

106TH CONGRESS  
2D SESSION

# H. R. 3566

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2000

Mr. SHUSTER (for himself, 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 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

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## A BILL

To provide off-budget treatment for 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 INLAND WATERWAYS**  
2 **TRUST FUND AND HARBOR MAINTENANCE**  
3 **TRUST FUND.**

4 Notwithstanding any other provision of law, the re-  
5 cepts and disbursements of the Inland Waterways Trust  
6 Fund and the Harbor Maintenance Trust Fund—

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

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

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

15 (C) the Balanced Budget and Emergency  
16 Deficit Control Act of 1985; and

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

21 **SEC. 3. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF**  
22 **THE INLAND WATERWAYS TRUST FUND AND**  
23 **HARBOR MAINTENANCE TRUST FUND.**

24 (a) ESTIMATES OF UNFUNDED AUTHORIZATIONS  
25 AND NET RECEIPTS.—Not later than March 31 of each

1 year, the Secretary of the Army, in consultation with the  
2 Secretary of 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 AUTHORIZATIONS.—If  
12 the Secretary of the Army determines with respect to the  
13 Inland Waterways Trust Fund or the Harbor Maintenance  
14 Trust Fund for any fiscal year that the amount described  
15 in subsection (a)(1) exceeds the amount described in sub-  
16 section (a)(2), the Secretary shall determine the amount  
17 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 **SEC. 4. DEFINITIONS.**

8 For purposes of this Act, the following definitions  
9 apply:

10 (1) HARBOR MAINTENANCE TRUST FUND.—The  
11 term “Harbor Maintenance Trust Fund” means the  
12 Harbor Maintenance Trust Fund established by sec-  
13 tion 9505 of the Internal Revenue Code of 1986.

14 (2) INLAND WATERWAYS TRUST FUND.—The  
15 term “Inland Waterways Trust Fund” means the  
16 Inland Waterways Trust Fund established by section  
17 9506 of the Internal Revenue Code of 1986.

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

23 (4) NET INLAND WATERWAYS RECEIPTS.—The  
24 term “net inland waterways receipts” means, with  
25 respect to any period, the receipts (including inter-

1 est) of the Inland Waterways Trust Fund during  
2 such period.

3 (5) 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 from the Inland Waterways Trust  
9 Fund which has not been appropriated, over

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

13 (6) UNFUNDED HARBOR MAINTENANCE AU-  
14 THORIZATIONS.—The term “unfunded harbor main-  
15 tenance authorizations” means, at any time, the ex-  
16 cess (if any) of—

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

20 (B) the amount available in the Harbor  
21 Maintenance Trust Fund at such time to make  
22 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, 2000.

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