

Now, we can come up with all kinds of statistics and we can come up with all kinds of firm criteria and the human vagaries involved in this kind of situation, we frankly are not smart enough to cover all of. At least I know we have not been able to.

Now, that is a long, long way to go about answering your question, but the answer is certainly justice requires that you make a person whole. But how do you do it in our kind of system where we live by laws and we live by administrative criteria promulgated and then we try to require people to systematically follow this.

Another arm of Government says if you write that criteria, you have to follow it, or the person receiving Federal-aid has to follow it. So these are the kinds of problems that are real. They are here, right today. We have to deal with them. We need without question better tools to deal with them.

But I cannot sit here and honestly tell you that your bill or what the Budget Bureau suggested or what we are saying today is going to provide the kind of mechanism in which we can handle all these questions, because I honestly do not believe we are doing them.

Senator BAKER. Mr. Bridwell, I thank you for the elaboration. May I say now that I feel that you and Mr. Turner and your Bureau have been most sensitive and keenly attuned to problems in this field and have done an extraordinarily good job. I agree with you; I think you need better tools.

I also agree that the identification of just compensation is difficult. But I think these bills and the adjustments which are being considered by the committee are to do precisely what you suggest; that is, sharpen the statutory language so that we have more of an approximation with which to do justice than we do by some abstract legal compensation like fair market value. I think if you wish to make a more detailed answer later on, you may, but I share with you the concern that we have to find better ways to go about this.

Mr. BRIDWELL. Senator, without being able to define, without being able to suggest any specific language, I would only make the comment that somehow into this system, regardless of which particular bill is passed, there has to be some kind of flexibility. And in the final analysis, in this kind of an area, we have to allow a little bit more discretion or a little bit more trust in the person actually handling these cases individually than our system normally would allow.

In other words, writing law or writing administrative criteria or procedures which are uniformly applicable throughout the Nation and in all States and to apply to all cases flies flat in the face of the kind of human vagaries which anyone in an administrative agency and involved in this kind of program can cite, instance after instance.

Senator BAKER. May I interrupt just a second? I refer to the extended flexibility which this bill offered and I wonder if you care to make suggestions on how we might give you greater flexibility in order for you to meet the requirements of just compensation. If you do, would you submit suggestions to be considered later?

Mr. BRIDWELL. We will sure try, Senator, because we are equally concerned about it.

Senator MUSKIE. The question is to what extent can you anticipate all of the conceivable hardship cases that the project may generate.