

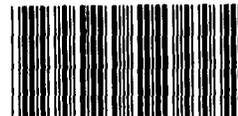
GAO

Fact Sheet for the Honorable
Jim Nussle, House of Representatives

October 1991

HIGHWAY TRUST FUND

Revenue Sources, Uses, and Spending Controls



145038

**Resources, Community, and
Economic Development Division**

B-245595

October 16, 1991

The Honorable Jim Nussle
House of Representatives

Dear Mr. Nussle:

In 1987, the Congress authorized approximately \$90 billion for federal-aid highway and mass transit programs through fiscal year 1991. The Congress is currently considering options to reauthorize these surface transportation programs for fiscal years 1992 through 1996. The Highway Trust Fund is the mechanism that provides the financing for these programs.¹ Revenues generated by various highway user taxes, as well as the interest these revenues earn, accrue to the trust fund and are used to reimburse states and transit authorities for expenditures incurred on approved federal-aid highway and mass transit projects.

In response to your July 24, 1991, request, we agreed to provide information on the following issues related to the Highway Trust Fund: (1) the sources and amounts of trust fund revenues generated during fiscal years 1987 through 1991; (2) the uses of these revenues; (3) the estimated balance remaining in the trust fund when federal-aid highway and mass transit programs expire at the end of fiscal year 1991; and (4) the influence that the Budget Enforcement Act of the Omnibus Budget Reconciliation Act of 1990 could have on surface transportation spending during the next reauthorization period.

In summary, we found the following:

- The Highway Trust Fund is supported through federal highway user taxes such as those on motor fuels (gasoline, gasohol, and diesel), tires, and trucks. During fiscal years 1987 through 1991, these taxes generated about \$73.46 billion, with about 64 percent of these revenues coming from the gasoline tax. Since \$6.77 billion in interest was earned on the tax revenues, the total amount credited to the trust fund during this time period was approximately \$80.23 billion.
- While the majority of highway user tax revenues are credited to the Highway Trust Fund for highway and mass transit projects or related activities, there are two exceptions. First, from the per-gallon tax on motor fuels, 0.1 cent goes directly into the Leaking Underground Storage Tank Trust Fund to finance the cleanup of groundwater contaminated

¹Mass transit activities are also funded from general revenues.

by petroleum that has leaked from such tanks. Second, 2.5 cents of the per-gallon tax on motor fuels flow into the general fund of the Treasury for use in deficit reduction.

- To estimate the uncommitted balance remaining in the trust fund when federal-aid highway and mass transit programs expire at the end of fiscal year 1991, it is necessary to examine the cash balance in the fund, outstanding commitments against this balance, and estimated future revenue collections. The trust fund operates by liquidating outstanding commitments using the fund's current cash balance together with future highway user tax revenues—2 years' future revenues for federal-aid highway programs and 1 year's for mass transit programs. Therefore, if all outstanding commitments authorized through fiscal year 1991 (for both highway and mass transit programs) are liquidated using the existing cash balance plus the allowed future revenues, the trust fund would have an estimated uncommitted balance totalling \$17.7 billion. Department of Transportation officials recommend a \$3.5 billion safety cushion to guard against inaccurate revenue projections. This deduction would reduce the estimated uncommitted funds available to \$14.2 billion.
- Actual spending for federal-aid highway and mass transit programs through fiscal year 1995 will be determined in part by the Budget Enforcement Act of the Omnibus Budget Reconciliation Act of 1990. In fiscal years 1991 through 1993, the Budget Enforcement Act sets annual discretionary spending limits in three separate categories: defense, international, and domestic. In these years, highway and mass transit spending, which is included in the domestic category, must compete with spending on all other domestic discretionary programs, such as those for health, energy, and education, for the fixed amount of funds available under the domestic cap. In fiscal years 1994 and 1995, there will be only a single cap on all discretionary spending. Highway and mass transit programs will then have to compete with all discretionary programs, including defense programs, for available funds.

Section 1 of this fact sheet provides background information on the operation of the Highway Trust Fund. Sections 2 through 5 provide details on the sources and amounts of trust fund revenues, their uses, the estimated balances in both the highway and mass transit accounts, and budgetary influences on surface transportation spending.

We performed our work in August and September 1991. We obtained financial data on the status of the Highway Trust Fund from cognizant officials in the Federal Highway Administration and Urban Mass Transportation Administration, and we discussed the data with them. Our

review of information from these agencies included budget documents, internal financial reports, and reports to the Congress on the current and projected status of the Highway Trust Fund. We did not independently verify the information given to us. We also reviewed congressional hearing transcripts, published reports related to the trust fund and highway user taxes, as well as relevant sections of the U.S. budget for fiscal years 1987 to 1992. As agreed with your office, this fact sheet focuses on federal-aid highway funding.

We discussed this report with responsible agency officials, who agreed with the information presented. We are sending copies of this report to the Secretary of Transportation; the Administrator, Federal Highway Administration; the Administrator, Urban Mass Transportation Administration; and other interested parties. Copies are available to others upon request.

If you have any questions about this fact sheet, please contact me at (202) 275-1000. Major contributors to this fact sheet are listed in appendix II.

Sincerely yours,



Kenneth M. Mead
Director, Transportation Issues

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Abbreviations

| | |
|------|---|
| BEA | Budget Enforcement Act |
| FHWA | Federal Highway Administration |
| GAO | General Accounting Office |
| OBRA | Omnibus Budget Reconciliation Act of 1990 |
| UMTA | Urban Mass Transportation Administration |

Background on the Highway Trust Fund

The Highway Trust Fund was created in 1956 to provide a mechanism for financing the federal-aid highway program. The Federal Highway Administration (FHWA) oversees this program and disburses trust fund revenues to states' highway or transportation agencies, which administer the program. With the passage of the Surface Transportation Assistance Act of 1982, a portion of the trust fund was dedicated to financing mass transit projects.¹ This action divided the Highway Trust Fund into two accounts—a highway account and a mass transit account.

The Highway Trust Fund essentially exists only as an accounting mechanism. Highway user taxes are actually deposited in the general fund of the U.S. Treasury and a paper transfer of these taxes is made to the trust fund as needed. Highway user tax revenues in the fund in excess of what is required for current expenditures are invested in public debt securities, and interest from these securities is credited to the fund.

Revenues in the trust fund are used to reimburse states or mass transit authorities for expenditures on approved projects. For instance, the Congress commits to a certain level of highway spending, thus permitting states to let long-term construction contracts with the understanding that actual payments from the trust fund will be made only as vouchers are submitted for costs incurred on previously approved projects. As FHWA's 1988 America on the Move report explains, actual payments from the trust fund may not be required until 1 to 4 years after obligations are incurred by the states. Thus, the Congress can authorize (and usually does authorize) certain spending in advance of there being revenues in the trust fund to cover it.

Most programs funded through the Highway Trust Fund do not require the traditional two-step congressional process of authorizing and then appropriating funds. Instead, another type of budget authority governs, which is referred to as "contract authority." This authority basically makes federal funds available for obligation by the states or transit authorities without an appropriation act. Contract authority, however, is unfunded, and the Congress must appropriate funds to pay for (liquidate) the obligations that have been made.

It should be noted that the authorization of funds is not a guarantee that they will be available for use in a given year. As FHWA notes, contract authority prevents the Congress from exercising direct control of cash

¹Mass transit programs are administered by the Urban Mass Transportation Administration (UMTA).

Section 1
Background on the Highway Trust Fund

outlays in any year. Therefore, the Congress relies on limitations on obligations to control spending. The Congress limits obligations to an amount less than the full amount that would otherwise be available under contract authority. The effect is to restrict states and transit authorities from obligating the total amount of funds authorized. In addition, the federal-aid highway funds that are restricted from obligation in one year carry over to the next year. Although these unobligated funds could be made available in addition to new authorizations in the next year, newly imposed ceilings on obligations restrict the use of these funds.²

²For mass transit projects, though, a limitation on obligations that is imposed in any given year applies only to new funds authorized for that particular year, according to UMTA officials.

Sources and Amounts of Highway Trust Fund Revenues

Trust fund revenues are derived from a variety of highway user taxes. During fiscal years 1987 through 1990, the user taxes that supported the trust fund included (1) motor fuel taxes on gasoline (9.1 cents per gallon), diesel fuel (15.1 cents per gallon), and gasohol (3.1 cents per gallon); (2) a graduated tax on tires weighing 40 pounds or more; (3) a 12-percent retail sales tax on certain new trucks and trailers; and (4) a tax on the use of trucks with a gross weight of 55,000 pounds or more. These sources continued into fiscal year 1991, but were accompanied by increases in motor fuel tax rates, such as the 5-cent-per-gallon increase in the gasoline tax to 14.1 cents per gallon, which became effective on December 1, 1990. (As Section 3 of this fact sheet explains, 2.5 cents of this increase is used for deficit reduction). Appendix I shows the sources of highway user tax revenues and the current related tax rates.

The principal source of revenues for the trust fund has been the federal gasoline tax. During fiscal years 1987 through 1991, this tax generated approximately 64 percent of all revenues. All motor fuels together (gasoline, diesel, and gasohol) accounted for about 87 percent. Table 2.1 illustrates the revenues, and interest earned on these revenues, which were credited to the Highway Trust Fund during fiscal years 1987 through 1991.

Section 2
Sources and Amounts of Highway Trust
Fund Revenues

**Table 2.1: Revenues and Interest
Credited to the Highway Trust Fund
During Fiscal Years 1987 Through 1991**

| Type of tax | Amounts credited, by fiscal year ^a | | | | |
|-------------------------|---|-----------------|-----------------|-----------------|-----------------------|
| | 1987 | 1988 | 1989 | 1990 | 1991 |
| Gasoline | \$8.493 | \$9.053 | \$9.081 | \$8.673 | \$11.642 ^b |
| Gasohol | .197 | .220 | .172 | .149 | .149 ^b |
| Diesel | 2.804 | 2.755 | 4.319 | 3.201 | 3.407 |
| Tires | .292 | .334 | .316 | .255 | .315 |
| Trucks/ trailers | .724 | 1.277 | 1.240 | 1.112 | 1.049 |
| Use/others ^c | .621 | .581 | .612 | .590 | .584 |
| Transfers ^d | (.099) | (.106) | (.112) | (.113) | (.180) |
| Net taxes | \$13.032 | \$14.114 | \$15.628 | \$13.867 | \$16.817 |
| Interest | 1.278 | 1.193 | 1.245 | 1.562 | 1.490 |
| Total | \$14.310 | \$15.307 | \$16.873 | \$15.429 | \$18.307 |

^aFigures for gasoline, gasohol, and diesel represent net revenues after deductions for refunds and tax credits have been applied. In addition, revenues for fiscal year 1991 are estimates.

^bRevenues for gasoline in fiscal year 1991 include those for gasohol. Separate figures for gasohol were not available.

^c"Others" includes taxes on parts and accessories, inner tubes, tread rubber, and lubricating oil, as well as revenues collected from fines and penalties.

^dReceipts from taxes on motorboat fuels are transferred to either the Land and Water Conservation Fund or the Aquatic Resources Trust Fund.

Sources: Department of Transportation and the U.S. budget for fiscal year 1992.

Uses of Trust Fund Revenues

Although the majority of highway user tax revenues are credited to either the highway or mass transit accounts of the trust fund, there are two exceptions. First, from the per-gallon tax on all motor fuels, 0.1 cent is credited to the Leaking Underground Storage Tank Trust Fund. This fund was created as a mechanism to finance the cleanup of groundwater contaminated by petroleum that has leaked from such tanks. This tax terminated on August 31, 1990, after the fund reached a statutory ceiling of \$500 million in net revenues. However, the Omnibus Budget Reconciliation Act of 1990 (OBRA) reimposed this tax through December 31, 1995.

The second instance in which highway user tax revenues are not credited to the trust fund also results from OBRA. OBRA provided for an increase in motor fuel tax rates and stated that 2.5 cents of this increase be used for deficit reduction. This use of highway user tax revenues for this purpose became effective on December 1, 1990, and is scheduled to expire at the end of fiscal year 1995. FHWA officials estimate that this tax will contribute approximately \$2.3 billion towards deficit reduction in fiscal year 1991 and about \$15.2 billion from December 1, 1990, to the end of fiscal year 1995. Table 3.1 illustrates the revenues estimated to be used for deficit reduction during this time period.

Table 3.1: Estimated Highway Revenues Used for Deficit Reduction From December 1, 1990, Through Fiscal Year 1995

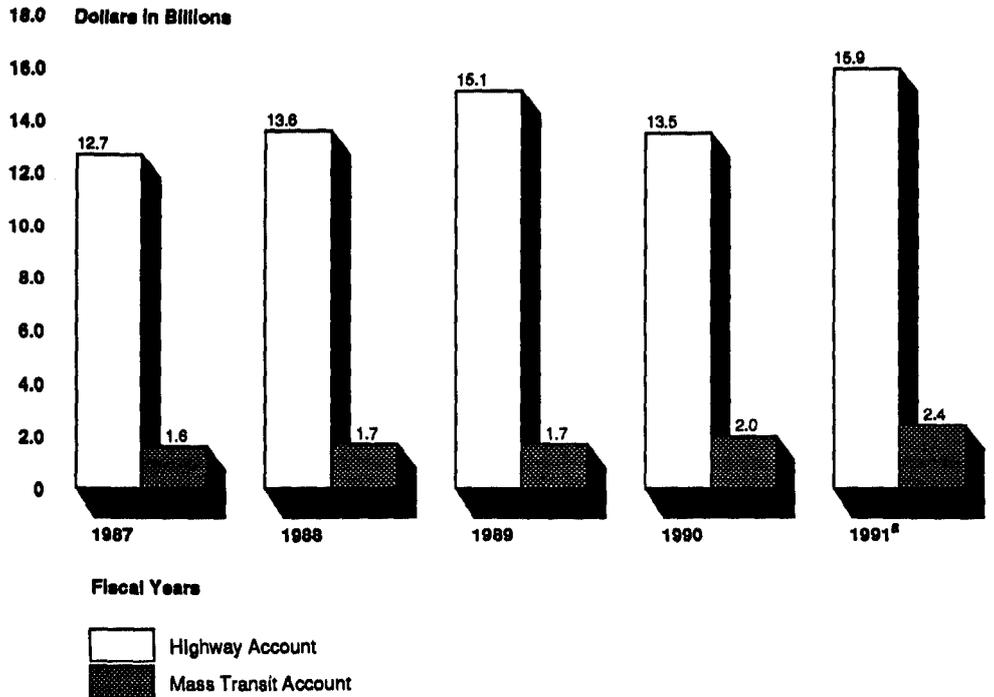
| Dollars in billions | | | | | | |
|---------------------|-------|-------|-------|-------|-------|---------------|
| Type of tax | 1991 | 1992 | 1993 | 1994 | 1995 | Total |
| Motor fuel | \$2.3 | \$3.1 | \$3.2 | \$3.3 | \$3.3 | \$15.2 |

Source: FHWA, Office of Policy Development.

The remaining highway user revenues are credited to the Highway Trust Fund. During fiscal years 1987 through 1991, the highway account received \$70.8 billion in tax revenues and interest earned, and the mass transit account received \$9.4 billion. Figure 3.1 illustrates how revenues were divided between the highway and mass transit accounts during fiscal years 1987 through 1991.

Section 3
Uses of Trust Fund Revenues

Figure 3.1: Total Income Credited to the Highway and Mass Transit Accounts of the Trust Fund for Fiscal Years 1987 Through 1991



^aFigures for fiscal year 1991 are estimates.
Source: FHWA, Office of Policy Development.

Once funding for federal-aid highway and mass transit programs has been authorized, these trust fund revenues are used to reimburse states and transit authorities for expenditures incurred on approved projects. In addition, trust fund revenues in the highway account are used to fund certain administrative expenses for the federal-aid highway program. For instance, up to one-quarter of 1 percent of the authorizations for certain highway programs is used to finance the Strategic Highway Research Program.

Also, up to 3-3/4 percent of annual authorizations for the federal-aid highway program is made available to pay FHWA's administrative expenses, which include the salaries of FHWA employees and expenses for travel; supplies; and FHWA-sponsored research on highway construction, planning, and design. FHWA officials note that although 3-3/4 percent is made available, the amount that has actually been deducted from authorizations the last several years has been less. Table 3.2 illustrates the amount of funds deducted from highway program authorizations for

Section 3
Uses of Trust Fund Revenues

FHWA's administrative expenses during fiscal years 1987 through 1991 and the percentage of authorizations they represented.

Table 3.2: FHWA's Administrative Expenses During Fiscal Years 1987 Through 1991

| Dollars in millions | | |
|---------------------|--------------------|-------------------------------------|
| Fiscal Year | Expenses | Percentage of authorizations |
| 1987 | \$214,375 | 1.75 |
| 1988 | 216,850 | 1.75 |
| 1989 | 216,925 | 1.75 |
| 1990 | 213,843 | 1.75 |
| 1991 | 284,970 | 2.30 |
| | \$1,146,963 | |

Source: FHWA, Office of Policy Development.

Highway and Mass Transit Account Balances

Revenues in the trust fund are used to reimburse states and mass transit authorities for expenditures on approved federal-aid highway and mass transit projects. When revenues in the fund exceed the amount required for current expenditures, a cash balance exists, which is invested in public debt securities. This cash balance does not represent excess cash, however, because there are still outstanding commitments against the fund.¹ This balance, plus future revenues, will be used to liquidate these commitments. Once all commitments have been paid, the trust fund will have an uncommitted balance, which potentially could be used for surface transportation spending in the next reauthorization period.²

How the trust fund functions becomes clearer when it is compared with an individual's charge account. For discussion purposes, assume that an individual has \$1,000 in cash from previous monthly paychecks but also has outstanding charges amounting to over \$1,500. In this case, the \$1,000 in cash cannot be considered excess because it is needed to pay the incoming charges. On the other hand, the individual does not have a deficit since at the end of the month his or her \$900 paycheck will be available to help pay outstanding charges. This scenario is repeated in each succeeding month. Thus, the cash the individual has on hand and a future paycheck help to ensure there will be sufficient funds to pay all outstanding charges. The following discussion illustrates how this process applies to both the highway and mass transit accounts.

Highway Account Balance

The cash balance in the highway account of the trust fund is needed to pay outstanding commitments on approved federal-aid highway projects. FHWA estimates that the highway account will have a cash balance of about \$11.1 billion at the end of fiscal year 1991. FHWA also estimates that about \$33.9 billion in unpaid commitments will exist against this balance at the same time. Thus, since the estimated cash balance at the end of fiscal year 1991 is not sufficient to liquidate all outstanding commitments, a shortfall of \$22.8 billion appears to exist.

This situation, however, is permissible because of the nature of the federal-aid highway program. Although the federal government makes

¹As FHWA notes, there are two kinds of outstanding commitments: unexpended obligations and unobligated balances. Unexpended obligations represent commitments made for specific approved projects, for which federal funds have been obligated, but, because reimbursement has not yet been sought, have not been expended. Unobligated balances exist primarily because of limitations on obligations.

²The uncommitted balance represents the amount of highway user tax revenues which are estimated to remain in the trust fund after all outstanding commitments have been liquidated.

Section 4
Highway and Mass Transit Account Balances

commitments to reimburse a certain amount of funds, payment occurs only when actual bills are submitted for completed work. Thus, commitments can exceed the current cash balance in the fund, but they should not exceed the anticipated amounts that could be liquidated from trust fund revenues at a future date.

The safety mechanism ensuring that sufficient funds exist in the highway account to liquidate commitments is the Byrd Amendment, as revised by the Surface Transportation Assistance Act of 1982. This amendment requires that the balance in the highway account plus 2 years' revenues from future highway user taxes (past the current year) be sufficient to pay all outstanding commitments in the current year. For example, the amount of unpaid commitments at the end of fiscal year 1987 can exceed the cash balance for that year as long as projected revenues for fiscal years 1988 and 1989 and the cash balance in fiscal year 1987 are sufficient to cover these commitments.

Table 4.1 illustrates how the highway account is capable of liquidating commitments. As shown below, unpaid commitments in the highway account in any fiscal year from 1987 through 1991 exceed the cash balance in that year by a substantial amount. However, the cash balance plus 2 years' revenues will provide more than enough funds to liquidate these commitments.

Table 4.1: Estimated Highway Account Revenues in Excess of Outstanding Commitments for Fiscal Years 1987 Through 1991

| Dollars in billions | | | | | |
|------------------------------|---------------|---------------|---------------|---------------|-------------------|
| | 1987 | 1988 | 1989 | 1990 | 1991 |
| Cash balance (end of year) | \$9.4 | \$9.0 | \$10.6 | \$9.6 | \$11.1 |
| Anticipated income | | | | | |
| 1 yr. later | 13.7 | 15.1 | 13.5 | 15.9 | 16.8 |
| 2 yrs. later | 15.1 | 13.5 | 15.9 | 16.8 | 17.5 |
| Subtotal | \$38.2 | \$37.6 | \$40.0 | \$42.3 | \$45.4 |
| Less outstanding commitments | 30.8 | 30.8 | 31.7 | 32.5 | 33.9 ^a |
| Uncommitted balance | \$7.4 | \$6.8 | \$8.3 | \$9.8 | \$11.5 |

^aOutstanding commitments for fiscal year 1991 include fiscal year 1992 authorizations of \$1.5 billion, consisting of \$1.4 billion in interstate construction funds and \$100 million in emergency relief funds.
 Source: GAO's analysis of FHWA's highway account data.

As table 4.1 illustrates, the cash balance at the end of fiscal year 1991 is \$11.1 billion, which falls substantially short of the funds needed to pay outstanding commitments of \$33.9 billion. However, income totaling \$34.3 billion is expected to be credited to the highway account during the next 2 years. Thus, if the highway program was terminated at the

end of fiscal year 1991 and highway revenues continued to be collected through fiscal year 1993, the balance in the trust fund would exceed outstanding commitments by \$11.5 billion. FHWA officials have indicated that a safety cushion of up to \$3 billion would be needed in the highway account to guard against unforeseen decreases in revenues or inaccurate revenue projections. After this safety cushion is deducted, the amount of uncommitted funds potentially available for highway spending during the next reauthorization period would total \$8.5 billion.

Mass Transit Account Balance

The mass transit account of the trust fund operates much the same way as the highway account with one distinction. The safety mechanism for this account is the Rostenkowski Amendment, which limits the reliance on projected revenues to those collected in 1 year beyond the current year. Although the transit account can rely on these revenues, this has not been necessary during fiscal years 1987 through 1991 because it has operated at a surplus in each of these years. That is, during every year of that time period, the balance in the mass transit account has exceeded the amount of unpaid commitments for that year. Table 4.2 illustrates how the mass transit account has performed during fiscal years 1987 through 1991.

Table 4.2: Estimated Mass Transit Account Revenues in Excess of Outstanding Commitments for Fiscal Years 1987 Through 1991

| Dollars in billions | | | | | |
|-----------------------------------|--------------|--------------|--------------|--------------|---------------|
| | 1987 | 1988 | 1989 | 1990 | 1991 |
| Cash balance (end of year) | \$4.2 | \$5.2 | \$6.0 | \$7.1 | \$8.4 |
| Anticipated income 1 yr. later | 1.7 | 1.7 | 2.0 | 2.4 | 2.6 |
| Subtotal | \$5.9 | \$6.9 | \$8.0 | \$9.5 | \$11.0 |
| Less outstanding commitments | 3.2 | 3.7 | 4.1 | 4.5 | 4.8 |
| Uncommitted balance | \$2.7 | \$3.2 | \$3.9 | \$5.0 | \$6.2 |

Source: GAO's analysis of UMTA's mass transit account data.

At the end of fiscal year 1991, the mass transit account is estimated to have an uncommitted balance of \$6.2 billion. This balance represents the amount by which existing and projected trust fund revenues through fiscal year 1992 exceed outstanding commitments. If a safety cushion of about \$0.5 billion is assumed, in order to guard against unforeseen decreases in revenues or inaccurate revenue projections, the amount of uncommitted funds potentially available for mass transit spending during the next reauthorization period could total \$5.7 billion.

Budgetary Influences on Surface Transportation Spending

The Omnibus Budget Reconciliation Act of 1990 (OBRA) has a dual influence on federal spending for surface transportation programs. First, as previously noted, OBRA provided for about a 5-cent-per-gallon tax increase on all motor fuel, of which half (2.5 cents) was earmarked for deficit reduction.

Second, the Budget Enforcement Act (BEA) of OBRA is designed to control federal spending in large part through the establishment of caps on budget authority and outlays, setting limits on discretionary program spending. Since Highway Trust Fund spending is provided in authorizing legislation in the form of contract authority, it is not subject to budget authority caps. The obligations resulting from the contract authority, however, are controlled by obligation limitations in annual appropriation bills and are subject to the BEA's outlay caps. In fiscal years 1991 through 1993, caps are set separately for three discretionary program categories: defense, international, and domestic programs. If the cap is exceeded in any of these categories, it would trigger an automatic across-the-board spending cut for all programs in the affected category. These separate categories are replaced in fiscal years 1994 and 1995 by a single budget authority cap and a single outlay cap on discretionary program spending. A common element for all 5 years is that increased revenues cannot be used to offset higher discretionary spending.

Surface transportation program spending will fall under the annual outlay cap for domestic programs through fiscal year 1993 and will have to compete with other domestic programs, such as those for health and education, for a fixed amount of funds available. Thereafter, surface transportation program spending will be subject to the single spending cap in fiscal years 1994 and 1995. In these years, highway and mass transit programs will have to compete with all discretionary domestic, international, and defense programs for the funds that are available.

Table 5.1 shows the discretionary outlay caps for fiscal years 1991 to 1995, as adjusted according to the requirements of the BEA.

**Section 5
Budgetary Influences on Surface
Transportation Spending**

**Table 5.1: Caps on Discretionary Outlays
for Fiscal Years 1991 Through 1995**

Dollars in billions

| Category | Amounts of caps, by fiscal year | | | | |
|----------------------|---------------------------------|-------------|-------------|----------------|----------------|
| | 1991 | 1992 | 1993 | 1994 | 1995 |
| Defense | \$330.8 | \$302.5 | \$295.0 | N.A. | N.A. |
| International | 20.3 | 19.8 | 20.6 | N.A. | N.A. |
| Domestic | 200.5 | 212.2 | 224.9 | N.A. | N.A. |
| Total outlays | N.A. | N.A. | N.A. | \$538.8 | \$543.6 |

Note: "N.A." stands for "Not applicable."

Source: Estimated end-of-session caps from the Office of Management and Budget Sequestration Update Report to the President and Congress (Aug. 20, 1991).

The table shows that most of the permissible growth in outlays in the first 3 years is for domestic programs. Between fiscal years 1991 and 1992, domestic outlays are allowed to increase by \$11.7 billion (5.8 percent), followed by a \$12.7 billion (6 percent) increase from fiscal year 1992 to fiscal year 1993. While the level of domestic outlays indicates the potential for expanded highway and mass transit spending, these outlay levels must accommodate spending for all domestic programs during those years.

The imposition of budget caps on discretionary spending is one of two broad types of spending rules provided for by the BEA. The other rule applies to mandatory spending, such as for food stamps and unemployment benefits, and to taxes. These requirements are based on an overall deficit-neutral premise, which provides that (1) tax cuts be offset by an equivalent tax increase or reduction in entitlement benefits and (2) increases in spending for entitlement programs be accommodated through increased taxes or offsetting cuts in other entitlement programs.

Spending for surface transportation programs is classified for budget purposes as discretionary rather than mandatory. Thus, the programs are subject to the discretionary spending caps, which cannot be exceeded or offset through increased revenues. The only way that additional highway user tax revenues (those assessed since the enactment of OBRA) could be used to support higher spending for surface transportation programs would be to amend the BEA or modify current budget procedures.

Current Highway User Taxes and Related Rates

| Type of tax | Tax rates |
|--|--|
| Gasoline | 14.1 cents/gallon |
| Gasohol | 8.7 cents/gallon |
| Diesel | 20.1 cents/gallon |
| Ethanol not made from petroleum or natural gas | 8.65 cents/gallon |
| Methanol not made from petroleum or natural gas | 8.05 cents/gallon |
| Ethanol & methanol made from natural gas | 7.1 cents/gallon |
| Diesel for trains | 2.6 cents/gallon |
| Tires | |
| 0-40 lbs. | no tax |
| 40-70 lbs. | 15 cents/lb. |
| 70-90 lbs. | \$4.50 + 30 cents/lb. above 70 lbs. |
| over 90 lbs. | \$10.50 + 50 cents/lb. above 90 lbs. |
| Sales tax on trucks | |
| All tractors | 12% retail |
| Trucks over 33,000 lbs. (gross vehicle weight) | 12% retail |
| Trailers over 26,000 lbs. (gross vehicle weight) | 12% retail |
| Use tax on heavy vehicles | |
| Up to 55,000 lbs. | no tax |
| 55,000 lbs. and over | \$100 + \$22 per 1,000 lbs. over 55,000 lbs. to a maximum of \$550 for vehicles over 75,000 lbs. |
| Logging trucks | 75% of the rates above |
| Canadian & Mexican trucks | 75% of the rates above |

Note: Table reflects taxes and rates as of December 1990.

Source: FHWA.

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