

Mr. HART. If I may just make a comment, Mr. Chairman, in our what we call Resettlement Act, there is not such a provision, of course, for judicial review. The question might come up as to, if there were, might that not be an incentive further to encourage that, whereas when you are dealing with strict factual evidence as to cost, your issues are more clearly defined. In this case, if it were set up as a judicial review and everything would be tried de novo, there is no telling where it might end.

Certainly the implications as to the Administrative Procedure Act, if this were developed to its fullest extent, would become extremely burdensome by reason of the details involved, whether they were appeals or not.

Senator MUSKIE. I suggest you may wish to exercise your persuasive powers with the other members of the committee.

I have to go vote, but I will be back as soon as I can. I am glad you have gone as far as you have in your testimony. I think we can proceed fairly expeditiously when I return.

(Recess.)

Senator MUSKIE. Proceed, Mr. Hart.

Mr. HART. Section 803(a) provides that each acquiring agency shall establish a relocation assistance program offering services enumerated in subsection 803(c) for both displaced persons and others occupying adjacent property deemed adversely affected. While the need for such services is fully recognized, there exist many agencies at all three levels of government which specialize in the various essential assistance programs and which have trained personnel to perform such functions. It is the preference of this Department that the primary responsibility for providing these comprehensive economic and social assistance programs remain within those agencies currently equipped to handle the same.

In any case, the expansion of these assistance programs to include persons occupying adjacent properties is considered impractical to properly administer in view of the innumerable and variable factors essential to a determination of adverse effect resulting from a specific project. Accordingly, it is recommended that the last sentence of section 803(a), beginning with the word "If" on page 38, line 18, be deleted.

Section 803(c) enumerates and describes the services and assistance programs to be provided. In order to assure flexibility and consistency with other administrative provisions of this act, it is recommended that this subsection be amended on page 39, line 6, by inserting after the word "include" the words "to the maximum extent practicable."

Section 803(c)(2) would require Federal agencies to assure the availability of adequate substitute dwellings within a reasonable period prior to displacement. It also provides for a waiver of this requirement in periods of national emergency proclaimed by the President.

This Department views with great concern the serious impact the requirements of this section may have on Department of Defense programs. A strict interpretation of this provision appears to make mandatory that the acquiring agency actually provide or be satisfied that there is available decent, safe, and sanitary housing prior to displacement of individuals. Adherence to this condition could, in some cases, result in serious delay of urgent national defense projects. The Bureau