

inconsistency among areas covered and inequity for those not covered. As a result, bills were introduced in Congress as early as the 85th Congress proposing an independent commission to make a comprehensive study of all aspects of the land acquisition and relocation problems. One bill to establish such a commission was introduced in the 86th and 87th Congresses by Senator John Sparkman, then Chairman of the Housing Subcommittee of the Senate Banking and Currency Committee. The Bureau of the Budget supported the objective of the commission but suggested that the study be conducted within the legislative branch. This proposal was adopted when the House Committee on Public Works established the Select Subcommittee on Real Property Acquisition in 1961. After three years of intensive study, the Subcommittee in December 1964 filed its report, *Study of Compensation and Assistance for Persons Affected by Real Property Acquisition in Federal and Federally Assisted Programs*. Its recommendations were introduced in the 89th Congress as S. 1201 by Senator Sparkman and in the House as H.R. 3421 (Johnson of California), H.R. 6559 (Bingham), and H.R. 6580 (St Germain).

Because of its provisions on relocation, S. 1201 was linked with S. 1681 and referred to this Subcommittee on Intergovernmental Relations, which held hearings on both bills in early summer, 1965. At the suggestion of the Bureau of the Budget, nearly every Federal agency which testified or submitted a statement requested more time to study the land acquisition provisions of S. 1201, so that attention was focused on the relocation provisions. S. 1681 eventually passed the Senate and included three land acquisition provisions paralleling subsections 402(1), 402(2), and 402(3) of the Housing Act of 1965, which also conformed to three provisions of Title I of S. 1201. Following Senate action on S. 1681, the Subcommittee on Intergovernmental Relations received detailed reports from the Bureau of the Budget and other agencies on the land acquisition provisions of S. 1201.

Title IX of S. 698 incorporates the three land acquisition proposals that formerly appeared as Section 10 of S. 1681, plus other land acquisition provisions adapted from Sections 101-106 and 112 of S. 1201. In effect, this title represents the first attempt by the Federal Government to establish a uniform policy on land acquisition practices covering both Federal and federally assisted development programs.

Section 901 establishes uniform standards to guide the land acquisition practices of Federal agencies. It requires that :

- every land acquisition agency make every reasonable effort to acquire property by negotiation rather than condemnation ;

- appraisals be made before initiation of negotiations ;

- the Federal agency establish a fair and reasonable purchase price before the start of negotiations and make a prompt offer to acquire at that price ;

- no owner be required to surrender possession of his property before the Federal agency pays the agreed purchase price or deposits with the court an amount not less than the appraised fair value or the amount of the condemnation award ;

- no occupant be required to move without at least 90 days' written notice ;

- the Federal agency permit a property owner to remove an improvement if it is not required by the agency ;

- tenants of property acquired by the government not be charged rent above a fair rental value ;

- Federal agencies not advance the time of condemnation or defer the condemnation or deposit of funds in order to pressure the owner to agree on a price for his property ;

- if property is to be acquired by eminent domain, the Federal agency institute formal condemnation proceedings ;

- if the acquisition of only part of a property would leave the owner with an uneconomic remnant, the Federal agency acquire the entire property ; and

- the Federal agency take into account human considerations in setting the boundaries of a proposed public improvement.

In brief, this section makes it clear that the Congress desires that public agency policies and procedures for the acquisition of real property should be fair and consistent, and should be directed to giving the property owner the full measure of compensation authorized by law promptly, with a minimum of inconvenience, and without forcing him to prolong negotiations or to costly litigation. Many Federal agencies adhere to some or most of these procedures and their reports on S. 1201 (89th Congress) indicated they could abide by all of the above.