

of the Department of Defense, defers to the views of the General Services Administration.

Senator MUSKIE. Before you get to title VIII, which I think we will discuss at some length, I would like to return to your discussion of the definition in section 113, which you interpret as excluding all tenants or licensees who are required under the agreement to remove their property at their own expense. I think that subsection 3(a) and (4) certainly covers tenants as well as owners. It seems to me that your comment really had to do with the proviso at the very end of section 113.

Mr. HART. This is true. Actually, Mr. Chairman, it was the proviso that seemed to cause the confusion. Without the proviso, there would be no problem. That is why we recommended deleting it.

For instance, in other sections of the bill, we deliberately provide for tenants and in connection with the acquisition and payment for improvements of tenants. Now, this is what really generated the so-called railroad lessee problem, because the licenses of these people on the railroad rights-of-way had a provision which stated that upon termination of the license, you must remove all of your improvements within 30 days. Well, this is one of the conditions which this bill was desirous of protecting and we just thought that this proviso would in effect almost knock it out.

So we were suggesting that really, the proviso be deleted and then I think everything would be clear.

Senator MUSKIE. This is the first time I focused on that proviso. I would gather that the staff intended it to cover people who store property on premises.

Mr. SMITH. It is the intent of this proviso to exclude from coverage as displaced persons, entitled to relocation payments and services, persons whose property is maintained on the premises of another under a leasing or licensing arrangement, such as a jukebox or vending machine firm, which would be obligated under the terms of the lease or license to remove the property from the premises. This definition has no connection with the provisions of section 903 which provide the basis for compensation of lessors for their property located on land owned by another, as in right-of-way cases referred to.

Mr. HART. Mr. Chairman, perhaps we can discuss it with the staff afterwards. I can only say that from the exact language there, it merely says the owner of property on the premises of another under lease. Generally, this would be our problem.

Senator MUSKIE. I would agree with your interpretation of that language standing by itself. I am glad you called it to our attention. It certainly should be corrected. It was not intended to be as broad in its effect as you fear it might be.

Mr. HART. This was only intended as a minor item of calling this to your attention, sir.

Senator MUSKIE. I understand, but it was rather startling. We had encountered that difficulty before and we thought we had taken care of it. This is why these hearings are useful.

Proceed, Mr. Hart, to title VIII.

Mr. HART. Title VIII would provide a uniform policy under regulations established by the President, for the fair and equitable treatment of owners, tenants and other persons displaced by the acquisi-