

106TH CONGRESS
1ST SESSION

H. R. 111

To provide off-budget treatment for the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. DUNCAN, Mr. BOEHLERT, Mr. LIPINSKI, and Mr. BORSKI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide off-budget treatment for the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Truth in Budgeting
5 Act”.

1 **SEC. 2. BUDGETARY TREATMENT OF AIRPORT AND AIRWAY**
2 **TRUST FUND, INLAND WATERWAYS TRUST**
3 **FUND, AND HARBOR MAINTENANCE TRUST**
4 **FUND.**

5 Notwithstanding any other provision of law, the re-
6 ceipts and disbursements of the Airport and Airway Trust
7 Fund, the Inland Waterways Trust Fund, and the Harbor
8 Maintenance Trust Fund—

9 (1) shall not be counted as new budget author-
10 ity, outlays, receipts, or deficit or surplus for pur-
11 poses of—

12 (A) the budget of the United States Gov-
13 ernment as submitted by the President,

14 (B) the congressional budget (including al-
15 locations of budget authority and outlays pro-
16 vided therein), or

17 (C) the Balanced Budget and Emergency
18 Deficit Control Act of 1985; and

19 (2) shall be exempt from any general budget
20 limitation imposed by statute on expenditures and
21 net lending (budget outlays) of the United States
22 Government.

1 **SEC. 3. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF**
2 **AIRPORT AND AIRWAY TRUST FUND.**

3 (a) IN GENERAL.—Chapter 471 of title 49, United
4 States Code, is amended by inserting after section 47134
5 the following new section:

6 **“§ 47135. Safeguards against deficit spending**

7 “(a) ESTIMATES OF UNFUNDED AVIATION AUTHOR-
8 IZATIONS AND NET AVIATION RECEIPTS.—Not later than
9 March 31 of each year, the Secretary, in consultation with
10 the Secretary of the Treasury, shall estimate—

11 “(1) the amount which would (but for this sec-
12 tion) be the unfunded aviation authorizations at the
13 close of the first fiscal year that begins after that
14 March 31, and

15 “(2) the net aviation receipts at the close of
16 such fiscal year.

17 “(b) PROCEDURE IF EXCESS UNFUNDED AVIATION
18 AUTHORIZATIONS.—If the Secretary determines for any
19 fiscal year that the amount described in subsection (a)(1)
20 exceeds the amount described in subsection (a)(2), the
21 Secretary shall determine the amount of such excess.

22 “(c) ADJUSTMENT OF AUTHORIZATIONS IF UN-
23 FUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

24 “(1) DETERMINATION OF PERCENTAGE.—If the
25 Secretary determines that there is an excess referred

1 to in subsection (b) for a fiscal year, the Secretary
2 shall determine the percentage which—

3 “(A) such excess, is of

4 “(B) the total of the amounts authorized
5 to be appropriated from the Airport and Airway
6 Trust Fund for the next fiscal year.

7 “(2) ADJUSTMENT OF AUTHORIZATIONS.—If
8 the Secretary determines a percentage under para-
9 graph (1), each amount authorized to be appro-
10 priated from the Airport and Airway Trust Fund for
11 the next fiscal year shall be reduced by such percent-
12 age.

13 “(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITH-
14 HELD.—

15 “(1) ADJUSTMENT OF AUTHORIZATIONS.—If,
16 after a reduction has been made under subsection
17 (c)(2), the Secretary determines that the amount de-
18 scribed in subsection (a)(1) does not exceed the
19 amount described in subsection (a)(2) or that the ex-
20 cess referred to in subsection (b) is less than the
21 amount previously determined, each amount author-
22 ized to be appropriated that was reduced under sub-
23 section (c)(2) shall be increased, by an equal per-
24 centage, to the extent the Secretary determines that
25 it may be so increased without causing the amount

1 described in subsection (a)(1) to exceed the amount
2 described in subsection (a)(2) (but not by more than
3 the amount of the reduction).

4 “(2) APPORTIONMENT.—The Secretary shall
5 apportion amounts made available for apportionment
6 by paragraph (1).

7 “(3) PERIOD OF AVAILABILITY.—Any funds ap-
8 portioned under paragraph (2) shall remain available
9 for the period for which they would be available if
10 such apportionment took effect with the fiscal year
11 in which they are apportioned under paragraph (2).

12 “(e) REPORTS.—Any estimate under subsection (a)
13 and any determination under subsection (b), (c), or (d)
14 shall be reported by the Secretary to Congress.

15 “(f) DEFINITIONS.—For purposes of this section, the
16 following definitions apply:

17 “(1) NET AVIATION RECEIPTS.—The term ‘net
18 aviation receipts’ means, with respect to any period,
19 the excess of—

20 “(A) the receipts (including interest) of the
21 Airport and Airway Trust Fund during such
22 period, over

23 “(B) the amounts to be transferred during
24 such period from the Airport and Airway Trust
25 Fund under section 9502(d) of the Internal

1 Revenue Code of 1986 (other than paragraph
2 (1) thereof).

3 “(2) UNFUNDED AVIATION AUTHORIZATIONS.—

4 The term ‘unfunded aviation authorization’ means,
5 at any time, the excess (if any) of—

6 “(A) the total amount authorized to be ap-
7 propriated from the Airport and Airway Trust
8 Fund which has not been appropriated, over

9 “(B) the amount available in the Airport
10 and Airway Trust Fund at such time to make
11 such appropriation (after all other unliquidated
12 obligations at such time which are payable from
13 the Airport and Airway Trust Fund have been
14 liquidated).”.

15 (b) CONFORMING AMENDMENT.—The analysis for
16 chapter 471 of title 49, United States Code, is amended
17 by inserting after the item relating to section 47134 the
18 following:

“47135. Safeguards against deficit spending.”.

19 **SEC. 4. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF**
20 **THE INLAND WATERWAYS TRUST FUND AND**
21 **HARBOR MAINTENANCE TRUST FUND.**

22 (a) ESTIMATES OF UNFUNDED INLAND WATERWAYS
23 AUTHORIZATIONS AND NET INLAND WATERWAYS RE-
24 CEIPTS.—Not later than March 31 of each year, the Sec-

1 retary of the Army, in consultation with the Secretary of
2 the Treasury, shall estimate—

3 (1) the amount which would (but for this sec-
4 tion) be the unfunded inland waterways authoriza-
5 tions and unfunded harbor maintenance authoriza-
6 tions at the close of the first fiscal year that begins
7 after that March 31; and

8 (2) the net inland waterways receipts and net
9 harbor maintenance receipts at the close of such fis-
10 cal year.

11 (b) PROCEDURE IF EXCESS UNFUNDED INLAND
12 WATERWAYS AUTHORIZATIONS.—If the Secretary of the
13 Army determines with respect to the Inland Waterways
14 Trust Fund or the Harbor Maintenance Trust Fund for
15 any fiscal year that the amount described in subsection
16 (a)(1) exceeds the amount described in subsection (a)(2),
17 the Secretary shall determine the amount of such excess.

18 (c) ADJUSTMENT OF AUTHORIZATIONS IF UN-
19 FUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

20 (1) DETERMINATION OF PERCENTAGE.—If the
21 Secretary of the Army determines that there is an
22 excess referred to in subsection (b) for a fiscal year,
23 the Secretary of the Army shall determine the per-
24 centage which—

25 (A) such excess, is of

1 (B) the total of the amounts authorized to
2 be appropriated from the Inland Waterways
3 Trust Fund or the Harbor Maintenance Trust
4 Fund, as the case may be, for the next fiscal
5 year.

6 (2) ADJUSTMENT OF AUTHORIZATIONS.—If the
7 Secretary of the Army determines a percentage
8 under paragraph (1), each amount authorized to be
9 appropriated from the Trust Fund for the next fiscal
10 year shall be reduced by such percentage.

11 (d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITH-
12 HELD.—If, after an adjustment has been made under sub-
13 section (c)(2), the Secretary of the Army determines with
14 respect to the Inland Waterways Trust Fund or the Har-
15 bor Maintenance Trust Fund that the amount described
16 in subsection (a)(1) does not exceed the amount described
17 in subsection (a)(2) or that the excess referred to in sub-
18 section (b) with respect to the Trust Fund is less than
19 the amount previously determined, each amount author-
20 ized to be appropriated that was reduced under subsection
21 (c)(2) with respect to the Trust Fund shall be increased,
22 by an equal percentage, to the extent the Secretary of the
23 Army determines that it may be so increased without caus-
24 ing the amount described in subsection (a)(1) to exceed
25 with respect to the Trust Fund the amount described in

1 subsection (a)(2) (but not by more than the amount of
2 the reduction).

3 (e) REPORTS.—Any estimate under subsection (a)
4 and any determination under subsection (b), (c), or (d)
5 shall be reported by the Secretary of the Army to Con-
6 gress.

7 (f) DEFINITIONS.—For purposes of this Act, the fol-
8 lowing definitions apply:

9 (1) AIRPORT AND AIRWAY TRUST FUND.—The
10 term “Airport and Airway Trust Fund” means the
11 Airport and Airway Trust Fund established by sec-
12 tion 9502 of the Internal Revenue Code of 1986.

13 (2) HARBOR MAINTENANCE TRUST FUND.—The
14 term “Harbor Maintenance Trust Fund” means the
15 Harbor Maintenance Trust Fund established by sec-
16 tion 9505 of the Internal Revenue Code of 1986.

17 (3) INLAND WATERWAYS TRUST FUND.—The
18 term “Inland Waterways Trust Fund” means the
19 Inland Waterways Trust Fund established by section
20 9506 of the Internal Revenue Code of 1986.

21 (4) NET HARBOR MAINTENANCE RECEIPTS.—
22 The term “net harbor maintenance receipts” means,
23 with respect to any period, the receipts (including in-
24 terest) of the Harbor Maintenance Trust Fund dur-
25 ing such period.

1 (5) NET INLAND WATERWAYS RECEIPTS.—The
2 term “net inland waterways receipts” means, with
3 respect to any period, the receipts (including inter-
4 est) of the Inland Waterways Trust Fund during
5 such period.

6 (6) UNFUNDED INLAND WATERWAYS AUTHOR-
7 IZATIONS.—The term “unfunded inland waterways
8 authorizations” means, at any time, the excess (if
9 any) of—

10 (A) the total amount authorized to be ap-
11 propriated from the Inland Waterways Trust
12 Fund which has not been appropriated, over

13 (B) the amount available in the Inland
14 Waterways Trust Fund at such time to make
15 such appropriations.

16 (7) UNFUNDED HARBOR MAINTENANCE AU-
17 THORIZATIONS.—The term “unfunded harbor main-
18 tenance authorizations” means, at any time, the ex-
19 cess (if any) of—

20 (A) the total amount authorized to be ap-
21 propriated from the Harbor Maintenance Trust
22 Fund which has not been appropriated, over

23 (B) the amount available in the Harbor
24 Maintenance Trust Fund at such time to make
25 such appropriations.

1 **SEC. 5. APPLICABILITY.**

2 This Act (including the amendments made by this
3 Act) shall apply to fiscal years beginning after September
4 30, 1999.

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