

SCOTUS Opinion: Federal Tort Claims Act Does Not Shield The Tennessee Valley Authority From Tort Suits

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Congress created the Tennessee Valley Authority (TVA) as a wholly owned public corporation of the United States to promote the economic development of the Tennessee Valley, and established that it could sue and be sued in its corporate name. One day, TVA workers were raising a power line that had fallen into the Tennessee River when Gary Thacker speedily drove his boat into the line, seriously injuring him and killing his passenger. Thacker sued the TVA for negligence. The TVA moved to dismiss, arguing that the [Federal Tort Claims Act](#), passed after the TVA was created, precluded suits against governmental entities like the TVA unless its workers were performing a discretionary function. The district court dismissed the claims, and the Eleventh Circuit affirmed. In [Thacker v. TVA](#), the Court, in a unanimous decision by Justice Kagan, reversed, holding that the Act's protections did not apply to the TVA, and there were no implied exceptions that applied. In fact, the Act specifically excluded the TVA from its ambit. Instead, the TVA only enjoys immunity when it is engaged in a governmental function, as opposed to commercial acts, and the Court remanded the case for consideration of that issue. A link to the opinion is [here](#).

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