

§ 4654. Litigation expenses**(a) Judgment for owner or abandonment of proceedings**

The Federal court having jurisdiction of a proceeding instituted by a Federal agency to acquire real property by condemnation shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if—

(1) the final judgment is that the Federal agency cannot acquire the real property by condemnation; or

(2) the proceeding is abandoned by the United States.

(b) Payment

Any award made pursuant to subsection (a) of this section shall be paid by the head of the Federal agency for whose benefit the condemnation proceedings was instituted.

(c) Claims against United States

The court rendering a judgment for the plaintiff in a proceeding brought under section 1346(a)(2) or 1491 of title 28, awarding compensation for the taking of property by a Federal agency, or the Attorney General effecting a settlement of any such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will in the opinion of the court or the Attorney General reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

(Pub. L. 91-646, title III, §304, Jan. 2, 1971, 84 Stat. 1906.)

§ 4655. Requirements for uniform land acquisition policies; payments of expenses incidental to transfer of real property to State; payment of litigation expenses in certain cases

(a) Notwithstanding any other law, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, an acquiring agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on and after January 2, 1971, unless he receives satisfactory assurances from such acquiring agency that—

(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 4651 of this title and the provisions of section 4652 of this title, and

(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 4653 and 4654 of this title.

(b) For purposes of this section, the term “acquiring agency” means—

(1) a State agency (as defined in section 4601(3) of this title) which has the authority to acquire property by eminent domain under State law, and

(2) a State agency or person which does not have such authority, to the extent provided by the head of the lead agency by regulation.

(Pub. L. 91-646, title III, §305, Jan. 2, 1971, 84 Stat. 1906; Pub. L. 100-17, title IV, §417, Apr. 2, 1987, 101 Stat. 256.)

AMENDMENTS

1987—Pub. L. 100-17 designated existing provisions as subsec. (a), substituted “an acquiring agency” for “a State agency” and “such acquiring agency” for “such State agency”, and added subsec. (b).

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-17 effective on effective date provided in regulations promulgated under section 4633 of this title (as amended by section 412 of Pub. L. 100-17), but not later than 2 years after Apr. 2, 1987, see section 418 of Pub. L. 100-17, set out as a note under section 4601 of this title.

CHAPTER 62—INTERGOVERNMENTAL PERSONNEL PROGRAM

Sec.

4701. Congressional findings and declaration of policy.

4702. Administration of authorities.

SUBCHAPTER I—DEVELOPMENT OF POLICIES AND STANDARDS

4711 to 4713. Omitted.

SUBCHAPTER II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

4721. Declaration of purpose.

4722. State government and statewide programs and grants.

4723. Local government programs and grants.

4724. Intergovernmental cooperation in recruiting and examining activities; potential employees, certification; payments for costs; credits to appropriation or fund for payment of expenses.

4725. Technical assistance; waiver of payments for costs; credits to appropriation or fund for payment of expenses.

4726. Coordination of Federal programs.

4727. Interstate compacts.

4728. Transfer of functions.

SUBCHAPTER III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

4741. Declaration of purpose.

4742. Admission to Federal employee training programs.

4743. Grants to State and local governments for training.

4744. Grants to other organizations.

4745. Government Service Fellowships.

4746. Coordination of Federal programs.

SUBCHAPTER IV—GENERAL PROVISIONS

4761. Declaration of purpose.

4762. Definitions.

4763. General administrative provisions.

4764. Reporting and recordkeeping requirements for State or local governments and other organizations.

4765. Review and audit.

4766. Distribution of grants.

4767. Termination of grants.

4768. Advisory committees; appointment; compensation and travel expenses.

4769. Authorization of appropriations.

4770. Limitations on availability of funds for cost sharing.

4771. Method of payment; installments; advances or reimbursement; adjustments.

4772. Effective date of grant provisions.