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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R.

To provide for the use of funds in the Harbor Maintenance Trust Fund for the purposes for which the funds were collected and to ensure that funds credited to the Harbor Maintenance Trust Fund are used to support navigation.

IN THE HOUSE OF REPRESENTATIVES

Mr. KELLY of Pennsylvania (for himself and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on

A BILL

To provide for the use of funds in the Harbor Maintenance Trust Fund for the purposes for which the funds were collected and to ensure that funds credited to the Harbor Maintenance Trust Fund are used to support navigation.

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 “Investing In America:
5 Unlocking the Harbor Maintenance Trust Fund Act”.

1 **SEC. 2. USE OF HARBOR MAINTENANCE TRUST FUND TO**
2 **SUPPORT NAVIGATION.**

3 (a) AVAILABILITY OF AMOUNTS.—Section 210 of the
4 Water Resources Development Act of 1986 (33 U.S.C.
5 2238) is amended—

6 (1) in the section heading by striking “**AU-**
7 **THORIZATION OF APPROPRIATIONS**” and insert-
8 ing “**FUNDING FOR NAVIGATION**”; and

9 (2) in subsection (a) by striking “There are au-
10 thorized to be appropriated” and all that follows be-
11 fore paragraph (1) and inserting “Amounts made
12 available from the Harbor Maintenance Trust Fund
13 in accordance with section 9505(d) of the Internal
14 Revenue Code of 1986 shall be used to pay—”.

15 (b) AMENDMENT TO TRUST FUND CODE.—Section
16 9505(c) of the Internal Revenue Code of 1986 is amend-
17 ed—

18 (1) in the matter preceding paragraph (1) by
19 striking “, as provided by appropriation Acts,” and
20 inserting “, in accordance with subsection (d),”; and

21 (2) by adding at the end the following:

22 “(d) AVAILABILITY OF AMOUNTS.—Beginning on Oc-
23 tober 1, 2017, there shall be available from the Harbor
24 Maintenance Trust Fund for making expenditures under
25 subsection (c)—

1 “(1) without further appropriation, an amount
2 equivalent to the taxes received in the Treasury
3 under section 4461 for the previous fiscal year, as
4 determined by the Secretary of the Treasury; and

5 “(2) such additional amounts as provided by
6 appropriations Acts.”.

7 (c) ESTIMATE OF HARBOR MAINTENANCE NEEDS.—
8 Section 1537(2) of MAP–21 (33 U.S.C. 2238a(2)) is
9 amended by striking “amount of appropriations” and in-
10 serting “expenditures”.

11 **SEC. 3. BUDGETARY TREATMENT OF HARBOR MAINTENANCE TRUST FUND.**
12

13 Notwithstanding any other provision of law, the re-
14 ceipts and disbursements of the Harbor Maintenance
15 Trust Fund—

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

19 (A) the budget of the United States Gov-
20 ernment as submitted by the President;

21 (B) the congressional budget (including al-
22 locations of budget authority and outlays pro-
23 vided therein);

24 (C) the Balanced Budget and Emergency
25 Deficit Control Act of 1985; or

1 (D) the Statutory Pay-As-You-Go Act of
2 2010;

3 (2) shall be exempt from any general budget
4 limitation imposed by statute on expenditures and
5 net lending (budget outlays) of the United States
6 Government; and

7 (3) shall be available only for the purposes
8 specified in section 9505 of the Internal Revenue
9 Code of 1986.

10 **SEC. 4. ANNUAL REPORT TO CONGRESS.**

11 Section 330 of the Water Resources Development Act
12 of 1992 (26 U.S.C. 9505 note; 106 Stat. 4851) is amend-
13 ed—

14 (1) in subsection (a)—

15 (A) by striking “and annually thereafter,”
16 and inserting “and annually thereafter concur-
17 rent with the submission of the President’s an-
18 nual budget request to Congress,”; and

19 (B) by striking “Public Works and Trans-
20 portation” and inserting “Transportation and
21 Infrastructure”; and

22 (2) in subsection (b)(1) by adding at the end
23 the following:

24 “(D) A description of the expected expend-
25 itures from the trust fund to meet the needs of

1 navigation for the fiscal year of the budget re-
2 quest.”.

3 **SEC. 5. HARBOR MAINTENANCE TRUST FUND DEFINED.**

4 In this Act, the term “Harbor Maintenance Trust
5 Fund” means the Harbor Maintenance Trust Fund estab-
6 lished by section 9505 of the Internal Revenue Code of
7 1986.

8 **SEC. 6. APPLICABILITY.**

9 This Act (including the amendments made by this
10 Act) shall apply to fiscal years beginning after September
11 30, 2017.