

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.

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## 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

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## 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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