

107TH CONGRESS
1ST SESSION

H. R. 181

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2001

Mr. SHUSTER (for himself, Mr. OBERSTAR, and Mr. YOUNG of Alaska) 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 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 Water Trans-
5 portation Budgeting 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 INLAND WATERWAYS
25 AUTHORIZATIONS AND NET INLAND WATERWAYS RE-
26 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 **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 shall apply to fiscal years beginning after
3 September 30, 2001.

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