(c) The Administration recognizes this legal problem, does it not? In the Administration's proopsed legislation to extend the life of the Highway Trust Fund, it suggested a change in the language of section 209 to specifically authorize use of Trust Fund monies to pay part of the administrative cost of the Federal Highway Administration.

Answer: The Administration does not consider that a legal problem exists with respect to this use of the Highway Trust Fund in financing the administrative expenses of the Bureau of Public Roads through the Federal Highway Administration. The proposed change in the language of section 209 was submitted in order to clarify the organizational relationships with respect to financing the administrative expenses of the Bureau of Public Roads.

Mr. CRAMER. Let me ask you this question relating to this. It is a policy question. Can money under section 108(b) be used for relocation costs for displaced persons as part of the right-of-way costs?

Secretary BOYD. That certainly was not contemplated.

Mr. CRAMER. Well, the recommendations you sent to Congress did recommend that that be included in the cost, but the bill as drafted does not?

Secretary BOYD. That is correct, sir.

Mr. CRAMER. Was there a policy decision to eliminate that?

Secretary BOYD. That may have been an oversight.

Mr. CRAMER. That is what I was trying to get at.

Secretary BOYD. But we will have to review that. However, I should say that our original thinking on this was that we would seek a substantially larger amount of authorization, and it may be as a result of seeking $100 million instead of some other figure, we concluded that we could not afford to try to deal with relocation assistance in the same process.

Mr. CRAMER. Well, assuming it is an oversight and not a policy decision, I wish you would give consideration to the bill I introduced. and a number of other members of the committee, H.R. 16622, which I think pretty definitely carries out the recommendations that your report contained—in my language; the language you submitted does not.

Secretary BOYD. We will review that.

Mr. CRAMER. Now, you are suggesting on highway beautification, $85 million for 1969, in each year for 3 years. And I think it is rather interesting that for safety you are only proposing up to $40 million. Is it your position that safety is not of as much significance as beauty is?

Secretary BOYD. No; but as I pointed out in my testimony, we have a substantial carryover in safety.

Mr. CRAMER. Largely because they have not appropriated money authorized, is that correct?

Secretary BOYD. That is right, sir.

Mr. CRAMER. And I doubt if we can contemplate there is going to be very substantial increase in safety recommended funds next year unless we get some new budget breaks?

Secretary BOYD. I certainly would not want to predict the action of the Appropriations Committee.

Mr. CRAMER. Well, I was referring to the recommendations of the administration. I think the administration recommended approximately what was appropriated.

Now, I am concerned about this problem that is obviously developing—that is the 10-percent penalty—in that a number of States have not conformed, by agreement or otherwise, to the basic beautification acts, particularly title I. Is that not correct?