

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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**H. R. 842**

**AN ACT**

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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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Truth in Budgeting  
3 Act”.

4 **SEC. 2. BUDGETARY TREATMENT OF HIGHWAY TRUST**  
5 **FUND, AIRPORT AND AIRWAY TRUST FUND,**  
6 **INLAND WATERWAYS TRUST FUND, AND HAR-**  
7 **BOR MAINTENANCE TRUST FUND.**

8 (a) IN GENERAL.—Notwithstanding any other provi-  
9 sion of law except the Line Item Veto Act of 1996, the  
10 receipts and disbursements of the Highway Trust Fund,  
11 the Airport and Airway Trust Fund, the Inland Water-  
12 ways Trust Fund, and the Harbor Maintenance Trust  
13 Fund—

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

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

19 (B) the congressional budget (including al-  
20 locations of budget authority and outlays pro-  
21 vided therein), or

22 (C) the Balanced Budget and Emergency  
23 Deficit Control Act of 1985; and

24 (2) shall be exempt from any general budget  
25 limitation imposed by statute on expenditures and

1 net lending (budget outlays) of the United States  
2 Government.

3 (b) LIMITATION ON INTEREST PAID TO TRUST  
4 FUNDS.—

5 (1) IN GENERAL.—Paragraph (3) of section  
6 9602(b) of the Internal Revenue Code of 1986 is  
7 amended by adding at the end the following new  
8 sentence: “The amount of interest credited to the  
9 Airport and Airway Trust Fund, the Highway Trust  
10 Fund, the Harbor Maintenance Trust Fund, or the  
11 Inland Waterways Trust Fund for any fiscal year  
12 shall not exceed the amount of interest which would  
13 be credited to such Fund if such interest were deter-  
14 mined at the average interest rate on 52-week  
15 Treasury securities sold to the public during such  
16 fiscal year.”.

17 (2) EFFECTIVE DATE.—The amendment made  
18 by paragraph (1) shall apply to fiscal years begin-  
19 ning after the date of the enactment of this Act.

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

22 (a) IN GENERAL.—Chapter 471 of title 49, United  
23 States Code, is amended—

24 (1) by redesignating section 47131 as section  
25 47132; and

1           (2) by inserting after section 47130 the follow-  
2           ing new section:

3   **“§ 47131. Safeguards against deficit spending**

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

8           “(1) the amount which would (but for this sec-  
9           tion) be the unfunded aviation authorizations at the  
10          close of the first fiscal year that begins after that  
11          Mach 31, and

12          “(2) the net aviation receipts at the close of  
13          such fiscal year.

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

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

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

25                          “(A) such excess, is of

1           “(B) the total of the amounts authorized  
2           to be appropriated from the Airport and Airway  
3           Trust Fund for the next fiscal year.

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

10          “(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITH-  
11 HELD.—

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

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

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

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

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

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

17                         “(A) the receipts (including interest) of the  
18                         Airport and Airway Trust Fund during such  
19                         period, over

20                         “(B) the amounts to be transferred during  
21                         such period from the Airport and Airway Trust  
22                         Fund under section 9502(d) of the Internal  
23                         Revenue Code of 1986 (other than paragraph  
24                         (1) thereof).

1           “(2) UNFUNDED AVIATION AUTHORIZATIONS.—

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

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

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

13           (b) CONFORMING AMENDMENT.—The analysis for  
14           chapter 471 of title 49, United States Code, is amended  
15           by striking

          “47131. Annual report.”

16           and inserting the following:

          “47131. Safeguards against deficit spending.

          “47132. Annual report.”.

17           **SEC. 4. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF**

18                               **THE INLAND WATERWAYS TRUST FUND AND**

19                               **HARBOR MAINTENANCE TRUST FUND.**

20           (a) ESTIMATES OF UNFUNDED INLAND WATERWAYS

21           AUTHORIZATIONS AND NET INLAND WATERWAYS RE-

22           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 WA-  
12 TERWAYS 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 section the  
8 following 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) HIGHWAY TRUST FUND.—The term “High-  
18 way Trust Fund” means the Highway Trust Fund  
19 established by section 9503 of the Internal Revenue  
20 Code of 1986.

21 (4) INLAND WATERWAYS TRUST FUND.—The  
22 term “Inland Waterways Trust Fund” means the  
23 Inland Waterways Trust Fund established by section  
24 9506 of the Internal Revenue Code of 1986.

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

6           (6) NET INLAND WATERWAYS RECEIPTS.—The  
7           term “net inland waterways receipts” means, with  
8           respect to any period, the receipts (including inter-  
9           est) of the Inland Waterways Trust Fund during  
10          such period.

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

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

18                (B) the amount available in the Inland  
19                Waterways Trust Fund at such time to make  
20                such appropriations.

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

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

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

7 **SEC. 5. APPLICABILITY.**

8           This Act (including the amendments made by this  
9 Act) shall apply to fiscal years beginning after September  
10 30, 1995.

          Passed the House of Representatives April 17, 1996.

Attest:

*Clerk.*