

115TH CONGRESS
2D SESSION

S. 3604

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.

IN THE SENATE OF THE UNITED STATES

OCTOBER 11, 2018

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

A BILL

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.

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 Full Funding
5 Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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

1 (A) helps develop and maintain valuable
2 trail infrastructure across the United States;

3 (B) benefits millions of diverse trail users,
4 including users who participate in hiking, bicy-
5 cling, in-line skating, equestrian use, cross-
6 country skiing, snowmobiling, off-road
7 motorcycling, all-terrain vehicle riding, 4-wheel
8 driving, and other off-road motorized vehicle
9 use; and

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

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

14 (2) to ensure that Federal taxes collected from
15 nonhighway recreation are appropriately returned to
16 the States for the recreational trails program, an ac-
17 curate estimate of the total amount of nonhighway
18 fuel taxes collected is necessary; and

19 (3) an accurate study to produce a best avail-
20 able estimate of the total amount of nonhighway rec-
21 reational fuel taxes received by the Secretary of the
22 Treasury will help inform Congress in continuing to
23 authorize the recreational trails program.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

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

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

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

17 (4) RECREATIONAL TRAILS PROGRAM.—The
18 term “recreational trails program” means the rec-
19 reational trails program under section 206 of title
20 23, United States Code.

21 (5) SECRETARY.—The term “Secretary” means
22 the Secretary of Transportation.

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

24 (a) ASSESSMENT; REPORT.—

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

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

17 (A) a description of the results of the as-
18 sessment;

19 (B) an evaluation of whether the current
20 recreational trails program funding level of each
21 participating State accurately reflects the ap-
22 portionment criteria described in section
23 133(h)(5) of title 23, United States Code; and

24 (C) in the case of the first report sub-
25 mitted under this paragraph, an estimate of the

1 frequency with which the Secretary anticipates
2 carrying out the assessment under paragraph
3 (1), subject to the condition that such an as-
4 sessment shall be carried out not less frequently
5 than once every 5 years.

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

9 (1) the heads of—

10 (A) State agencies designated by Gov-
11 ernors pursuant to section 206(c)(1) of title 23,
12 United States Code, to administer the rec-
13 reational trails program; and

14 (B) division offices of the Department of
15 Transportation;

16 (2) the Secretary of the Treasury;

17 (3) the Administrator; and

18 (4) groups representing recreational activities
19 and interests, including hiking, biking and mountain
20 biking, horseback riding, water trails, snowshoeing,
21 cross-country skiing, snowmobiling, off-highway
22 motorcycling, all-terrain vehicles and other offroad
23 motorized vehicle activities, and recreational trail ad-
24 vocates.

25 (c) FUNDING.—

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

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

15 **SEC. 5. REPORTING.**

16 (a) ESTABLISHMENT OF NEW FINANCIAL MANAGE-
17 MENT INFORMATION SYSTEM CODES.—The Adminis-
18 trator shall establish financial management information
19 system codes for each of the following:

- 20 (1) Nonmotorized single use project.
- 21 (2) Nonmotorized diverse use project.
- 22 (3) Diverse use project including both motor-
23 ized and nonmotorized uses.
- 24 (4) Motorized single use project.
- 25 (5) Motorized diverse use project.

1 (b) STATE REPORTS.—

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

8 (A) based on each code described in sub-
 9 section (a); and

10 (B) relating to projects for the State on
 11 Federal land.

12 (2) EXEMPTION.—Paragraph (1) shall not
 13 apply to a State that is described in section
 14 206(d)(3)(B) of title 23, United States Code.

15 (c) ASSESSMENT.—Not less frequently than annually,
 16 the Administrator shall—

17 (1) carry out an assessment of State expendi-
 18 tures on recreational trails projects under subsection
 19 (b); and

20 (2) submit to Congress a report that describes
 21 the results of the assessment.

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

23 Section 133(h)(1) of title 23, United States Code, is
 24 amended—

25 (1) in subparagraph (B)—

1 (A) in the matter preceding clause (i), by
 2 striking “subparagraph (A)” and inserting
 3 “clause (i)”;

4 (B) in clause (i), by striking “section
 5 133(d)(2)” and inserting “subsection (d)(2)”;
 6 and

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

9 (2) in each of subparagraphs (A) and (B), by
 10 redesignating clauses (i) and (ii) as subclauses (I)
 11 and (II), respectively, and indenting the subclauses
 12 appropriately;

13 (3) by redesignating subparagraphs (A) and
 14 (B) as clauses (i) and (ii), respectively, and indent-
 15 ing the clauses appropriately;

16 (4) in the matter preceding clause (i) (as so re-
 17 designated), by striking “shall reserve an amount
 18 such that—” and inserting the following: “shall re-
 19 serve—

20 “(A) an amount such that—”; and

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

22 “(B) for administrative, research, technical
 23 assistance, and training expenses (including the
 24 costs of entering into cooperative agreements
 25 with other Federal departments or agencies, in-

1 stitutions of higher education, or nonprofit or-
2 ganizations to carry out such an activity) for
3 the recreational trails program under section
4 206, an amount equal to 1 percent of the
5 amount apportioned to carry out that program,
6 which reservation shall be made before making
7 any apportionment under paragraph (5) to a
8 State.”.

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