

105TH CONGRESS  
1ST SESSION

# H. R. 1449

To amend the Internal Revenue Code of 1986 to impose an annual tax on outdoor advertising to provide funding for surface transportation programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 1997

Mr. LEWIS of Georgia (for himself, Mr. FARR of California, Mr. STARK, Mrs. MINK of Hawaii, Mr. DELLUMS, Mr. LIPINSKI, and Ms. CHRISTIAN-GREEN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, 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 amend the Internal Revenue Code of 1986 to impose an annual tax on outdoor advertising to provide funding for surface transportation programs, and for other purposes.

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 “Billboard Fair Share  
5 Act”.

1 **SEC. 2. TAX ON OUTDOOR ADVERTISING.**

2 (a) IN GENERAL.—Subchapter A of chapter 1 of the  
3 Internal Revenue Code of 1986 (relating to income taxes)  
4 is amended by adding at the end the following new part:

5 **“PART VIII—OUTDOOR ADVERTISING**

“Sec. 59B. Outdoor advertising.

6 **“SEC. 59B. OUTDOOR ADVERTISING.**

7 “(a) IMPOSITION OF TAX.—There is hereby imposed  
8 a tax equal to 15 percent of the gross income received  
9 or accrued by any person from the lease of any taxable  
10 outdoor advertising display. Such tax shall be in addition  
11 to any other tax imposed by this subtitle.

12 “(b) TAXABLE OUTDOOR ADVERTISING DISPLAY.—  
13 For purposes of this section, the term ‘taxable outdoor ad-  
14 vertising display’ means any outdoor advertising display  
15 (as defined by section 1033(g)(3)(C)) other than such a  
16 display having 32 square feet or less of advertising space.”

17 (b) CLERICAL AMENDMENT.—The table of parts for  
18 subchapter A of chapter 1 of such Code is amended by  
19 adding at the end the following new item:

“Part VIII. Outdoor advertising.”

20 (c) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply to taxable years beginning after  
22 the date of the enactment of this Act.

1 **SEC. 3. OUTDOOR ADVERTISING PROGRAM TRUST FUND.**

2 (a) IN GENERAL.—Subchapter A of chapter 98 of the  
3 Internal Revenue Code of 1986 (relating to Trust Fund  
4 Code) is amended by adding at the end the following new  
5 section:

6 **“SEC. 9512. OUTDOOR ADVERTISING PROGRAM TRUST**  
7 **FUND.**

8 “(a) CREATION OF TRUST FUND.—There is estab-  
9 lished in the Treasury of the United States a trust fund  
10 to be known as the ‘Outdoor Advertising Program Trust  
11 Fund’, consisting of such amounts as may be appropriated  
12 or credited to such trust fund as provided in this section  
13 or section 9602(b).

14 “(b) TRANSFERS TO TRUST FUND.—There are here-  
15 by appropriated to the Outdoor Advertising Program  
16 Trust Fund amounts equivalent to the revenues received  
17 in the Treasury from the tax imposed by section 59B (re-  
18 lating to tax on outdoor advertising).

19 “(c) EXPENDITURES FROM TRUST FUND.—Amounts  
20 in the Outdoor Advertising Program Trust Fund shall be  
21 available, as provided in the Billboard Fair Share Act,  
22 only for purposes of making expenditures in accordance  
23 with section 5 of such Act.”

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 for such subchapter A is amended by adding at the end  
 3 the following new item:

“Sec. 9512. Outdoor Advertising Program Trust Fund.”

4 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

5 In addition to amounts otherwise authorized to be ap-  
 6 propriated to carry out title 23, United States Code, there  
 7 shall be available, out of the Outdoor Advertising Program  
 8 Trust Fund, for each fiscal year beginning after the date  
 9 of the enactment of this Act an amount equal to the aggre-  
 10 gate of amounts appropriated and credited to such trust  
 11 fund in the preceding fiscal year.

12 **SEC. 5. APPORTIONMENT.**

13 (a) IN GENERAL.—On October 1 of each fiscal year,  
 14 the Secretary of Transportation, after making the deduc-  
 15 tion under subsection (b), shall apportion amounts made  
 16 available by section 4 for such fiscal year among the  
 17 States so that the percentage apportioned to each State  
 18 is equal to the percentage of estimated tax payments at-  
 19 tributable to highway users in the State paid into the  
 20 Highway Trust Fund in the latest fiscal year for which  
 21 data are available.

22 (b) DEDUCTION.—Whenever an apportionment is  
 23 made of sums made available by section 4, the Secretary  
 24 may deduct in such amount as the Secretary may deem

1 necessary, but not to exceed 2 percent of all sums so made  
2 available, for administering the provisions of this Act.

3 **SEC. 6. USE OF FUNDS.**

4       85 percent of the funds apportioned to a State under  
5 section 5 for fiscal year shall only be available for carrying  
6 out transportation enhancement activities under title 23,  
7 United States Code; except that if, upon request of a  
8 State, the Secretary of Transportation certifies that there  
9 is no sign, display, or device within the boundaries of the  
10 State that does not conform with section 131 of such title,  
11 such percentage shall be 50 instead of 85. The remainder  
12 of such funds may be obligated by the State for the sur-  
13 face transportation program under section 133 of such  
14 title.

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