

116TH CONGRESS
1ST SESSION

S. 1527

To require the Secretary of Transportation to conduct, and submit to Congress a report describing the results of, an assessment of the total amount of nonhighway recreational fuel taxes received by the Secretary of the Treasury and transferred to the Highway Trust Fund, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2019

Ms. KLOBUCHAR (for herself, Mr. RISCH, Mrs. SHAHEEN, Mr. BURR, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the Secretary of Transportation to conduct, and submit to Congress a report describing the results of, an assessment of the total amount of nonhighway recreational fuel taxes received by the Secretary of the Treasury and transferred to the Highway Trust Fund, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “RTP Funding Trans-

5 parency Act”.

1 **SEC. 2. NONHIGHWAY RECREATIONAL FUEL STUDY.**

2 (a) DEFINITIONS.—In this section:

3 (1) HIGHWAY TRUST FUND.—The term “High-
4 way Trust Fund” means the Highway Trust Fund
5 established by section 9503(a) of the Internal Rev-
6 enue Code of 1986.

7 (2) NONHIGHWAY RECREATIONAL FUEL
8 TAXES.—The term “nonhighway recreational fuel
9 taxes” means taxes under sections 4041 and 4081
10 of the Internal Revenue Code of 1986 with respect
11 to fuel used in vehicles on recreational trails or back
12 country terrain (including vehicles registered for
13 highway use when used on recreational trails, trail
14 access roads not eligible for funding under title 23,
15 United States Code, or back country terrain).

16 (3) RECREATIONAL TRAILS PROGRAM.—The
17 term “recreational trails program” means the rec-
18 reational trails program under section 206 of title
19 23, United States Code.

20 (4) SECRETARY.—The term “Secretary” means
21 the Secretary of Transportation.

22 (b) ASSESSMENT; REPORT.—

23 (1) ASSESSMENT.—Not later than 1 year after
24 the date of enactment of this Act and not less fre-
25 quently than once every 5 years thereafter, as deter-
26 mined by the Secretary, the Secretary shall carry

1 out an assessment of the best available estimate of
2 the total amount of nonhighway recreational fuel
3 taxes received by the Secretary of the Treasury and
4 transferred to the Highway Trust Fund for the pe-
5 riod covered by the assessment.

6 (2) REPORT.—After carrying out each assess-
7 ment under paragraph (1), the Secretary shall sub-
8 mit to the Committees on Finance and Environment
9 and Public Works of the Senate and the Committees
10 on Ways and Means and Transportation and Infra-
11 structure of the House of Representatives a report
12 that includes—

13 (A) a description of the results of the as-
14 sessment and an evaluation of whether the cur-
15 rent recreational trails program funding level
16 reflects the amount of nonhighway recreational
17 fuel taxes collected and transferred to the gen-
18 eral fund of the Treasury and transferred to
19 the Highway Trust Fund, to assist Congress in
20 decisionmaking with respect to appropriate
21 funding levels for the recreational trails pro-
22 gram;

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 (c) CONSULTATION.—In carrying out an assessment
11 under subsection (b)(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 of the Federal Highway
22 Administration; and

23 (4) groups representing recreational activities
24 and interests, including hiking, biking and mountain
25 biking, horseback riding, water trails, snowshoeing,

1 cross-country skiing, snowmobiling, off-highway
2 motorcycling, all-terrain vehicles and other offroad
3 motorized vehicle activities, and recreational trail ad-
4 vocates.

5 (d) MAINTENANCE IN EFFECT OF RECREATIONAL
6 TRAILS PROGRAM.—Notwithstanding any other provision
7 of law, the Secretary, in consultation with the Secretary
8 of the Treasury, shall ensure that—

9 (1) for fiscal year 2020 and each fiscal year
10 thereafter, the amount made available to carry out
11 the recreational trails program is equal to not less
12 than the amount made available to carry out the
13 recreational trails program during fiscal year 2019;
14 and

15 (2) the recreational trails program shall be car-
16 ried out as a distinct program of the Department of
17 Transportation, in accordance with section 206 of
18 title 23, United States Code.

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