

116TH CONGRESS  
1ST SESSION

# H. R. 3973

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2019

Mrs. HAYES (for herself, Ms. BROWNLEY of California, Mr. COSTA, Mr. GARCÍA of Illinois, Mr. HIMES, Mrs. KIRKPATRICK, Mr. LARSON of Connecticut, and Mr. LEVIN of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## 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) a nonprofit school transportation asso-  
17 ciation; or

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

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

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

4           (5) SCHOOL BUS.—The term “school bus” has  
5           the meaning given the term “schoolbus” in section  
6           30125(a) of title 49, United States Code.

7           (6) SCRAP.—

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

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

19           (7) SECRETARY.—The term “Secretary” means  
20           the Secretary of Energy.

21           (b) CLEAN SCHOOL BUS GRANT PROGRAM.—

22                (1) ESTABLISHMENT.—The Secretary shall es-  
23                tablish in the Office of Energy Efficiency and Re-  
24                newable Energy of the Department of Energy a pro-  
25                gram, to be known as the “Clean School Bus Grant

1       Program”, for awarding grants on a competitive  
2       basis to eligible entities for the replacement of cer-  
3       tain existing school buses.

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

9           (A) a certification that no public work or  
10       service normally performed by a public em-  
11       ployee will be privatized or subcontracted in  
12       carrying out a project under the grant; and

13          (B) to ensure a fair assessment of total  
14       workforce impact, a detailed accounting of the  
15       workforce of the eligible entity at the time of  
16       application, including—

17           (i) the number of employees, orga-  
18       nized by salary;

19           (ii) the bargaining unit status of each  
20       employee;

21           (iii) the full- or part-time status of  
22       each employee; and

23           (iv) the job title of each employee.

24       (3) PRIORITY OF GRANT APPLICATIONS.—

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

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

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

8 (B) NEEDIEST STUDENTS DESCRIBED.—  
9 The neediest students referred to in subpara-  
10 graph (A)(i) are students who are eligible for  
11 free or reduced price lunches under the Richard  
12 B. Russell National School Lunch Act (42  
13 U.S.C. 1751 et seq.).

14 (C) MOST EMISSIONS-REDUCING PROJECTS  
15 DESCRIBED.—The projects that will most re-  
16 duce emissions referred to in subparagraph  
17 (A)(ii) are projects that—

18 (i) will replace the most polluting die-  
19 sel school buses with the cleanest running  
20 electric school buses, as indicated by—

21 (I) the age of the school buses to  
22 be replaced;

23 (II) the emissions control tech-  
24 nologies on the school buses to be re-  
25 placed;

1 (III) the annual vehicle miles  
2 traveled by the school buses to be re-  
3 placed;

4 (IV) the source of electricity or  
5 hydrogen used to power the electric  
6 school buses; and

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

9 (ii) will complement the use of grant  
10 funds through other activities that—

11 (I) will enable broader deploy-  
12 ment of electric vehicles, such as se-  
13 curing additional sources of funding  
14 through public-private partnerships  
15 with utilities, grants from other enti-  
16 ties, or issuance of school bonds; or

17 (II) will achieve further reduc-  
18 tions in emissions, such as installing  
19 solar panels to charge electric school  
20 buses purchased with grant funds.

21 (D) ADDITIONAL CONSIDERATIONS.—In  
22 giving additional consideration to eligible enti-  
23 ties seeking grants to purchase electric school  
24 buses under the program that meet the prior-

ities described in subparagraph (A), the Secretary may consider—

(i) whether the grant will benefit students in a region that is in nonattainment of a national ambient air quality standard under section 109 of the Clean Air Act (42 U.S.C. 7409); or

(ii) whether the eligible entity, or whether the school system or school that would be served by the eligible entity, has taken other action to reduce emissions during the transportation of students, such as instituting a no-idling policy.

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

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

(B) shall be maintained, operated, and charged according to manufacturer recommendations or State requirements; and

(C) may not be manufactured or retrofitted with, or otherwise have installed, a power unit or other technology that creates air pollu-

tion within the school bus, such as an unvented diesel passenger heater.

(5) GRANT AWARDS.—

(A) IN GENERAL.—The Secretary may use funds made available to carry out the program—

(i) to award grants for—

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

(II) the implementation of recharging infrastructure or other infrastructure needed to charge or maintain electric school buses;

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

(IV) planning and technical activities to support the adoption and implementation of electric school buses; and

(ii) to develop resources to inform, encourage, and support eligible entities in applying for and fulfilling the requirements



1 of grants awarded under the program, in-  
2 cluding materials to support the workforce  
3 development and training described in  
4 clause (i)(III) and the planning and tech-  
5 nical activities described in clause (i)(IV).

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

9 (i) require that grant recipients—

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

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

17 (bb) receive a waiver under para-  
18 graph (6);

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

21 (aa) lay off, transfer, or de-  
22 mote any current employee; or

23 (bb) reduce the salary or  
24 benefits of any current employee

1 or worsen the conditions of work  
2 of any current employee; and

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

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

11 (I) scrapping a diesel engine;

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

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

18 (C) GRANT AMOUNTS.—

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

22 (ii) AMOUNTS FOR PURCHASE OF  
23 ELECTRIC SCHOOL BUSES.—

24 (I) IN GENERAL.—For any grant  
25 under the program, the amount of

1 funds awarded for the purchase of an  
2 electric school bus shall not exceed  
3 110 percent of the amount equal to  
4 the difference between—

5 (aa) the cost of an electric  
6 school bus; and

7 (bb) the cost of a diesel  
8 school bus.

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

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

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

23 (cc) another method that the  
24 Secretary determines to be ap-  
25 propriate.

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

9 (D) BUY AMERICA.—

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

16 (ii) EXCEPTIONS.—

17 (I) WAIVER.—The Secretary may  
18 provide any waiver to the require-  
19 ments described in clause (i) in the  
20 same manner and to the same extent  
21 as the Secretary of Transportation  
22 may provide a waiver under section  
23 5323(j)(2) of title 49, United States  
24 Code.

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

11 (aa) for each of fiscal years  
12 2020 through 2024, is more than  
13 60 percent of the cost of all com-  
14 ponents of the school bus; and

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

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

23 (A) to transfer a diesel school bus replaced  
24 using grant funds under the program under an  
25 agreement—

1 (i) between—

2 (I) the grant recipient; and

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

8 (ii) that provides that—

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

16 (II) any diesel engines described  
17 in subclause (I) are older and more  
18 polluting than the diesel engines in  
19 the school buses being received; and

20 (iii) provided to the Secretary; or

21 (B) to delay the requirement under para-  
22 graph (5)(B)(i)(II)(aa) for not more than 3  
23 years after receiving the school bus purchased  
24 using a grant under the program for the pur-  
25 pose of using the school bus being replaced for

1 a use determined by the Secretary to be appro-  
2 priate.

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

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

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

13 (8) ANNUAL REPORTING.—

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

20 (i) the name and location of the grant  
21 recipient;

22 (ii) the school district served by the  
23 grant recipient, if the grant recipient is not  
24 a school district;

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

4 (iv) the grant amount, including a de-  
5 scription of the amounts of the grant used  
6 for—

7 (I) the purchase of electric school  
8 buses;

9 (II) the purchase of infrastruc-  
10 ture;

11 (III) workforce development;

12 (IV) the purchase of hydrogen or  
13 electricity; and

14 (V) any other purpose;

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

22 (vi) with respect to a school bus re-  
23 placed using a grant under the program,  
24 the number, make and model, year of  
25 make, fuel type, annual vehicle miles trav-



1 eled, and the number of students trans-  
2 ported per day;

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

13 (viii) an estimate of the local air pol-  
14 lution emissions and global greenhouse gas  
15 emissions avoided as a result of the grant;  
16 and

17 (ix) any other data determined by the  
18 Secretary to enable an analysis of the use  
19 and impact of grants under the program.

20 (B) REPORT TO CONGRESS.—Not later  
21 than January 31 of each year, the Secretary  
22 shall submit to Congress and make available on  
23 the website of the Department of Energy a re-  
24 port that describes—

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

6 (ii) the grants awarded under the pro-  
7 gram, including a summary of the data de-  
8 scribed in subparagraph (A);

9 (iii) the effect of the receipt of the  
10 grant on students, schools, local commu-  
11 nities, industry, and the workforce;

12 (iv) the estimated impact of the  
13 awarded grants on local air pollution and  
14 greenhouse gas emissions; and

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

19 (C) REPORT ON BUY AMERICA WAIVERS.—

20 Not later than 1 year after the date of enact-  
21 ment of this Act, and annually thereafter, the  
22 Secretary shall submit a report describing any  
23 waiver granted under paragraph (5)(D)(ii)(I)  
24 during the preceding year to—

- 1 (i) the Committee on Environment  
2 and Public Works of the Senate;  
3 (ii) the Committee on Energy and  
4 Natural Resources of the Senate; and  
5 (iii) the Committee on Transportation  
6 and Infrastructure of the House of Rep-  
7 resentatives; and  
8 (iv) the Committee on Energy and  
9 Commerce of the House of Representa-  
10 tives.

11 (c) EDUCATION.—

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

16 (2) COORDINATION WITH STAKEHOLDERS.—  
17 The outreach program under this subsection shall be  
18 designed and conducted in conjunction with national  
19 school bus transportation associations, educators,  
20 school bus drivers, and other stakeholders.

21 (3) COMPONENTS.—The outreach program  
22 under this subsection shall—

23 (A) inform eligible entities of the process  
24 of applying for grants;

1 (B) describe the available technologies and  
2 the benefits of the technologies;

3 (C) explain the benefits of participating in  
4 the program;

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

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

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

○