

116TH CONGRESS  
2D SESSION

# H. R. 5797

To amend title 23, United States Code, with respect to funding the recreational trails program, to require a study to determine the best available estimate of the total amount of nonhighway recreational fuel taxes received by the Secretary of the Treasury, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2020

Mr. WELCH (for himself, Ms. CRAIG, Mr. CURTIS, Mr. SIMPSON, Ms. KUSTER of New Hampshire, and Mr. STEWART) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, 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 title 23, United States Code, with respect to funding the recreational trails program, to require a study to determine the best available estimate of the total amount of nonhighway recreational fuel taxes received by the Secretary of the Treasury, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “RTP Full Funding  
3 Act of 2020”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) the recreational trails program under sec-  
7 tion 206 of title 23, United States Code—

8 (A) helps develop and maintain valuable  
9 trail infrastructure across the United States;

10 (B) benefits millions of diverse trail users,  
11 including users who participate in hiking, bicy-  
12 cling, in-line skating, equestrian use, cross-  
13 country skiing, snowmobiling, off-road motorcy-  
14 cling, all-terrain vehicle riding, 4-wheel driving,  
15 and other off-road motorized vehicle use; and

16 (C)(i) embraces the user-pay-user-benefit  
17 model of the Highway Trust Fund; and

18 (ii) is funded by a Federal tax on fuel used  
19 for nonhighway recreation;

20 (2) to ensure that Federal taxes collected from  
21 nonhighway recreation are appropriately returned to  
22 the States for the recreational trails program, an ac-  
23 curate estimate of the total amount of nonhighway  
24 fuel taxes collected is necessary; and

25 (3) an accurate study to produce a best avail-  
26 able estimate of the total amount of nonhighway rec-

1 recreational fuel taxes received by the Secretary of the  
2 Treasury will help inform Congress in continuing to  
3 authorize the recreational trails program.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) ADMINISTRATOR.—The term “Adminis-  
7 trator” means the Administrator of the Federal  
8 Highway Administration.

9 (2) HIGHWAY TRUST FUND.—The term “High-  
10 way Trust Fund” means the Highway Trust Fund  
11 established by section 9503(a) of the Internal Rev-  
12 enue Code of 1986.

13 (3) NONHIGHWAY RECREATIONAL FUEL  
14 TAXES.—The term “nonhighway recreational fuel  
15 taxes” means taxes under section 4041 and 4081 of  
16 the Internal Revenue Code of 1986 with respect to  
17 fuel used in vehicles on recreational trails or back  
18 country terrain (including vehicles registered for  
19 highway use when used on recreational trails, trail  
20 access roads not eligible for funding under title 23,  
21 United States Code, or back country terrain).

22 (4) RECREATIONAL TRAILS PROGRAM.—The  
23 term “recreational trails program” means the rec-  
24 reational trails program under section 206 of title  
25 23, United States Code.

1           (5) SECRETARY.—The term “Secretary” means  
2           the Secretary of Transportation.

3 **SEC. 4. NONHIGHWAY RECREATIONAL FUEL STUDY.**

4           (a) ASSESSMENT; REPORT.—

5           (1) ASSESSMENT.—Not later than 1 year after  
6           the date of enactment of this Act and not less fre-  
7           quently than once every 5 years thereafter, as deter-  
8           mined by the Secretary, the Secretary shall carry  
9           out an assessment of the best available estimate of  
10          the total amount of nonhighway recreational fuel  
11          taxes received by the Secretary of the Treasury and  
12          transferred to the Highway Trust Fund for the pe-  
13          riod covered by the assessment.

14          (2) REPORT.—After carrying out each assess-  
15          ment under paragraph (1), the Secretary shall sub-  
16          mit to the Committees on Finance and Environment  
17          and Public Works of the Senate and the Committees  
18          on Ways and Means and Transportation and Infra-  
19          structure of the House of Representatives a report  
20          that includes—

21                  (A) a description of the results of the as-  
22                  sessment;

23                  (B) an evaluation of whether the current  
24                  recreational trails program funding level of each  
25                  participating State accurately reflects the ap-

1           portionment criteria described in section  
2           133(h)(5) of title 23, United States Code; and

3           (C) in the case of the first report sub-  
4           mitted under this paragraph, an estimate of the  
5           frequency with which the Secretary anticipates  
6           carrying out the assessment under paragraph  
7           (1), subject to the condition that such an as-  
8           sessment shall be carried out not less frequently  
9           than once every 5 years.

10          (b) CONSULTATION.—In carrying out an assessment  
11         under subsection (a)(1), the Secretary may consult with,  
12         as the Secretary determines to be appropriate—

13                 (1) the heads of—

14                         (A) State agencies designated by Gov-  
15                         ernors pursuant to section 206(c)(1) of title 23,  
16                         United States Code, to administer the rec-  
17                         reational trails program; and

18                         (B) division offices of the Department of  
19                         Transportation;

20                 (2) the Secretary of the Treasury;

21                 (3) the Administrator; and

22                 (4) groups representing recreational activities  
23                 and interests, including hiking, biking and mountain  
24                 biking, horseback riding, water trails, snowshoeing,  
25                 cross-country skiing, snowmobiling, off-highway mo-

1       torcycling, all-terrain vehicles, recreational off-high-  
2       way vehicles, and other offroad motorized vehicle ac-  
3       tivities, and recreational trail advocates.

4       (c) FUNDING.—

5           (1) IN GENERAL.—For the first fiscal year be-  
6       ginning after the date of enactment of this Act, the  
7       Secretary shall set aside from funds available to the  
8       Secretary to carry out the recreational trails pro-  
9       gram and not otherwise obligated an amount not  
10      greater than \$3,000,000 to conduct the assessment  
11      under subsection (a)(1).

12          (2) RESERVATION.—The amount set aside  
13      under this subsection shall be proportionately re-  
14      served from the apportionment to each State partici-  
15      pating in the recreational trails program during that  
16      fiscal year, after making any reallocation to partici-  
17      pating States, as described in section 133(h)(1)(B)  
18      of title 23, United States Code.

19   **SEC. 5. REPORTING.**

20          (a) ESTABLISHMENT OF NEW FINANCIAL MANAGE-  
21      MENT INFORMATION SYSTEM CODES.—The Adminis-  
22      trator shall establish financial management information  
23      system codes for each of the following:

24           (1) Nonmotorized single use project.

25           (2) Nonmotorized diverse use project.

1           (3) Diverse use project including both motor-  
2           ized and nonmotorized uses.

3           (4) Motorized single use project.

4           (5) Motorized diverse use project.

5           (b) STATE REPORTS.—

6           (1) IN GENERAL.—Except as provided in para-  
7           graph (2), not less frequently than annually, each  
8           State that carries out projects under the recreational  
9           trails program shall submit to the Administrator a  
10          report describing the expenditures relating to those  
11          projects, as listed—

12                   (A) based on each code described in sub-  
13                   section (a); and

14                   (B) relating to projects for the State on  
15                   Federal land.

16          (2) EXEMPTION.—Paragraph (1) shall not  
17          apply to a State that is described in section  
18          206(d)(3)(B) of title 23, United States Code.

19          (c) ASSESSMENT.—Not less frequently than annually,  
20          the Administrator shall—

21                   (1) carry out an assessment of State expendi-  
22                   tures on recreational trails projects under subsection  
23                   (b); and

24                   (2) submit to Congress a report that describes  
25                   the results of the assessment.

1 **SEC. 6. STP SET-ASIDE.**

2 (a) RESERVATION OF FUNDS.—Section 133(h)(1) of  
3 title 23, United States Code, is amended—

4 (1) in subparagraph (B)—

5 (A) in the matter preceding clause (i), by  
6 striking “subparagraph (A)” and inserting  
7 “clause (i)”;

8 (B) in clause (i), by striking “section  
9 133(d)(2)” and inserting “subsection (d)(2)”;  
10 and

11 (C) in clause (ii), by striking the period at  
12 the end and inserting “; and”;

13 (2) in each of subparagraphs (A) and (B), by  
14 redesignating clauses (i) and (ii) as subclauses (I)  
15 and (II), respectively, and indenting the subclauses  
16 appropriately;

17 (3) by redesignating subparagraphs (A) and  
18 (B) as clauses (i) and (ii), respectively, and indent-  
19 ing the clauses appropriately;

20 (4) in the matter preceding clause (i) (as so re-  
21 designated), by striking “shall reserve an amount  
22 such that—” and inserting the following: “shall re-  
23 serve—

24 “(A) an amount such that—”; and

25 (5) by adding at the end the following:



1           “(B) for administrative, research, technical  
2 assistance, and training expenses (including the  
3 costs of entering into cooperative agreements  
4 with other Federal departments or agencies, in-  
5 stitutions of higher education, or nonprofit or-  
6 ganizations to carry out such an activity) for  
7 the recreational trails program under section  
8 206, an amount of up to 1 percent of the  
9 amount apportioned to carry out that program,  
10 but not to exceed \$1,500,000, which reservation  
11 shall be made before making any apportionment  
12 under paragraph (5) to a State.”.

13           (b) AMOUNT REQUIRED TO BE OBLIGATED FOR  
14 RECREATIONAL TRAILS.—Section 133(h)(5) of title 23,  
15 United States Code, is amended—

16           (1) by striking “For each fiscal year” and in-  
17 serting the following:

18                   “(A) IN GENERAL.—For each fiscal year”;

19           (2) by redesignating subparagraphs (A) through  
20 (C) as clauses (i) through (iii), respectively;

21           (3) by amending clause (iii), as so redesignated,  
22 to read as follows:

23                   “(iii) obligate an amount of funds re-  
24 served under this section equal to the

1 amount calculated under subparagraph  
2 (B);” and

3 (4) by adding at the end the following:

4 “(B) CALCULATION OF STATE SHARE OF  
5 RECREATIONAL TRAIL PROGRAM FUNDS.—For  
6 each State, the required amount of funds to be  
7 obligated by such State under subparagraph  
8 (A)(iii) shall be calculated by adding—

9 “(i) covered funds divided by the  
10 number of States reserving amounts under  
11 this subsection; and

12 “(ii) covered funds proportioned to  
13 such State to the degree that—

14 “(I) non-highway recreational  
15 fuel use in such State during the pre-  
16 ceding year; bears to

17 “(II) non-highway recreational  
18 fuel use in all States, as reflected in  
19 the most recent nonhighway rec-  
20 reational fuel study required of the  
21 Secretary under the RTP Full Fund-  
22 ing Act of 2020.

23 “(C) COVERED FUNDS DEFINED.—In this  
24 paragraph, the term ‘covered funds’ means—

1           “(i) until the date on which the first  
2           report is submitted under section 4 of the  
3           RTP Full Funding Act of 2020,  
4           \$125,000,000; and

5           “(ii) after the date on which the first  
6           report is submitted under section 4 of the  
7           RTP Full Funding Act of 2020, 50 per-  
8           cent of the best available estimate of the  
9           total annual amount of nonhighway rec-  
10          reational fuel taxes transferred to the  
11          Highway Trust Fund.”.

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