

court shall enter judgment against the United States for the amount of the deficiency.

Upon the filing of a declaration of taking, the court shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner. The court shall have power to make such orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable.

(Feb. 26, 1931, ch. 307, § 1, 46 Stat. 1421; Pub. L. 99–656, § 1(1), Nov. 14, 1986, 100 Stat. 3668.)

AMENDMENTS

1986—Pub. L. 99–656 substituted “interest in accordance with section 258e–1 of this title” for “interest at the rate of 6 per centum per annum” in second par.

SHORT TITLE

Act Feb. 26, 1931, ch. 307, 46 Stat. 1421, as amended, which is classified to section 258a et seq. of this title, is popularly known as the “Declaration of Taking Act”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 258b, 258c, 258d, 258e–1 of this title; title 10 section 7422; title 16 sections 79c, 831c; title 25 sections 500a, 941j, 1724, 1754; title 33 section 598; title 39 section 410; title 42 sections 1502, 1592d, 1594a, 2222, 4651; title 43 section 1522.

§ 258b. Taking in advance of final judgment; appeal or giving of bond as preventing or delaying vesting of title

No appeal in any cause under section 258a of this title nor any bond or undertaking given therein shall operate to prevent or delay the vesting of title to such lands in the United States.

(Feb. 26, 1931, ch. 307, § 2, 46 Stat. 1422.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 258e–1 of this title; title 10 section 7422; title 16 section 831c; title 25 section 500a; title 33 section 598; title 39 section 410; title 42 sections 1502, 1594a, 2222.

§ 258c. Obligation of United States to pay ultimate award when fixed

Action under section 258a of this title irrevocably committing the United States to the payment of the ultimate award shall not be taken unless the chief of the executive department or agency or bureau of the Government empowered to acquire the land shall be of the opinion that the ultimate award probably will be within any limits prescribed by Congress on the price to be paid.

(Feb. 26, 1931, ch. 307, § 3, 46 Stat. 1422.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 258e–1 of this title; title 10 section 7422; title 16 section 831c; title 25 section 500a; title 33 section 598; title 39 section 410; title 42 sections 1502, 1594a, 2222.

§ 258d. Taking in advance of final judgment; right as additional to existing rights, powers, and authority

The right to take possession and title in advance of final judgment in condemnation pro-

ceedings as provided by section 258a of this title shall be in addition to any right, power, or authority conferred by the laws of the United States or those of any State or Territory under which such proceedings may be conducted, and shall not be construed as abrogating, limiting, or modifying any such right, power, or authority.

(Feb. 26, 1931, ch. 307, § 4, 46 Stat. 1422.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 258e–1 of this title; title 10 section 7422; title 16 section 831c; title 25 section 500a; title 33 section 598; title 39 section 410; title 42 sections 1502, 1594a, 2222.

§ 258e. Taking in advance of final judgment; demolition of buildings thereon; erection of public buildings or works; funds available for purpose

In any case in which the United States has taken or may take possession of any real property during the course of condemnation proceedings and in advance of final judgment therein and the United States has become irrevocably committed to pay the amount ultimately to be awarded as compensation, it shall be lawful to expend moneys duly appropriated for that purpose in demolishing existing structures on said land and in erecting public buildings or public works thereon: *Provided*, That in the opinion of the Attorney General, the title has been vested in the United States or all persons having an interest therein have been made parties to such proceeding and will be bound by the final judgment therein.

(Feb. 26, 1931, ch. 307, § 5, 46 Stat. 1422; Pub. L. 91–393, § 4, Sept. 1, 1970, 84 Stat. 835.)

AMENDMENTS

1970—Pub. L. 91–393 struck out “, notwithstanding the provisions of section 255 of this title” after “public works thereon”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 258e–1 of this title; title 10 section 7422; title 16 section 831c; title 25 section 500a; title 33 section 598; title 39 section 410; title 42 sections 1502, 1594a, 2222.

§ 258e–1. Interest as part of just compensation

Interest required to be paid under sections 258a to 258e–1 of this title shall be calculated by the district court as follows:

(1) Where the period for which interest is owed does not exceed one year, interest shall be calculated for such period from the date of taking at an annual rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of taking.

(2) Where the period for which interest is owed is more than one year, interest for the first year shall be calculated in accordance with paragraph (1) and interest for each additional year shall be calculated on the combined amount of the principal (the amount by which the award of compensation exceeds the deposit referred to in section 258a of this title) and accrued interest at an annual rate equal