

108TH CONGRESS
2D SESSION

S. 2732

To provide grants for use by rural local educational agencies in purchasing new school buses.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2004

Mr. REID introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide grants for use by rural local educational agencies in purchasing new school buses.

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 “Bus Utility and Safety
5 in School Transportation Opportunity and Purchasing Act
6 of 2004”.

7 **SEC. 2. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—Congress finds that—

9 (1) school transportation issues have concerned
10 parents, local educational agencies, lawmakers, the

1 National Highway Traffic Safety Administration,
2 the National Transportation Safety Board, and the
3 Environmental Protection Agency for years;

4 (2) millions of children face potential future
5 health problems because of exposure to noxious
6 fumes emitted from older school buses;

7 (3) the Environmental Protection Agency estab-
8 lished the Clean School Bus USA program to re-
9 place 129,000 of the oldest diesel buses that cannot
10 be retrofitted in an effort to help children and the
11 environment by improving air quality;

12 (4) unfortunately, many rural local educational
13 agencies are unable to participate in that program
14 because of the specialized fuels needed to sustain a
15 clean bus fleet;

16 (5) many rural local educational agencies are
17 operating outdated, unsafe school buses that are
18 failing inspection because of automotive flaws, re-
19 sulting in a depletion of school bus fleets of the local
20 educational agencies; and

21 (6) many rural local educational agencies are
22 unable to afford to buy newer, safer buses.

23 (b) PURPOSE.—The purpose of this Act is to estab-
24 lish within the Environmental Protection Agency a Fed-
25 eral cost-sharing program to assist rural local educational

1 agencies with older, unsafe school bus fleets in purchasing
2 newer, safer school buses.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) ADMINISTRATOR.—The term “Adminis-
6 trator” means the Administrator of the Environ-
7 mental Protection Agency.

8 (2) RURAL LOCAL EDUCATIONAL AGENCY.—
9 The term “rural local educational agency” means a
10 local educational agency, as defined in section 9101
11 of the Elementary and Secondary Education Act of
12 1965 (20 U.S.C. 7801), with respect to which—

13 (A) each county in which a school served
14 by the local educational agency is located has a
15 total population density of fewer than 10 per-
16 sons per square mile;

17 (B) all schools served by the local edu-
18 cational agency are designated with a school lo-
19 cale code of 7 or 8, as determined by the Sec-
20 retary of Education; or

21 (C) all schools served by the local edu-
22 cational agency have been designated, by official
23 action taken by the legislature of the State in
24 which the local educational agency is located, as
25 rural schools for purposes relating to the provi-

1 sion of educational services to students in the
2 State.

3 (3) SCHOOL BUS.—The term “school bus”
4 means a vehicle the primary purpose of which is to
5 transport students to and from school or school ac-
6 tivities.

7 **SEC. 4. GRANT PROGRAM.**

8 (a) IN GENERAL.—From amounts made available
9 under subsection (e) for a fiscal year, the Administrator
10 shall provide grants, on a competitive basis, to rural local
11 educational agencies to pay the Federal share of the cost
12 of purchasing new school buses.

13 (b) APPLICATION.—

14 (1) IN GENERAL.—Each rural local educational
15 agency that seeks to receive a grant under this Act
16 shall submit to the Administrator for approval an
17 application at such time, in such manner, and ac-
18 companied by such information (in addition to infor-
19 mation required under paragraph (2)) as the Admin-
20 istrator may require.

21 (2) CONTENTS.—Each application submitted
22 under paragraph (1) shall include—

23 (A) documentation that, of the total num-
24 ber of school buses operated by the rural local
25 educational agency, not less than 50 percent of

1 the school buses are in need of repair or re-
2 placement;

3 (B) documentation of the number of miles
4 that each school bus operated by the rural local
5 educational agency traveled in the most recent
6 9-month academic year;

7 (C) documentation that the rural local edu-
8 cational agency is operating with a reduced
9 fleet of school buses;

10 (D) a resolution from the rural local edu-
11 cational agency that—

12 (i) authorizes the application of the
13 rural local educational agency for a grant
14 under this Act; and

15 (ii) describes the dedication of the
16 rural local educational agency to school
17 bus replacement programs and school
18 transportation needs (including the num-
19 ber of new school buses needed by the
20 rural local educational agency); and

21 (E) an assurance that the rural local edu-
22 cational agency will pay the non-Federal share
23 of the cost of the purchase of new school buses
24 under this Act from non-Federal sources.

25 (c) PRIORITY.—

1 (1) IN GENERAL.—In providing grants under
 2 this Act, the Administrator shall give priority to
 3 rural local educational agencies that, as determined
 4 by the Administrator—

5 (A) are transporting students in a bus
 6 manufactured before 1977;

7 (B) have a grossly depleted fleet of school
 8 buses; or

9 (C) serve a school that is required, under
 10 section 1116(b)(1)(E) of the Elementary and
 11 Secondary Education Act of 1965 (20 U.S.C.
 12 6316(b)(1)(E)), to provide transportation to
 13 students to enable the students to transfer to
 14 another public school served by the rural local
 15 educational agency.

16 (d) PAYMENTS; FEDERAL SHARE.—

17 (1) PAYMENTS.—The Administrator shall pay
 18 to each rural local educational agency having an ap-
 19 plication approved under this section the Federal
 20 share described in paragraph (2) of the cost of pur-
 21 chasing such number of new school buses as is speci-
 22 fied in the approved application.

23 (2) FEDERAL SHARE.—The Federal share of
 24 the cost of purchasing a new school bus under this
 25 Act shall be 75 percent.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this Act—
3 (1) \$50,000,000 for fiscal year 2005; and
4 (2) such sums as are necessary for each of fis-
5 cal years 2006 through 2010.

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