

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 842

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 1995

Mr. SHUSTER (for himself, Mr. MINETA, Mr. PETRI, Mr. RAHALL, Mr. DUNCAN, Mr. OBERSTAR, Mr. BOEHLERT, and Mr. BORSKI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure and, in addition, to the Committees on the Budget and Government Reform and Oversight, 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

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## A BILL

To provide off-budget treatment for the Highway Trust Fund, 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 HIGHWAY TRUST**  
2 **FUND, AIRPORT AND AIRWAY TRUST FUND,**  
3 **INLAND WATERWAYS TRUST FUND, AND HAR-**  
4 **BOR MAINTENANCE TRUST FUND.**

5 The receipts and disbursements of the Highway  
6 Trust Fund, the Airport and Airway Trust Fund, the In-  
7 land Waterways Trust Fund, and the Harbor Mainte-  
8 nance Trust Fund—

9 (1) shall not be included in the totals of—

10 (A) the budget of the United States Gov-  
11 ernment as submitted by the President, or

12 (B) the congressional budget (including al-  
13 locations of budget authority and outlays pro-  
14 vided therein), and

15 (2) shall be exempt from any general budget  
16 limitation imposed by statute on expenditures and  
17 net lending (budget outlays) of the United States  
18 Government.

19 **SEC. 3. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF**  
20 **AIRPORT AND AIRWAY TRUST FUND.**

21 (a) IN GENERAL.—Chapter 471 of title 49, United  
22 States Code, is amended by inserting after section 47129  
23 the following new section:

24 **“§47130. Safeguards against deficit spending**

25 **“(a) ESTIMATES OF UNFUNDED AVIATION AUTHOR-**  
26 **IZATIONS AND NET AVIATION RECEIPTS.—Not later than**

1 March 31 of each year, the Secretary, in consultation with  
2 the Secretary of the Treasury, shall estimate—

3 “(1) the amount which would (but for this sec-  
4 tion) be the unfunded aviation authorizations at the  
5 close of the next fiscal year, and

6 “(2) the net aviation receipts for the 24-month  
7 period beginning at the close of such fiscal year.

8 “(b) PROCEDURE WHERE THERE IS EXCESS UN-  
9 FUNDED AVIATION AUTHORIZATIONS.—If the Secretary  
10 determines for any fiscal year that the amount described  
11 in subsection (a)(1) exceeds the amount described in sub-  
12 section (a)(2), the Secretary shall determine the amount  
13 of such excess.

14 “(c) ADJUSTMENT OF AUTHORIZATIONS WHERE UN-  
15 FUNDED AUTHORIZATIONS EXCEED 2 YEARS RE-  
16 CEIPTS.—

17 “(1) DETERMINATION OF PERCENTAGE.—If the  
18 Secretary determines that there is an excess referred  
19 to in subsection (b), the Secretary shall determine  
20 the percentage which—

21 “(A) such excess, is of

22 “(B) the total of the amounts authorized  
23 to be appropriated and the amounts available  
24 for obligation from the Airport and Airway  
25 Trust Fund for the next fiscal year.

1           “(2) ADJUSTMENT OF AUTHORIZATIONS.—If  
2           the Secretary determines a percentage under para-  
3           graph (1), each amount authorized to be appro-  
4           priated or available for obligation from the Airport  
5           and Airway Trust Fund for the next fiscal year shall  
6           be reduced by such percentage.

7           “(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITH-  
8           HELD.—

9           “(1) ADJUSTMENT OF AUTHORIZATIONS.—If,  
10          after an adjustment has been made under subsection  
11          (c)(2), the Secretary determines that the amount de-  
12          scribed in subsection (a)(1) does not exceed the  
13          amount described in subsection (a)(2) or that the ex-  
14          cess referred to in subsection (b) is less than the  
15          amount previously determined, each amount author-  
16          ized to be appropriated or available for obligation  
17          that was reduced under subsection (c)(2) shall be in-  
18          creased, by an equal percentage, to the extent the  
19          Secretary determines that it may be so increased  
20          without causing the amount described in subsection  
21          (a)(1) to exceed the amount described in subsection  
22          (a)(2) (but not by more than the amount of the re-  
23          duction).

1           “(2) APPORTIONMENT.—The Secretary shall  
2           apportion amounts made available for apportionment  
3           by reason of paragraph (1).

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

10          “(e) DEFINITIONS.—For purposes of this section, the  
11          following definitions apply:

12                 “(1) UNFUNDED AVIATION AUTHORIZATIONS.—  
13                 The term ‘unfunded aviation authorization’ means,  
14                 at any time, the excess (if any) of—

15                         “(A) the total amount authorized to be ap-  
16                         propriated or available for obligation from the  
17                         Airport and Airway Trust Fund which has not  
18                         been appropriated or obligated, over

19                         “(B) the amount available in the Airport  
20                         and Airway Trust Fund at such time to make  
21                         such appropriation or to liquidate such obliga-  
22                         tions (after all other unliquidated obligations at  
23                         such time which are payable from the Airport  
24                         and Airway Trust Fund have been liquidated).

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

4                   “(A) the receipts (including interest) of the  
5                   Airport and Airway Trust Fund during such  
6                   period, over

7                   “(B) the amounts to be transferred during  
8                   such period from the Airport and Airway Trust  
9                   Fund under section 9502(d) of the Internal  
10                  Revenue Code of 1986 (other than paragraph  
11                  (1) thereof).

12          “(f) 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          (b) CONFORMING AMENDMENT.—The analysis for  
16          chapter 471 of title 49, United States Code, is amended  
17          by adding at the end of subchapter I the following:

          “47130. Safeguards against deficit spending.”.

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

21          (a) ESTIMATES OF UNFUNDED INLAND WATERWAYS  
22          AUTHORIZATIONS AND NET INLAND WATERWAYS RE-  
23          CEIPTS.—Not later than March 31 of each year, the Sec-  
24          retary of the Army, in consultation with the Secretary of  
25          the Treasury, shall estimate—

1           (1) the amount which would (but for this sec-  
2           tion) be the unfunded inland waterways authoriza-  
3           tions and unfunded harbor maintenance authoriza-  
4           tions at the close of the next fiscal year; and

5           (2) the net inland waterways receipts and net  
6           harbor maintenance receipts at the close of the next  
7           fiscal year.

8           (b) PROCEDURE WHERE THERE IS EXCESS UN-  
9           FUNDED INLAND WATERWAYS AUTHORIZATIONS.—If the  
10          Secretary of the Army determines with respect to the In-  
11          land Waterways Trust Fund or the Harbor Maintenance  
12          Trust Fund for any fiscal year that the amount described  
13          in subsection (a)(1) exceeds the amount described in sub-  
14          section (a)(2), the Secretary shall determine the amount  
15          of such excess.

16          (c) ADJUSTMENT OF AUTHORIZATIONS WHERE UN-  
17          FUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

18                 (1) DETERMINATION OF PERCENTAGE.—If the  
19          Secretary of the Army determines that there is an  
20          excess referred to in subsection (b), the Secretary of  
21          the Army shall determine the percentage which—

22                         (A) such excess, is of

23                         (B) the total of the amounts authorized to  
24                         be appropriated and the amounts available for  
25                         obligation from the Inland Waterways Trust

1 Fund or the Harbor Maintenance Trust Fund,  
2 as the case may be, for the next fiscal year.

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

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

1 (e) DEFINITIONS.—For purposes of this section the  
2 following definitions apply:

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

7 (A) the total amount authorized to be ap-  
8 propriated or available for obligation from the  
9 Inland Waterways Trust Fund which has not  
10 been appropriated or obligated, over

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

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

19 (3) UNFUNDED HARBOR MAINTENANCE AU-  
20 THORIZATIONS.—The term “unfunded harbor main-  
21 tenance authorizations” means, at any time, the ex-  
22 cess (if any) of—

23 (A) the total amount authorized to be ap-  
24 propriated or available for obligation from the

1 Harbor Maintenance Trust Fund which has not  
2 been appropriated or obligated, over

3 (B) the amount available in the Harbor  
4 Maintenance Trust Fund at such time to make  
5 such appropriations.

6 (4) NET HARBOR MAINTENANCE RECEIPTS.—  
7 The term “net harbor maintenance receipts” means,  
8 with respect to any period, the receipts (including in-  
9 terest) of the Harbor Maintenance Trust Fund dur-  
10 ing such period.

11 (f) REPORTS.—Any estimate under subsection (a)  
12 and any determination under subsection (b), (c), or (d)  
13 shall be reported by the Secretary of the Army to Con-  
14 gress.

15 **SEC. 5. APPLICABILITY.**

16 This Act (including the amendments made by this  
17 Act) shall apply to fiscal years beginning after September  
18 30, 1995.

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