

108TH CONGRESS  
1ST SESSION

# H. R. 1461

To provide for the establishment by the Secretary of Energy of a pilot program and a development and demonstration program for clean fuel school buses, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2003

Mr. BOEHLERT (for himself and Mr. UDALL of Colorado) introduced the following bill; which was referred to the Committee on Science

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## A BILL

To provide for the establishment by the Secretary of Energy of a pilot program and a development and demonstration program for clean fuel school buses, 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 Buses  
5 Act”.

6 **SEC. 2. ESTABLISHMENT OF PILOT PROGRAM.**

7 (a) ESTABLISHMENT.—The Secretary of Energy, in  
8 consultation with the Administrator of the Environmental

1 Protection Agency, shall establish a pilot program for  
2 awarding grants on a competitive basis to eligible entities  
3 for the demonstration and commercial application of alter-  
4 native fuel school buses and ultra-low sulfur diesel school  
5 buses.

6 (b) REQUIREMENTS.—Not later than 3 months after  
7 the date of the enactment of this Act, the Secretary of  
8 Energy shall establish and publish in the Federal register  
9 grant requirements on eligibility for assistance, and on im-  
10 plementation of the program established under subsection  
11 (a), including certification requirements to ensure compli-  
12 ance with this Act.

13 (c) SOLICITATION.—Not later than 6 months after  
14 the date of the enactment of this Act, the Secretary shall  
15 solicit proposals for grants under this section.

16 (d) ELIGIBLE RECIPIENTS.—A grant shall be award-  
17 ed under this section only—

18 (1) to a local or State governmental entity re-  
19 sponsible for providing school bus service to one or  
20 more public school systems or responsible for the  
21 purchase of school buses; or

22 (2) to a contracting entity that provides school  
23 bus service to one or more public school systems, if  
24 the grant application is submitted jointly with the  
25 school system or systems which the buses will serve.

1 (e) TYPES OF GRANTS.—

2 (1) IN GENERAL.—Grants under this section  
3 shall be for the demonstration and commercial appli-  
4 cation of technologies to facilitate the use of alter-  
5 native fuel school buses and ultra-low sulfur diesel  
6 school buses in lieu of buses manufactured before  
7 model year 1977 and diesel-powered buses manufac-  
8 tured before model year 1991.

9 (2) NO ECONOMIC BENEFIT.—Other than the  
10 receipt of the grant, a recipient of a grant under this  
11 section may not receive any economic benefit in con-  
12 nection with the receipt of the grant.

13 (3) PRIORITY OF GRANT APPLICATIONS.—The  
14 Secretary shall give priority to awarding grants to  
15 applicants who can demonstrate the use of alter-  
16 native fuel buses and ultra-low sulfur diesel school  
17 buses in lieu of buses manufactured before model  
18 year 1977.

19 (f) CONDITIONS OF GRANT.—A grant provided under  
20 this section shall include the following conditions:

21 (1) All buses acquired with funds provided  
22 under the grant shall be operated as part of the  
23 school bus fleet for which the grant was made for a  
24 minimum of 5 years.

1           (2) Funds provided under the grant may only  
2 be used—

3           (A) to pay the cost, except as provided in  
4 paragraph (3), of new alternative fuel school  
5 buses or ultra-low sulfur diesel school buses, in-  
6 cluding State taxes and contract fees; and

7           (B) to provide—

8           (i) up to 10 percent of the price of the  
9 alternative fuel buses acquired, for nec-  
10 essary alternative fuel infrastructure if the  
11 infrastructure will only be available to the  
12 grant recipient; and

13           (ii) up to 15 percent of the price of  
14 the alternative fuel buses acquired, for nec-  
15 essary alternative fuel infrastructure if the  
16 infrastructure will be available to the grant  
17 recipient and to other bus fleets.

18           (3) The grant recipient shall be required to pro-  
19 vide at least the lesser of 15 percent of the total cost  
20 of each bus received or \$15,000 per bus.

21           (4) In the case of a grant recipient receiving a  
22 grant to demonstrate ultra-low sulfur diesel school  
23 buses, the grant recipient shall be required to pro-  
24 vide documentation to the satisfaction of the Sec-  
25 retary that diesel fuel containing sulfur at not more

1 than 15 parts per million is available for carrying  
2 out the purposes of the grant, and a commitment by  
3 the applicant to use such fuel in carrying out the  
4 purposes of the grant.

5 (g) BUSES.—Funding under a grant made under this  
6 section may be used to demonstrate the use only of new  
7 alternative fuel school buses or ultra-low sulfur diesel  
8 school buses—

9 (1) with a gross vehicle weight of greater than  
10 14,000 pounds;

11 (2) that are powered by a heavy duty engine;

12 (3) that, in the case of alternative fuel school  
13 buses manufactured in model years 2003 through  
14 2006, emit not more than 1.8 grams per brake  
15 horsepower-hour of nonmethane hydrocarbons and  
16 oxides of nitrogen and .01 grams per brake horse-  
17 power-hour of particulate matter; and

18 (4) that, in the case of ultra-low sulfur diesel  
19 school buses, emit not more than—

20 (A) for buses manufactured in model year  
21 2003, 3.0 grams per brake horsepower-hour of  
22 oxides of nitrogen and .01 grams per brake  
23 horsepower-hour of particulate matter; and

24 (B) for buses manufactured in model years  
25 2004 through 2006, 2.5 grams per brake horse-

1 power-hour of nonmethane hydrocarbons and  
2 oxides of nitrogen and .01 grams per brake  
3 horsepower-hour of particulate matter,  
4 except that under no circumstances shall buses be  
5 acquired under this section that emit nonmethane  
6 hydrocarbons, oxides of nitrogen, or particulate mat-  
7 ter at a rate greater than the best performing tech-  
8 nology of the same class of ultra-low sulfur diesel  
9 school buses commercially available at the time the  
10 grant is made.

11 (h) DEPLOYMENT AND DISTRIBUTION.—The Sec-  
12 retary of Energy shall seek to the maximum extent prac-  
13 ticable to achieve nationwide deployment of alternative  
14 fuel school buses and ultra-low sulfur diesel school buses  
15 through the program under this section, and shall ensure  
16 a broad geographic distribution of grant awards, with a  
17 goal of no State receiving more than 10 percent of the  
18 grant funding made available under this section for a fis-  
19 cal year.

20 (i) LIMIT ON FUNDING.—The Secretary shall provide  
21 not less than 20 percent and not more than 25 percent  
22 of the grant funding made available under this section for  
23 any fiscal year for the acquisition of ultra-low sulfur diesel  
24 school buses.

1 (j) ANNUAL REPORT.—Not later than January 31 of  
2 each year, the Secretary of Energy shall provide a report  
3 evaluating implementation of the program under this Act  
4 to the Congress. Such report shall include the total num-  
5 ber of grant applications received, the number and types  
6 of alternative fuel buses and ultra-low sulfur diesel school  
7 buses requested in grant applications, a list of grants  
8 awarded and the criteria used to select the grant recipi-  
9 ents, certified engine emission levels of all buses purchased  
10 under the program, and any other information the Sec-  
11 retary considers appropriate.

12 (k) DEFINITIONS.—For purposes of this section—

13 (1) the term “alternative fuel school bus”  
14 means a bus powered substantially by electricity (in-  
15 cluding electricity supplied by a fuel cell), or by liq-  
16 uefied natural gas, compressed natural gas, liquefied  
17 petroleum gas, hydrogen, propane, or methanol or  
18 ethanol at no less than 85 percent by volume; and

19 (2) the term “ultra-low sulfur diesel school  
20 bus” means a school bus powered by diesel fuel  
21 which contains sulfur at not more than 15 parts per  
22 million.

1 **SEC. 3. FUEL CELL BUS DEVELOPMENT AND DEMONSTRATION PROGRAM.**  
2

3 (a) ESTABLISHMENT OF PROGRAM.—The Secretary  
4 of Energy shall establish a program for entering into coop-  
5 erative agreements with private sector fuel cell bus devel-  
6 opers for the development of fuel cell-powered school  
7 buses, and subsequently with not less than 2 units of local  
8 government using natural gas-powered school buses and  
9 such private sector fuel cell bus developers to demonstrate  
10 the use of fuel cell-powered school buses.

11 (b) COST SHARING.—The non-Federal contribution  
12 for activities funded under this section shall be not less  
13 than—

14 (1) 20 percent for fuel infrastructure develop-  
15 ment activities; and

16 (2) 50 percent for demonstration activities and  
17 for development activities not described in paragraph  
18 (1).

19 (c) FUNDING.—No more than \$25,000,000 of the  
20 amounts authorized under section 4 may be used for car-  
21 rying out this section for the period encompassing fiscal  
22 years 2004 through 2006.

23 (d) REPORTS TO CONGRESS.—Not later than 3 years  
24 after the date of the enactment of this Act, and not later  
25 than October 1, 2006, the Secretary of Energy shall trans-  
26 mit to the Congress a report that—

1           (1) evaluates the process of converting natural  
2           gas infrastructure to accommodate fuel cell-powered  
3           school buses; and

4           (2) assesses the results of the development and  
5           demonstration program under this section.

6 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

7           There are authorized to be appropriated to the Sec-  
8           retary of Energy for carrying out this Act, to remain avail-  
9           able until expended—

10           (1) \$60,000,000 for fiscal year 2003;

11           (2) \$70,000,000 for fiscal year 2004;

12           (3) \$80,000,000 for fiscal year 2005; and

13           (4) \$90,000,000 for fiscal year 2006.

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