

Section 102, as amended, would include the Trust Territories of the Pacific Islands within the meaning of the term "State."

Section 105, as introduced, defined the term "displaced person." The definition has been amended to clarify the status of displaced owners of a business which is partially removed or discontinued due to a Government project, or who is forced to move an outdoor advertising display as a result of the acquisition of real property.

The committee amended the language of section (105(5) to strike the word "personal" inasmuch as improvements, under certain circumstances, fall in the several categories of property, i.e., real, personal, or mixed. The bill does not offer a definition of "personal property" as such.

Section 106, as introduced, defines the term "Business." As amended, the section broadens the definition of business to include supporting industries, by striking reference to the "sale of services to the public" and substituting reference to "Sale of services." In addition, section 106, as amended, contains new language recognizing types of businesses that do not themselves sell a commodity or product, but do assist, indirectly, in such sales. Section 106 further states, as amended, that payment made for moving an outdoor advertising display is limited to the actual expenses incurred in moving the display, and no other. For the purposes of this section, "moving costs" include costs of dismantling, crating, storing (for a period of 1 year or less), transporting, insuring, reassembling, reconnecting, and reinstalling of property (including goods or other inventory kept for sale), exclusive of the cost of any additions, improvements, alterations, or other physical changes in or to any structure in connection with effecting such reassembly, reconnection, or reinstallation.

Section 111, as amended, would revise the definition of "owner" and "Person" to include any Indian tribe, band, or group.

TITLE II - UNIFORM RELOCATION ASSISTANCE: S 1, as introduced, did not provide for comparability of assistance provisions between farm and business operations. Section 211 (c)(1) and (d)(1), as amended, would provide for such comparability of assistance.

In recognition of the problem of small business displacement, the committee added language to section 211(c)(1) providing for assistance on behalf of the so-called mon-and-pop enterprise.

Section 213, as amended, includes provision of more flexible reimbursement provisions to fit the economic characteristics of different parts of the country, in order to take into account extraordinarily high cost-of-living areas.

As introduced, section 214 provided for fund availability for both Federal and federally assisted programs. This section was shifted in order to eliminate possible confusion on the intent of the measure to cover both types of programs, and is now section 254.

S. 1, as introduced, did not provide that relocation payments could be made administratively by the head of the Federal agency acquiring real property nor that none of the relocation provisions in any way affected any condemnation action or that just compensation to be determined or payment to the landowner in such action. Accordingly, the committee amended the bill to make such provisions by adding a new subsection 211(h).

In recognition of the fact that relocation assistance might not be available to persons displaced by peculiar sets of circumstance, or who were not otherwise included under the provisions of the bill, the committee added section 233 which is intended to cover such situations.

Thus, section 233 would make eligible for relocation relief residents or businesses remaining on, or moved to, property after it was acquired by a Federal agency, but left such property on or after January 1, 1969, and before the effective date of the act, providing they remained on the property at least 1 year prior to the date of enactment of the legislation. Such residents and businesses would be covered only where the Federal Government acquired and held the property for at least five years prior to the effective date of the act.

All such persons and businesses on the property subsequent to the effective date of the act would be entitled to its benefits if forced to relocate.

TITLE III - UNIFORM LAND ACQUISITION POLICY: With the exception of minor clarifying amendments, this title was approved without change.

TITLE IV - JUDICIAL REVIEW: The committee added title IV which states, in section 401, that provisions of sections 551-553, 559, and 701-706 of title V, United States Code, shall apply to any action of a Federal agency undertaken through title II and III. For purposes of this title, the definition of "person" contained in Section 551(2) of title V, United States Code, is deemed to include a State as defined in section 102 of this act.

Section 402 provides that any person or State adversely affected or aggrieved by a final action of a Federal agency under title II or III of this act may seek judicial review of such final agency action and demand appropriate relief in a judicial district of the United States as follows: (1) If the agency action pertains to property or any interest therein acquired or being acquired by the United States, or the ownership or right of the United States to possession of property by an action in the judicial district in which the property is situated; and (2) in all other matters, by an action in a judicial district as provided for in section 1391(e) of title XXVIII, United States Code.

BACKGROUND: S. 1, the Uniform Relocation Assistance and Land Acquisition Policies Act of 1969, was introduced by Senator Muskie on January 15, 1969, with bipartisan sponsorship.

Public hearings were held by Senate Subcommittee on Intergovernmental Relations on February 19, 20, 25, 26 and 27, 1969, on S. 1.

PRESENT STATUS: S. 1 passed the Senate on October 27, 1969, and was referred to the House on October 28, 1969. The House held hearings on the subject matter on December 2 and 4, 1969. Additional hearings are scheduled for January 1970, when Congress reconvenes.

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LS-1

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