

116TH CONGRESS
1ST SESSION

S. 1750

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

IN THE SENATE OF THE UNITED STATES

JUNE 5, 2019

Ms. HARRIS (for herself, Mr. MERKLEY, Mr. BOOKER, Ms. SMITH, Mr. SANDERS, and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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:

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

1 (A) to a significant extent by an electric
2 motor that—

3 (i) draws electricity from a battery;
4 and

5 (ii) is capable of being recharged from
6 an external source of electricity; or

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

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

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

12 (i) providing school bus service to 1 or
13 more public school systems; or

14 (ii) purchasing school buses for use by
15 1 or more public school systems;

16 (B) 1 or more contracting entities that
17 provide school bus service to 1 or more public
18 school systems;

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

21 (D) 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 power electric school
25 buses purchased with grant funds.

1 (D) TIE.—In the event that 2 or more eli-
2 gible entities seeking grants to purchase electric
3 school buses under the program meet the prior-
4 ities described in subparagraph (A), the Sec-
5 retary may consider—

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

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

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

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

23 (B) shall be maintained, operated, and
24 charged according to manufacturer rec-
25 ommendations or State requirements; and

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

6 (5) GRANT AWARDS.—

7 (A) IN GENERAL.—The Secretary may use
8 funds made available to carry out the pro-
9 gram—

10 (i) to award grants for—

11 (I) the replacement of existing
12 diesel school bus fleets with electric
13 school buses;

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

18 (III) workforce development and
19 training, to support the maintenance,
20 charging, and operations of electric
21 school buses; and

22 (IV) planning and technical ac-
23 tivities to support the adoption and
24 implementation of electric school
25 buses; and

(ii) to develop resources to inform, encourage, and support eligible entities in applying for and fulfilling the requirements of grants awarded under the program, including materials to support the workforce development and training described in clause (i)(III) and the planning and technical activities described in clause (i)(IV).

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

(i) require that grant recipients—

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

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

(bb) receive a waiver under paragraph (6);

(III) do not, as a result of receiving the grant—

(aa) lay off, transfer, or demote any current employee; or

1 (bb) reduce the salary or
 2 benefits of any current employee
 3 or worsen the conditions of work
 4 of any current employee; and

5 (IV) provide current employees
 6 with training to effectively operate,
 7 maintain, or otherwise adapt to new
 8 technologies relating to electric school
 9 buses; and

10 (ii) permit grant recipients to receive
 11 and retain any funds or benefits received
 12 from—

13 (I) scrapping a diesel engine;

14 (II) transferring or repurposing a
 15 diesel school bus as authorized under
 16 a waiver under paragraph (6); and

17 (III) the resale or reuse of other
 18 parts of a school bus replaced using
 19 grant funds.

20 (C) GRANT AMOUNTS.—

21 (i) MAXIMUM AMOUNT.—The max-
 22 imum amount of a grant under the pro-
 23 gram is \$2,000,000.

24 (ii) AMOUNTS FOR PURCHASE OF
 25 ELECTRIC SCHOOL BUSES.—

1 (I) IN GENERAL.—For any grant
2 under the program, the amount of
3 funds awarded for the purchase of an
4 electric school bus shall not exceed
5 110 percent of the amount equal to
6 the difference between—

7 (aa) the cost of an electric
8 school bus; and

9 (bb) the cost of a diesel
10 school bus.

11 (II) DETERMINATION OF COST
12 OF SCHOOL BUSES.—In determining
13 the amount of funds under subclause
14 (I), the Secretary may determine the
15 cost of a school bus for the purpose of
16 calculating the marginal cost under
17 that subclause through—

18 (aa) a competitive solicita-
19 tion process for the manufacture
20 of the school bus;

21 (bb) a cooperative purchase
22 agreement permitted by the laws
23 of the State in which the grant
24 recipient is located; or

1 (cc) another method that the
 2 Secretary determines to be ap-
 3 propriate.

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

12 (D) BUY AMERICA.—

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

19 (ii) EXCEPTIONS.—

20 (I) WAIVER.—The Secretary may
 21 provide any waiver to the require-
 22 ments described in clause (i) in the
 23 same manner and to the same extent
 24 as the Secretary of Transportation
 25 may provide a waiver under section

1 5323(j)(2) of title 49, United States
2 Code.

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

13 (aa) for each of fiscal years
14 2020 through 2024, is more than
15 60 percent of the cost of all com-
16 ponents of the school bus; and

17 (bb) for fiscal year 2025 and
18 each fiscal year thereafter, is
19 more than 70 percent of the cost
20 of all components of the school
21 bus.

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

1 (A) to transfer a diesel school bus replaced
2 using grant funds under the program under an
3 agreement—

4 (i) between—

5 (I) the grant recipient; and

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

11 (ii) that provides that—

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

19 (II) any diesel engines described
20 in subclause (I) are older and more
21 polluting than the diesel engines in
22 the school buses being received; and

23 (iii) provided to the Secretary; or

24 (B) to delay the requirement under para-
25 graph (5)(B)(i)(II)(aa) for not more than 3

1 years after receiving the school bus purchased
2 using a grant under the program for the pur-
3 pose of using the school bus being replaced for
4 a use determined by the Secretary to be appro-
5 priate.

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

9 (A) achieve nationwide deployment of elec-
10 tric school buses through the program; and

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

16 (8) ANNUAL REPORTING.—

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

23 (i) the name and location of the grant
24 recipient;

1 (ii) the school district served by the
2 grant recipient, if the grant recipient is not
3 a school district;

4 (iii) the criteria that the grant recipi-
5 ent met under subparagraphs (B), (C),
6 and (D) of paragraph (3), if any;

7 (iv) the grant amount, including a de-
8 scription of the amounts of the grant used
9 for—

10 (I) the purchase of electric school
11 buses;

12 (II) the purchase of infrastruc-
13 ture;

14 (III) workforce development;

15 (IV) the purchase of hydrogen or
16 electricity; and

17 (V) any other purpose;

18 (v) with respect to an electric school
19 bus purchased using a grant under the
20 program, the number, make and model,
21 year of make, cost, estimated annual vehi-
22 cle miles to be traveled, and estimated
23 number of students to be transported per
24 day;

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

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

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

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

24 (B) REPORT TO CONGRESS.—Not later
25 than January 31 of each year, the Secretary

1 shall submit to Congress and make available on
2 the website of the Department of Energy a re-
3 port that describes—

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

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

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

15 (iv) the impact of the awarded grants
16 on local air pollution and greenhouse gas
17 emissions; and

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

22 (C) REPORT ON BUY AMERICA WAIVERS.—

23 Not later than 1 year after the date of enact-
24 ment of this Act, and annually thereafter, the
25 Secretary shall submit a report describing any

1 waiver granted under paragraph (5)(D)(ii)(I)
2 during the preceding year to—

3 (i) the Committee on Environment
4 and Public Works of the Senate;

5 (ii) the Committee on Energy and
6 Natural Resources of the Senate;

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

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

13 (c) EDUCATION.—

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

18 (2) COORDINATION WITH STAKEHOLDERS.—

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

23 (3) COMPONENTS.—The outreach program
24 under this subsection shall—

1 (A) inform eligible entities of the process
2 of applying for grants;

3 (B) describe the available technologies and
4 the benefits of the technologies;

5 (C) explain the benefits of participating in
6 the program;

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

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

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

○