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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

To establish the Clean School Bus Grant Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. HAYES introduced the following bill; which was referred to the
Committee on _____

A BILL

To establish the Clean School Bus Grant Program, 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 “Clean School Bus Act
5 of 2019”.

6 **SEC. 2. CLEAN SCHOOL BUS GRANT PROGRAM.**

7 (a) DEFINITIONS.—In this section:

1 (1) ELECTRIC SCHOOL BUS.—The term “elec-
2 tric school bus” means a school bus that is pro-
3 pelled—

4 (A) to a significant extent by an electric
5 motor that—

6 (i) draws electricity from a battery;

7 and

8 (ii) is capable of being recharged from
9 an external source of electricity; or

10 (B) by 1 or more hydrogen fuel cells.

11 (2) ELIGIBLE ENTITY.—The term “eligible enti-
12 ty” means—

13 (A) 1 or more local, regional, or State gov-
14 ernmental entities responsible for—

15 (i) providing school bus service to 1 or
16 more public school systems; or

17 (ii) purchasing school buses for use by
18 1 or more public school systems;

19 (B) a nonprofit school transportation asso-
20 ciation; or

21 (C) a tribally controlled school (as defined
22 in section 5212 of the Tribally Controlled
23 Schools Act of 1988 (25 U.S.C. 2511)).

1 (3) FUEL CELL.—The term “fuel cell” has the
2 meaning given the term in section 803 of the Energy
3 Policy Act of 2005 (42 U.S.C. 16152).

4 (4) PROGRAM.—The term “program” means
5 the Clean School Bus Grant Program established
6 under subsection (b)(1).

7 (5) SCHOOL BUS.—The term “school bus” has
8 the meaning given the term “schoolbus” in section
9 30125(a) of title 49, United States Code.

10 (6) SCRAP.—

11 (A) IN GENERAL.—The term “scrap”
12 means, with respect to a school bus engine re-
13 placed using funds awarded under the program,
14 to recycle, crush, or shred the engine within
15 such period and in such manner as determined
16 by the Secretary.

17 (B) EXCLUSION.—The term “scrap” does
18 not include selling, leasing, exchanging, or oth-
19 erwise disposing of an engine described in sub-
20 paragraph (A) for use in another motor vehicle
21 in any location.

22 (7) SECRETARY.—The term “Secretary” means
23 the Secretary of Energy.

24 (b) CLEAN SCHOOL BUS GRANT PROGRAM.—

1 (1) ESTABLISHMENT.—The Secretary shall es-
2 tablish in the Office of Energy Efficiency and Re-
3 newable Energy of the Department of Energy a pro-
4 gram, to be known as the “Clean School Bus Grant
5 Program”, for awarding grants on a competitive
6 basis to eligible entities for the replacement of cer-
7 tain existing school buses.

8 (2) APPLICATIONS.—To be eligible to receive a
9 grant under the program, an eligible entity shall
10 submit to the Secretary an application at such time,
11 in such manner, and containing such information as
12 the Secretary shall require, including—

13 (A) a certification that no public work or
14 service normally performed by a public em-
15 ployee will be privatized or subcontracted in
16 carrying out a project under the grant; and

17 (B) to ensure a fair assessment of total
18 workforce impact, a detailed accounting of the
19 workforce of the eligible entity at the time of
20 application, including—

21 (i) the number of employees, orga-
22 nized by salary;

23 (ii) the bargaining unit status of each
24 employee;

1 (iii) the full- or part-time status of
2 each employee; and

3 (iv) the job title of each employee.

4 (3) PRIORITY OF GRANT APPLICATIONS.—

5 (A) IN GENERAL.—The Secretary shall
6 give highest priority under the program to pro-
7 posed projects of eligible entities that—

8 (i) serve the neediest students, as de-
9 scribed in subparagraph (B); and

10 (ii) will most reduce emissions, as de-
11 scribed in subparagraph (C).

12 (B) NEEDIEST STUDENTS DESCRIBED.—

13 The neediest students referred to in subpara-
14 graph (A)(i) are students who are eligible for
15 free or reduced price lunches under the Richard
16 B. Russell National School Lunch Act (42
17 U.S.C. 1751 et seq.).

18 (C) MOST EMISSIONS-REDUCING PROJECTS

19 DESCRIBED.—The projects that will most re-
20 duce emissions referred to in subparagraph
21 (A)(ii) are projects that—

22 (i) will replace the most polluting die-
23 sel school buses with the cleanest running
24 electric school buses, as indicated by—

1 (I) the age of the school buses to
2 be replaced;

3 (II) the emissions control tech-
4 nologies on the school buses to be re-
5 placed;

6 (III) the annual vehicle miles
7 traveled by the school buses to be re-
8 placed;

9 (IV) the source of electricity or
10 hydrogen used to power the electric
11 school buses; and

12 (V) any other factors the Sec-
13 retary determines to be relevant; or

14 (ii) will complement the use of grant
15 funds through other activities that—

16 (I) will enable broader deploy-
17 ment of electric vehicles, such as se-
18 curing additional sources of funding
19 through public-private partnerships
20 with utilities, grants from other enti-
21 ties, or issuance of school bonds; or

22 (II) will achieve further reduc-
23 tions in emissions, such as installing
24 solar panels to charge electric school
25 buses purchased with grant funds.

1 (D) ADDITIONAL CONSIDERATIONS.—In
2 giving additional consideration to eligible enti-
3 ties seeking grants to purchase electric school
4 buses under the program that meet the prior-
5 ities described in subparagraph (A), the Sec-
6 retary may consider—

7 (i) whether the grant will benefit stu-
8 dents in a region that is in nonattainment
9 of a national ambient air quality standard
10 under section 109 of the Clean Air Act (42
11 U.S.C. 7409); or

12 (ii) whether the eligible entity, or
13 whether the school system or school that
14 would be served by the eligible entity, has
15 taken other action to reduce emissions dur-
16 ing the transportation of students, such as
17 instituting a no-idling policy.

18 (4) USE OF SCHOOL BUS FLEET.—Each electric
19 school bus acquired with funds provided under the
20 program—

21 (A) shall be operated as part of the school
22 bus fleet for which the grant was made for not
23 less than 5 years;

1 (B) shall be maintained, operated, and
2 charged according to manufacturer rec-
3 ommendations or State requirements; and

4 (C) may not be manufactured or retro-
5 fitted with, or otherwise have installed, a power
6 unit or other technology that creates air pollu-
7 tion within the school bus, such as an unvented
8 diesel passenger heater.

9 (5) GRANT AWARDS.—

10 (A) IN GENERAL.—The Secretary may use
11 funds made available to carry out the pro-
12 gram—

13 (i) to award grants for—

14 (I) the replacement of existing
15 diesel school bus fleets with electric
16 school buses;

17 (II) the implementation of re-
18 charging infrastructure or other infra-
19 structure needed to charge or main-
20 tain electric school buses;

21 (III) workforce development and
22 training, to support the maintenance,
23 charging, and operations of electric
24 school buses; and

1 (IV) planning and technical ac-
2 tivities to support the adoption and
3 implementation of electric school
4 buses; and

5 (ii) to develop resources to inform, en-
6 courage, and support eligible entities in ap-
7 plying for and fulfilling the requirements
8 of grants awarded under the program, in-
9 cluding materials to support the workforce
10 development and training described in
11 clause (i)(III) and the planning and tech-
12 nical activities described in clause (i)(IV).

13 (B) REQUIREMENTS.—In order to receive
14 a grant under the program, the Secretary
15 shall—

16 (i) require that grant recipients—

17 (I) replace diesel school buses
18 with electric school buses;

19 (II)(aa) not later than 1 year
20 after receiving the electric school bus
21 purchased using a grant under the
22 program, scrap the diesel engine of
23 the school bus being replaced; or

24 (bb) receive a waiver under para-
25 graph (6);

1 (III) do not, as a result of receiv-
2 ing the grant—

3 (aa) lay off, transfer, or de-
4 mote any current employee; or

5 (bb) reduce the salary or
6 benefits of any current employee
7 or worsen the conditions of work
8 of any current employee; and

9 (IV) provide current employees
10 with training to effectively operate,
11 maintain, or otherwise adapt to new
12 technologies relating to electric school
13 buses; and

14 (ii) permit grant recipients to receive
15 and retain any funds or benefits received
16 from—

17 (I) scrapping a diesel engine;

18 (II) transferring or repurposing a
19 diesel school bus as authorized under
20 a waiver under paragraph (6); and

21 (III) the resale or reuse of other
22 parts of a school bus replaced using
23 grant funds.

24 (C) GRANT AMOUNTS.—

1 (i) MAXIMUM AMOUNT.—The max-
2 imum amount of a grant under the pro-
3 gram is \$2,000,000 per eligible entity.

4 (ii) AMOUNTS FOR PURCHASE OF
5 ELECTRIC SCHOOL BUSES.—

6 (I) IN GENERAL.—For any grant
7 under the program, the amount of
8 funds awarded for the purchase of an
9 electric school bus shall not exceed
10 110 percent of the amount equal to
11 the difference between—

12 (aa) the cost of an electric
13 school bus; and

14 (bb) the cost of a diesel
15 school bus.

16 (II) DETERMINATION OF COST
17 OF SCHOOL BUSES.—In determining
18 the amount of funds under subclause
19 (I), the Secretary may determine the
20 cost of a school bus for the purpose of
21 calculating the marginal cost under
22 that subclause through—

23 (aa) a competitive sollicita-
24 tion process for the manufacture
25 of the school bus;

1 (bb) a cooperative purchase
2 agreement permitted by the laws
3 of the State in which the grant
4 recipient is located; or

5 (cc) another method that the
6 Secretary determines to be ap-
7 propriate.

8 (iii) AMOUNTS FOR SUPPORTING AC-
9 TIVITIES.—For any grant under the pro-
10 gram, the amount of funds awarded for
11 the purposes described in subclauses (II)
12 through (IV) of subparagraph (A)(i), or
13 other purposes related to those subclauses,
14 as determined by the Secretary, shall not
15 exceed \$600,000.

16 (D) BUY AMERICA.—

17 (i) IN GENERAL.—Except as provided
18 in clause (ii), any electric school bus pur-
19 chased using funds awarded under the pro-
20 gram shall comply with the requirements
21 described in section 5323(j) of title 49,
22 United States Code.

23 (ii) EXCEPTIONS.—

24 (I) WAIVER.—The Secretary may
25 provide any waiver to the require-

1 ments described in clause (i) in the
2 same manner and to the same extent
3 as the Secretary of Transportation
4 may provide a waiver under section
5 5323(j)(2) of title 49, United States
6 Code.

7 (II) PERCENTAGE OF COMPO-
8 NENTS AND SUBCOMPONENTS.—The
9 Secretary may grant a waiver in ac-
10 cordance with section 5323(j)(2)(C) of
11 title 49, United States Code, when a
12 grant recipient procures an electric
13 school bus using funds awarded under
14 the program for which the cost of
15 components and subcomponents pro-
16 duced in the United States—

17 (aa) for each of fiscal years
18 2020 through 2024, is more than
19 60 percent of the cost of all com-
20 ponents of the school bus; and

21 (bb) for fiscal year 2025 and
22 each fiscal year thereafter, is
23 more than 70 percent of the cost
24 of all components of the school
25 bus.

1 (6) WAIVER.—On request of a grant recipient,
2 the Secretary may grant a waiver under paragraph
3 (5)(B)(i)(II)(bb) to authorize a grant recipient—

4 (A) to transfer a diesel school bus replaced
5 using grant funds under the program under an
6 agreement—

7 (i) between—

8 (I) the grant recipient; and

9 (II) an entity described in sub-
10 section (a)(2) that serves an area that
11 is in attainment of national ambient
12 air quality standards under the Clean
13 Air Act (42 U.S.C. 7401 et seq.);

14 (ii) that provides that—

15 (I) not later than 1 year after the
16 transfer subject to the agreement, the
17 entity receiving a school bus from the
18 grant recipient will scrap a number of
19 diesel engines of school buses that is
20 equal to the number of school buses
21 being received; and

22 (II) any diesel engines described
23 in subclause (I) are older and more
24 polluting than the diesel engines in
25 the school buses being received; and

1 (iii) provided to the Secretary; or

2 (B) to delay the requirement under para-
3 graph (5)(B)(i)(II)(aa) for not more than 3
4 years after receiving the school bus purchased
5 using a grant under the program for the pur-
6 pose of using the school bus being replaced for
7 a use determined by the Secretary to be appro-
8 priate.

9 (7) DEPLOYMENT AND DISTRIBUTION.—In car-
10 rying out the program, the Secretary shall, to the
11 maximum extent practicable—

12 (A) achieve nationwide deployment of elec-
13 tric school buses through the program;

14 (B) ensure a broad geographic distribution
15 of grant awards, with no State receiving more
16 than 15 percent of the grant funding made
17 available to carry out the program for each fis-
18 cal year.

19 (8) ANNUAL REPORTING.—

20 (A) DATA RELEASE.—The Secretary shall
21 make available to the public on the website of
22 the Department of Energy a downloadable elec-
23 tronic database of information with respect to
24 each grant made under the program, includ-
25 ing—

- 1 (i) the name and location of the grant
- 2 recipient;
- 3 (ii) the school district served by the
- 4 grant recipient, if the grant recipient is not
- 5 a school district;
- 6 (iii) the criteria that the grant recipi-
- 7 ent met under subparagraphs (B), (C),
- 8 and (D) of paragraph (3), if any;
- 9 (iv) the grant amount, including a de-
- 10 scription of the amounts of the grant used
- 11 for—
 - 12 (I) the purchase of electric school
 - 13 buses;
 - 14 (II) the purchase of infrastruc-
 - 15 ture;
 - 16 (III) workforce development;
 - 17 (IV) the purchase of hydrogen or
 - 18 electricity; and
 - 19 (V) any other purpose;
- 20 (v) with respect to an electric school
- 21 bus purchased using a grant under the
- 22 program, the number, make and model,
- 23 year of make, cost, estimated annual vehi-
- 24 cle miles to be traveled, and estimated

1 number of students to be transported per
2 day;

3 (vi) with respect to a school bus re-
4 placed using a grant under the program,
5 the number, make and model, year of
6 make, fuel type, annual vehicle miles trav-
7 eled, and the number of students trans-
8 ported per day;

9 (vii) whether the grant recipient re-
10 ceived a waiver under paragraph (6) and,
11 if the grant recipient received such a waiv-
12 er, with respect to a school bus scrapped
13 by the receiving entity described in para-
14 graph (6)(A), the number, make and
15 model, year of make, fuel type, type of
16 school bus, annual vehicle miles traveled,
17 and the number of students transported
18 per day;

19 (viii) an estimate of the local air pol-
20 lution emissions and global greenhouse gas
21 emissions avoided as a result of the grant;
22 and

23 (ix) any other data determined by the
24 Secretary to enable an analysis of the use
25 and impact of grants under the program.

1 (B) REPORT TO CONGRESS.—Not later
2 than January 31 of each year, the Secretary
3 shall submit to Congress and make available on
4 the website of the Department of Energy a re-
5 port that describes—

6 (i) the grant applications received
7 under the program, including a summary
8 of the grant applications meeting the cri-
9 teria described in subparagraphs (B), (C),
10 and (D) of paragraph (3), if any;

11 (ii) the grants awarded under the pro-
12 gram, including a summary of the data de-
13 scribed in subparagraph (A);

14 (iii) the effect of the receipt of the
15 grant on students, schools, local commu-
16 nities, industry, and the workforce;

17 (iv) the estimated impact of the
18 awarded grants on local air pollution and
19 greenhouse gas emissions; and

20 (v) any other information determined
21 by the Secretary to enable Congress to un-
22 derstand the implementation, outcomes,
23 and effectiveness of the program.

24 (C) REPORT ON BUY AMERICA WAIVERS.—
25 Not later than 1 year after the date of enact-

1 ment of this Act, and annually thereafter, the
2 Secretary shall submit a report describing any
3 waiver granted under paragraph (5)(D)(ii)(I)
4 during the preceding year to—

5 (i) the Committee on Environment
6 and Public Works of the Senate;

7 (ii) the Committee on Energy and
8 Natural Resources of the Senate; and

9 (iii) the Committee on Transportation
10 and Infrastructure of the House of Rep-
11 resentatives; and

12 (iv) the Committee on Energy and
13 Commerce of the House of Representa-
14 tives.

15 (c) EDUCATION.—

16 (1) IN GENERAL.—Not later than 90 days after
17 funds are appropriated to carry out the Program,
18 the Secretary shall develop an education outreach
19 program to promote and explain the program.

20 (2) COORDINATION WITH STAKEHOLDERS.—

21 The outreach program under this subsection shall be
22 designed and conducted in conjunction with national
23 school bus transportation associations, educators,
24 school bus drivers, and other stakeholders.

1 (3) COMPONENTS.—The outreach program
2 under this subsection shall—

3 (A) inform eligible entities of the process
4 of applying for grants;

5 (B) describe the available technologies and
6 the benefits of the technologies;

7 (C) explain the benefits of participating in
8 the program;

9 (D) facilitate the sharing of best practices
10 and lessons learned among grant recipients and
11 between grant recipients and eligible entities;
12 and

13 (E) include, as appropriate, information
14 from the annual reports required under sub-
15 section (b)(8).

16 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to the Secretary to carry
18 out the program \$200,000,000 for each of fiscal years
19 2020 through 2024, to remain available until expended.