

117TH CONGRESS
1ST SESSION

H. R. 2721

To reauthorize the Clean School Bus Program.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2021

Mr. CÁRDENAS (for himself and Mrs. HAYES) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To reauthorize the Clean School Bus Program.

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 Commute for
5 Kids Act of 2021”.

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

7 (a) IN GENERAL.—Section 741 of the Energy Policy
8 Act of 2005 (42 U.S.C. 16091) is amended to read as
9 follows:

10 **“SEC. 741. CLEAN SCHOOL BUS PROGRAM.**

11 **“(a) DEFINITIONS.—In this section:**

1 “(1) ADMINISTRATOR.—The term ‘Adminis-
2 trator’ means the Administrator of the Environ-
3 mental Protection Agency.

4 “(2) CLEAN SCHOOL BUS.—The term ‘clean
5 school bus’ means a school bus that is a zero-emis-
6 sion school bus.

7 “(3) COMMUNITY OF COLOR.—The term ‘com-
8 munity of color’ means any geographically distinct
9 area the population of color of which is higher than
10 the average population of color of the State in which
11 the community is located.

12 “(4) ELIGIBLE CONTRACTOR.—The term ‘eligi-
13 ble contractor’ means a contractor that is a for-prof-
14 it, not-for-profit, or nonprofit entity that has the ca-
15 pacity—

16 “(A) to sell clean school buses, or charging
17 or other equipment needed to charge or main-
18 tain clean school buses, to individuals or enti-
19 ties that own a school bus or fleet of school
20 buses; or

21 “(B) to arrange financing for such a sale.

22 “(5) ELIGIBLE RECIPIENT.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graph (B), the term ‘eligible recipient’ means—

1 “(i) 1 or more local or State govern-
2 mental entities responsible for—

3 “(I) providing school bus service
4 to 1 or more public school systems; or

5 “(II) the purchase of school
6 buses;

7 “(ii) a tribally controlled school (as
8 defined in section 5212 of the Tribally
9 Controlled Schools Act of 1988 (25 U.S.C.
10 2511));

11 “(iii) a nonprofit school transportation
12 association; or

13 “(iv) 1 or more contracting entities
14 that provide school bus service to 1 or
15 more public school systems.

16 “(B) SPECIAL REQUIREMENTS.—In the
17 case of eligible recipients identified under
18 clauses (iii) and (iv) of subparagraph (A), the
19 Administrator shall establish timely and appro-
20 priate requirements for notice and may estab-
21 lish timely and appropriate requirements for ap-
22 proval by the public school systems that would
23 be served by buses purchased using award
24 funds made available under this section.

1 “(6) INDIGENOUS COMMUNITY.—The term ‘in-
2 digenous community’ means—

3 “(A) a federally recognized Indian Tribe;

4 “(B) a State-recognized Indian Tribe;

5 “(C) an Alaska Native or Native Hawaiian
6 community or organization; or

7 “(D) any other community of indigenous
8 people, including communities in other coun-
9 tries.

10 “(7) LOW INCOME.—The term ‘low income’
11 means an annual household income equal to, or less
12 than, the greater of—

13 “(A) an amount equal to 80 percent of the
14 median income of the area in which the house-
15 hold is located, as reported by the Department
16 of Housing and Urban Development; and

17 “(B) 200 percent of the Federal poverty
18 line.

19 “(8) LOW-INCOME COMMUNITY.—The term
20 ‘low-income community’ means any census block
21 group in which 30 percent or more of the population
22 are individuals with low income.

23 “(9) SCHOOL BUS.—The term ‘school bus’ has
24 the meaning given the term ‘schoolbus’ in section
25 30125(a) of title 49, United States Code.

1 “(10) SCRAP.—

2 “(A) IN GENERAL.—The term ‘scrap’
3 means, with respect to a school bus engine re-
4 placed using funds awarded under this section,
5 to recycle, crush, or shred the engine within
6 such period and in such manner as determined
7 by the Administrator.

8 “(B) EXCLUSION.—The term ‘scrap’ does
9 not include selling, leasing, exchanging, or oth-
10 erwise disposing of an engine described in sub-
11 paragraph (A) for use in another motor vehicle
12 in any location.

13 “(11) SECRETARY.—The term ‘Secretary’
14 means the Secretary of Energy.

15 “(12) ZERO-EMISSION SCHOOL BUS.—The term
16 ‘zero-emission school bus’ means a school bus with
17 a drivetrain that produces, under any possible oper-
18 ational mode or condition, zero exhaust emission
19 of—

20 “(A) any air pollutant that is listed pursu-
21 ant to section 108(a) of the Clean Air Act (42
22 U.S.C. 7408(a)) (or any precursor to such an
23 air pollutant); and

24 “(B) any greenhouse gas.

1 “(b) PROGRAM FOR REPLACEMENT OF EXISTING
2 SCHOOL BUSES WITH CLEAN SCHOOL BUSES.—

3 “(1) ESTABLISHMENT.—The Administrator, in
4 consultation with the Secretary, shall establish a
5 program for—

6 “(A) making awards on a competitive basis
7 of grants, rebates, and low-cost revolving loans
8 to eligible recipients for the replacement of ex-
9 isting school buses with clean school buses; and

10 “(B) making awards of contracts to eligi-
11 ble contractors for providing rebates and low-
12 cost revolving loans for the replacement of ex-
13 isting school buses with clean school buses.

14 “(2) APPLICATIONS.—An applicant for an
15 award under this section shall submit to the Admin-
16 istrator an application at such time, in such manner,
17 and containing such information as the Adminis-
18 trator may require, including—

19 “(A) a written assurance that—

20 “(i) all laborers and mechanics em-
21 ployed by contractors or subcontractors
22 during construction, alteration, or repair,
23 or at any manufacturing operation, that is
24 financed, in whole or in part, by an award
25 under this section, shall be paid wages at

1 rates not less than those prevailing in a
2 similar firm or on similar construction in
3 the locality, as determined by the Sec-
4 retary of Labor in accordance with sub-
5 chapter IV of chapter 31 of title 40,
6 United States Code; and

7 “(ii) the Secretary of Labor shall,
8 with respect to the labor standards de-
9 scribed in this clause, have the authority
10 and functions set forth in Reorganization
11 Plan Numbered 14 of 1950 (64 Stat.
12 1267; 5 U.S.C. App.) and section 3145 of
13 title 40, United States Code;

14 “(B) a certification that no public work or
15 service normally performed by a public em-
16 ployee will be privatized or subcontracted in
17 carrying out a project funded by the award;

18 “(C) to ensure a fair assessment of work-
19 force impact related to an award under this sec-
20 tion, a detailed accounting with respect to rel-
21 evant employees, including employees in each of
22 management, administration, operations, and
23 maintenance, of the eligible recipient at the
24 time of the application, including—

1 “(i) the number of employees, orga-
2 nized by salary;

3 “(ii) the bargaining unit status of
4 each employee;

5 “(iii) the full- or part-time status of
6 each employee; and

7 “(iv) the job title of each employee;
8 and

9 “(D) a description of coordination and ad-
10 vance planning with the local electricity pro-
11 vider.

12 “(3) ELIGIBLE MANUFACTURERS.—

13 “(A) IN GENERAL.—The Administrator
14 shall maintain and make publicly available a list
15 of manufacturers of clean school bus manufac-
16 turers from whom recipients of awards under
17 this section may order clean school buses.

18 “(B) CRITERIA.—The Administrator shall
19 establish a process by which manufacturers may
20 seek inclusion on the list established pursuant
21 to this subparagraph, which process shall in-
22 clude the submission of such information as the
23 Administrator may require, including—

24 “(i) a disclosure of whether there has
25 been any administrative merits determina-

1 tion, arbitral award or decision, or civil
2 judgment, as defined in guidance issued by
3 the Secretary of Labor, rendered against
4 the manufacturer in the preceding 3 years
5 for violations of applicable labor, employ-
6 ment, civil rights, or health and safety
7 laws; and

8 “(ii) specific information regarding
9 the actions the manufacturer will take to
10 demonstrate compliance with, and where
11 possible exceedance of, requirements under
12 applicable labor, employment, civil rights,
13 and health and safety laws, and actions the
14 manufacturer will take to ensure that its
15 direct suppliers demonstrate compliance
16 with applicable labor, employment, civil
17 rights, and health and safety laws.

18 “(4) PRIORITY OF APPLICATIONS.—

19 “(A) HIGHEST PRIORITY.—In making
20 awards under paragraph (1), the Administrator
21 shall give highest priority to applicants that
22 propose to replace school buses that serve the
23 highest number of students (measured in abso-
24 lute numbers or percentage of student popu-
25 lation) who are eligible for free or reduced price

1 lunches under the Richard B. Russell National
2 School Lunch Act (42 U.S.C. 1751 et seq.).

3 “(B) ADDITIONAL PRIORITY.—In making
4 awards under paragraph (1), the Administrator
5 shall give priority to applicants that propose to
6 complement the assistance received through the
7 award by securing additional sources of funding
8 for the activities supported through the award,
9 such as through—

10 “(i) public-private partnerships with
11 electric companies;

12 “(ii) grants from other entities; or

13 “(iii) issuance of school bonds.

14 “(5) USE OF SCHOOL BUS FLEET.—All clean
15 school buses acquired with funds provided under this
16 section shall—

17 “(A) be operated as part of the school bus
18 fleet for which the award was made for not less
19 than 5 years;

20 “(B) be maintained, operated, charged,
21 and fueled according to manufacturer rec-
22 ommendations or State requirements; and

23 “(C) not be manufactured or retrofitted
24 with, or otherwise have installed, a power unit
25 or other technology that creates air pollution

1 within the school bus, such as an unvented die-
2 sel passenger heater.

3 “(6) AWARDS.—

4 “(A) IN GENERAL.—In making awards
5 under paragraph (1), the Administrator may
6 make awards for up to 100 percent of the re-
7 placement costs for clean school buses, provided
8 that such replacement costs shall not exceed
9 110 percent of the amount equal to the dif-
10 ference between the cost of a clean school bus
11 and the cost of a diesel school bus.

12 “(B) STRUCTURING AWARDS.—In making
13 an award under paragraph (1)(A), the Adminis-
14 trator shall decide whether to award a grant,
15 rebate, or low-cost revolving loan, or a combina-
16 tion thereof, based primarily on—

17 “(i) how best to facilitate replacing
18 existing school buses with clean school
19 buses; and

20 “(ii) the preference of the eligible re-
21 cipient.

22 “(C) INCLUDED COSTS.—Awards under
23 paragraph (1) may pay for—

1 “(i) acquisition and labor costs for
2 charging or other infrastructure needed to
3 charge or maintain clean school buses;

4 “(ii) workforce development and train-
5 ing, to support the maintenance, charging,
6 and operations of electric school buses; and

7 “(iii) planning and technical activities
8 to support the adoption and deployment of
9 clean school buses.

10 “(D) EXCEPTION.—In the case of awards
11 under paragraph (1) to eligible recipients de-
12 scribed in subsection (a)(5)(A)(iv), the Adminis-
13 trator may make awards for up to 70 percent
14 of the replacement costs for clean school buses,
15 except that if such a recipient demonstrates, to
16 the satisfaction of the Administrator, that its
17 labor standards are equal to or exceed those of
18 the public school system that would be served
19 by the clean school buses acquired with an
20 award under this section, the Administrator
21 may make an award to such recipient for up to
22 90 percent of the replacement costs for clean
23 school buses.

24 “(E) REQUIREMENTS.—The Administrator
25 shall require, as a condition of receiving an

1 award under this section, that award recipi-
2 ents—

3 “(i) do not, as a result of receiving
4 the award—

5 “(I) lay off, transfer, or demote
6 any current employee; or

7 “(II) reduce the salary or bene-
8 fits of any current employee or worsen
9 the conditions of work of any current
10 employee; and

11 “(ii) provide current employees with
12 training to effectively operate, maintain, or
13 otherwise adapt to new technologies relat-
14 ing to clean school buses.

15 “(F) BUY AMERICA.—

16 “(i) IN GENERAL.—Except as pro-
17 vided in clause (ii), any clean school bus or
18 electric vehicle supply equipment pur-
19 chased using funds awarded under this
20 section 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 Adminis-
25 trator may provide a waiver to the re-

1 quirements describe in clause (i) in
2 the same manner and to the same ex-
3 tent as the Secretary of Transpor-
4 tation may provide a waiver under
5 section 5323(j)(2) of title 49, United
6 States Code.

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

18 “(aa) for each of fiscal years
19 2021 through 2025, is more than
20 60 percent of the cost of all com-
21 ponents of the clean school bus;
22 and

23 “(bb) for fiscal year 2025
24 and each fiscal year thereafter, is
25 more than 70 percent of the cost

1 of all components of the clean
2 school bus.

3 “(7) DEPLOYMENT AND DISTRIBUTION.—The
4 Administrator shall—

5 “(A) to the maximum extent practicable,
6 achieve nationwide deployment of clean school
7 buses through the program under this section;

8 “(B) ensure, as practicable, a broad geo-
9 graphic distribution of awards under paragraph
10 (1) each fiscal year;

11 “(C) solicit early applications for large-
12 scale deployments and, as soon as reasonably
13 practicable, award grants for at least one such
14 large scale deployment in a rural location and
15 another in an urban location, subject to the re-
16 quirement that each such award recipient—

17 “(i) participate in the development of
18 best practices, lessons learned, and other
19 information sharing to guide the imple-
20 mentation of the award program, including
21 relating to building out associated infra-
22 structure; and

23 “(ii) cooperate as specified in sub-
24 paragraph (D); and

1 “(D) develop, in cooperation with award
2 recipients, resources for future award recipients
3 under this section.

4 “(8) SCRAPPAGE.—

5 “(A) IN GENERAL.—The Administrator
6 shall require the recipient of an award under
7 paragraph (1) to verify, not later than 1 year
8 after receiving a clean school bus purchased
9 using the award, that the engine of the replaced
10 school bus has been scrapped.

11 “(B) EXCEPTION.—Subject to such condi-
12 tions the Administrator determines appropriate,
13 giving consideration to public health and reduc-
14 ing emissions of pollutants, the Administrator
15 may waive the requirements of subparagraph
16 (A) for school buses that meet—

17 “(i) the emission standards applicable
18 to a new school bus as of the date of en-
19 actment of the Clean Commute for Kids
20 Act of 2021; or

21 “(ii) subsequent emission standards
22 that are at least as stringent as the stand-
23 ards referred to in clause (i).

24 “(c) EDUCATION AND OUTREACH.—

1 “(1) IN GENERAL.—Not later than 90 days
2 after the date of enactment of the Clean Commute
3 for Kids Act of 2021, the Administrator shall de-
4 velop an education and outreach program to promote
5 and explain the award program under this section.

6 “(2) COORDINATION WITH STAKEHOLDERS.—
7 The education and outreach program under para-
8 graph (1) shall be designed and conducted in con-
9 junction with interested national school bus trans-
10 portation associations, labor unions, electric utilities,
11 manufacturers of clean school buses, manufacturers
12 of components of clean school buses, clean transpor-
13 tation nonprofit organizations, and other stake-
14 holders.

15 “(3) COMPONENTS.—The education and out-
16 reach program under paragraph (1) shall—

17 “(A) inform, encourage, and support po-
18 tential award recipients on the process of apply-
19 ing for awards and fulfilling the requirements
20 of awards;

21 “(B) describe the available technologies
22 and the benefits of the technologies;

23 “(C) explain the benefits of participating
24 in the award program;

1 “(D) make available information regarding
2 best practices, lessons learned, and technical
3 and other information regarding—

4 “(i) clean school bus acquisition and
5 deployment;

6 “(ii) the build-out of associated infra-
7 structure and advance planning with the
8 local electricity supplier;

9 “(iii) workforce development and
10 training; and

11 “(iv) any other information that, in
12 the judgment of the Administrator, is rel-
13 evant to transitioning to and deploying
14 clean school buses;

15 “(E) make available the information pro-
16 vided by the Secretary pursuant to subsection
17 (d);

18 “(F) in consultation with the Secretary,
19 make information available about how clean
20 school buses can be part of building community
21 resilience to the effects of climate change; and

22 “(G) include, as appropriate, information
23 from the annual report required under sub-
24 section (g).

25 “(d) DOE ASSISTANCE.—

1 “(1) INFORMATION GATHERING.—The Sec-
2 retary shall gather, and not less than annually share
3 with the Administrator, information regarding—

4 “(A) vehicle-to-grid technology, including
5 best practices and use-case scenarios;

6 “(B) the use of clean school buses for com-
7 munity resilience; and

8 “(C) technical aspects of clean school bus
9 management and deployment.

10 “(2) TECHNICAL ASSISTANCE.—The Secretary
11 shall, in response to a request from the Adminis-
12 trator, or from an applicant for or recipient of an
13 award under this section, provide technical assist-
14 ance in the development of an application for or the
15 use of award funds.

16 “(e) ADMINISTRATIVE COSTS.—The Administrator
17 may use, for the administrative costs of carrying out this
18 section, not more than two percent of the amounts made
19 available to carry out this section for any fiscal year.

20 “(f) ANNUAL REPORT.—Not later than January 31
21 of each year, the Administrator shall submit to Congress
22 a report that—

23 “(1) evaluates the implementation of this sec-
24 tion;

25 “(2) describes—

1 “(A) the total number of applications re-
2 ceived for awards under this section;

3 “(B) the number of clean school buses re-
4 quested in such applications;

5 “(C) the awards made under this section
6 and the criteria used to select the award recipi-
7 ents;

8 “(D) the awards made under this section
9 for charging and fueling infrastructure;

10 “(E) ongoing compliance with the commit-
11 ments made by manufacturers on the list main-
12 tained by the Administrator under subsection
13 (b)(3);

14 “(F) the estimated effect of the awards
15 under this section on emission of air pollutants,
16 including greenhouse gases; and

17 “(G) any other information the Adminis-
18 trator considers appropriate; and

19 “(3) describes any waiver granted under sub-
20 section (b)(5)(B) during the preceding year.

21 “(g) AUTHORIZATION OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—There is authorized to be
23 appropriated to the Administrator to carry out this
24 section, to remain available until expended,

1 \$2,500,000,000 for each of fiscal years 2022
2 through 2031.

3 “(2) ALLOCATION.—Of the amount authorized
4 to be appropriated for carrying out this section for
5 each fiscal year, no less than \$1,000,000,000 shall
6 be used for awards under this section to eligible re-
7 cipients proposing to replace school buses to serve a
8 community of color, indigenous community, low-in-
9 come community, or any community located in an
10 air quality area designated pursuant to section 107
11 of the Clean Air Act (42 U.S.C. 7407) as nonattain-
12 ment.”.

13 (b) TECHNICAL AMENDMENT TO STRIKE REDUN-
14 DANT AUTHORIZATION.—The Safe, Accountable, Flexible,
15 Efficient Transportation Equity Act: A Legacy for Users
16 (commonly referred to as “SAFETEA-LU”) is amend-
17 ed—

18 (1) by striking section 6015 (42 U.S.C.
19 16091a); and

20 (2) in the table of contents in section 1(b) of
21 such Act, by striking the item relating to section
22 6015.

○