges endangered or damaged by dams, etc.; compensation of and contracts with owner for protection, replacements, etc.
831c-2.	Civil actions for injury or loss of property or personal injury or death.
831c-3.	Law enforcement.
831d.	Directors; maintenance and operation of plant for production, sale, and distribution of fertilizer and power.
831e.	Officers and employees; nonpolitical appointment; removal for violation.
831f.	Control of plants and property vested in Corporation; transfer of other property to Corporation.
831g.	Principal office of Corporation; books; directors' oath.
831h.	Annual financial statement; purchases and contracts; audit by Comptroller General.
831h-1.	Operation of dams primarily for promotion of navigation and controlling floods; generation and sale of electricity.
831h-2.	Repealed.
831h-3.	Recreational access.
831i.	Sale of surplus power; preferences; experimental work; acquisition of existing electric facilities.
831j.	Equitable distribution of surplus power among States and municipalities; improvement in production of fertilizer.
831k.	Transmission lines; construction or lease; sale of power over other than Government lines; rates when sold for resale at profit.
831k-1.	Extension of credit to States, municipalities and nonprofit organizations to assist in operation of existing facilities.
831l.	Financial assistance to States and local governments in lieu of taxation; apportionment; limitation on contracts for sale of power to municipalities; report to Congress.
831m.	Allocation and charge of value and cost of plants to particular objects; cost accounting; reports of costs of operation; sale of surplus power at profit.
831m-1.	Tennessee Valley Authority least-cost planning program.
831n.	Bonds for future construction; amount, terms, and conditions.
831n-1.	Bonds to carry out provisions of section 831k-1; amount, terms, and conditions.
831n-2.	Bonds; limitation of issuance under sections 831n and 831n-1.
831n-3.	Use of funds; limitation of issuance.
831n-4.	Bonds for financing power program.
831o.	Completion of unfinished plants authorized.
831p.	Repealed.
831q.	Eminent domain; contracts for relocation of railroads, highways, industrial plants, etc.
831r.	Patents; access to Patent and Trademark Office and right to copy patents; compensation to patentees.
831s.	Possession by Government in time of war; damages to contract holders.
831t.	Offenses; fines and punishment.
831u.	Surveys; cooperation with States or other agencies.
831v.	Legislation to carry out purposes of chapter; recommendation by President.
831w.	Acquisition of real or personal property; payment by delivery of power; sale or lease of vacant land for industrial purposes.
831x.	Condemnation proceedings; institution by Corporation; venue.
831y.	Net proceeds over expense payable into Treasury.
831y-1.	Approval of plans by Board as condition precedent to construction and operation; restraining action without approval; other laws unaffected.
831z.	Authorization of appropriations.

Sec.	
831aa.	Laws repealed.
831bb.	Reservation of right to amend or repeal.
831cc.	Separability.
831dd.	Liberal construction of chapter; sale of surplus lands.
831ee.	Essential stewardship activities.

§ 831. Creation; short title

For the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Alabama, in the interest of the National defense and for agricultural and industrial development, and to improve navigation in the Tennessee River and to control the destructive flood waters in the Tennessee River and Mississippi River Basins, there is created a body corporate by the name of the “Tennessee Valley Authority” (hereinafter referred to as the “Corporation”). The Board of Directors first appointed shall be deemed the incorporators, and the incorporation shall be held to have been effected from the date of the first meeting of the Board. This chapter may be cited as the “Tennessee Valley Authority Act of 1933.”

(May 18, 1933, ch. 32, §1, 48 Stat. 58; Pub. L. 108-447, div. C, title VI, §603(a), Dec. 8, 2004, 118 Stat. 2966.)

AMENDMENTS

2004—Pub. L. 108-447 substituted “Board of Directors” for “board of directors” and “Board” for “board”.

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.

§ 831a. Membership, operation, and duties of the Board of Directors

(a) Membership

(1) Appointment

The Board of Directors of the Corporation (referred to in this chapter as the “Board”) shall be composed of 9 members appointed by the President by and with the advice and consent of the Senate, at least 7 of whom shall be a legal resident of the service area of the Corporation.

(2) Chairman

The members of the Board shall select 1 of the members to act as chairman of the Board.

(b) Qualifications

To be eligible to be appointed as a member of the Board, an individual—

- (1) shall be a citizen of the United States;
- (2) shall have management expertise relative to a large for-profit or nonprofit corporate, government, or academic structure;
- (3) shall not be an employee of the Corporation;
- (4) shall make full disclosure to Congress of any investment or other financial interest that the individual holds in the energy industry; and
- (5) shall affirm support for the objectives and missions of the Corporation, including

being a national leader in technological innovation, low-cost power, and environmental stewardship.

(c) Recommendations

In appointing members of the Board, the President shall—

- (1) consider recommendations from such public officials as—

- (A) the Governors of States in the service area;
- (B) individual citizens;
- (C) business, industrial, labor, electric power distribution, environmental, civic, and service organizations; and
- (D) the congressional delegations of the States in the service area; and

- (2) seek qualified members from among persons who reflect the diversity, including the geographical diversity, and needs of the service area of the Corporation.

(d) Terms

(1) In general

A member of the Board shall serve a term of 5 years. A member of the Board whose term has expired may continue to serve after the member's term has expired until the date on which a successor takes office, except that the member shall not serve beyond the end of the session of Congress in which the term of the member expires.

(2) Vacancies

A member appointed to fill a vacancy on the Board occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of that term.

(e) Quorum

(1) In general

Five of the members of the Board shall constitute a quorum for the transaction of business.

(2) Vacancies

A vacancy on the Board shall not impair the power of the Board to act.

(f) Compensation

(1) In general

A member of the Board shall be entitled to receive—

- (A) a stipend of—
 - (i) \$45,000 per year; or
 - (ii)(I) in the case of the chairman of any committee of the Board created by the Board, \$46,000 per year; or
 - (II) in the case of the chairman of the Board, \$50,000 per year; and

- (B) travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5.

(2) Adjustments in stipends

The amount of the stipends under paragraph (1)(A) shall be adjusted by the same percentage, at the same time and manner, and subject to the same limitations as are applicable to adjustments under section 5318 of title 5.