

(3) have the greatest potential of commercialization to the general public within 5 years.

(d) Verification

Not later than 90 days after August 8, 2005, the Secretary shall publish in the Federal Register procedures to verify—

- (1) the hybrid/flexible fuel vehicle technologies to be demonstrated; and
- (2) that grants are administered in accordance with this section.

(e) Report

Not later than 260 days after August 8, 2005, and annually thereafter, the Secretary shall submit to Congress a report that—

- (1) identifies the grant recipients;
- (2) describes the technologies to be funded under the program;
- (3) assesses the feasibility of the technologies described in paragraph (2) in meeting the goals described in subsection (c);
- (4) identifies applications submitted for the program that were not funded; and
- (5) makes recommendations for Federal legislation to achieve commercialization of the technology demonstrated.

(f) Authorization of appropriations

There are authorized to be appropriated to carry out this section, to remain available until expended—

- (1) \$3,000,000 for fiscal year 2006;
- (2) \$7,000,000 for fiscal year 2007;
- (3) \$10,000,000 for fiscal year 2008; and
- (4) \$20,000,000 for fiscal year 2009.

(Pub. L. 109-58, title VII, §706, Aug. 8, 2005, 119 Stat. 817.)

PART B—HYBRID VEHICLES, ADVANCED VEHICLES, AND FUEL CELL BUSES

SUBPART 1—HYBRID VEHICLES

§ 16061. Hybrid vehicles

The Secretary shall accelerate efforts directed toward the improvement of batteries and other rechargeable energy storage systems, power electronics, hybrid systems integration, and other technologies for use in hybrid vehicles.

(Pub. L. 109-58, title VII, §711, Aug. 8, 2005, 119 Stat. 818.)

§ 16062. Domestic manufacturing conversion grant program

(a) Program

(1) In general

The Secretary shall establish a program to encourage domestic production and sales of efficient hybrid and advanced diesel vehicles and components of those vehicles.

(2) Inclusions

The program shall include grants and loan guarantees under section 16513 of this title to automobile manufacturers and suppliers and hybrid component manufacturers to encourage domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric drive, and advanced diesel vehicles.

(3) Priority

Priority shall be given to the refurbishment or retooling of manufacturing facilities that have recently ceased operation or will cease operation in the near future.

(b) Coordination with State and local programs

The Secretary may coordinate implementation of this section with State and local programs designed to accomplish similar goals, including the retention and retraining of skilled workers from the manufacturing facilities, including by establishing matching grant arrangements.

(c) Authorization of appropriations

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

(Pub. L. 109-58, title VII, §712, Aug. 8, 2005, 119 Stat. 818; Pub. L. 110-140, title I, §§132, 134(a), Dec. 19, 2007, 121 Stat. 1511, 1513.)

Editorial Notes

AMENDMENTS

2007—Pub. L. 110-140, §132, amended section generally. Prior to amendment, section related to program to encourage domestic production and sales of efficient hybrid and advanced diesel vehicles and authorization of appropriations.

Subsec. (a)(2). Pub. L. 110-140, §134(a), inserted “and loan guarantees under section 16513 of this title” after “grants”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

SUBPART 2—ADVANCED VEHICLES

§ 16071. Pilot program

(a) Establishment

The Secretary, in consultation with the Secretary of Transportation, shall establish a competitive grant pilot program (referred to in this subpart as the “pilot program”), to be administered through the Clean Cities Program of the Department, to provide not more than 30 geographically dispersed project grants to State governments, local governments, or metropolitan transportation authorities to carry out a project or projects for the purposes described in subsection (b).

(b) Grant purposes

A grant under this section may be used for the following purposes:

(1) The acquisition of alternative fueled vehicles or fuel cell vehicles, including—

- (A) passenger vehicles (including neighborhood electric vehicles); and
- (B) motorized 2-wheel bicycles or other vehicles for use by law enforcement personnel or other State or local government or metropolitan transportation authority employees.

(2) The acquisition of alternative fueled vehicles, hybrid vehicles, or fuel cell vehicles, including—

(A) buses used for public transportation or transportation to and from schools;

(B) delivery vehicles for goods or services; and

(C) ground support vehicles at public airports (including vehicles to carry baggage or push or pull airplanes toward or away from terminal gates).

(3) The acquisition of ultra-low sulfur diesel vehicles.

(4) Installation or acquisition of infrastructure necessary to directly support an alternative fueled vehicle, fuel cell vehicle, or hybrid vehicle project funded by the grant, including fueling and other support equipment.

(5) Operation and maintenance of vehicles, infrastructure, and equipment acquired as part of a project funded by the grant.

(c) Applications

(1) Requirements

(A) In general

The Secretary shall issue requirements for applying for grants under the pilot program.

(B) Minimum requirements

At a minimum, the Secretary shall require that an application for a grant—

(i) be submitted by the head of a State or local government or a metropolitan transportation authority, or any combination thereof, and a registered participant in the Clean Cities Program of the Department; and

(ii) include—

(I) a description of the project proposed in the application, including how the project meets the requirements of this subpart;

(II) an estimate of the ridership or degree of use of the project;

(III) an estimate of the air pollution emissions reduced and fossil fuel displaced as a result of the project, and a plan to collect and disseminate environmental data, related to the project to be funded under the grant, over the life of the project;

(IV) a description of how the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project;

(VI) a description of which costs of the project will be supported by Federal assistance under this subpart; and

(VII) documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the project, and a commitment by the applicant to use such fuel in carrying out the project.

(2) Partners

An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

(d) Selection criteria

In evaluating applications under the pilot program, the Secretary shall—

(1) consider each applicant's previous experience with similar projects; and

(2) give priority consideration to applications that—

(A) are most likely to maximize protection of the environment;

(B) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subpart is completed; and

(C) exceed the minimum requirements of subsection (c)(1)(B)(ii).

(e) Pilot project requirements

(1) Maximum amount

The Secretary shall not provide more than \$15,000,000 in Federal assistance under the pilot program to any applicant.

(2) Cost sharing

The Secretary shall not provide more than 50 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

(3) Maximum period of grants

The Secretary shall not fund any applicant under the pilot program for more than 5 years.

(4) Deployment and distribution

The Secretary shall seek to the maximum extent practicable to ensure a broad geographic distribution of project sites.

(5) Transfer of information and knowledge

The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) Schedule

(1) Publication

Not later than 90 days after August 8, 2005, the Secretary shall publish in the Federal Register, Commerce Business Daily, and elsewhere as appropriate, a request for applications to undertake projects under the pilot program. Applications shall be due not later than 180 days after the date of publication of the notice.

(2) Selection

Not later than 180 days after the date by which applications for grants are due, the Secretary shall select by competitive, peer reviewed proposal, all applications for projects to be awarded a grant under the pilot program.

(g) Definitions

For purposes of carrying out the pilot program, the Secretary shall issue regulations defining any term, as the Secretary determines to be necessary.

(Pub. L. 109-58, title VII, §721, Aug. 8, 2005, 119 Stat. 818.)

§ 16072. Reports to Congress**(a) Initial report**

Not later than 60 days after the date on which grants are awarded under this subpart, the Secretary shall submit to Congress a report containing—

- (1) an identification of the grant recipients and a description of the projects to be funded;
- (2) an identification of other applicants that submitted applications for the pilot program; and
- (3) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(b) Evaluation

Not later than 3 years after August 8, 2005, and annually thereafter until the pilot program ends, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including—

- (1) an assessment of the benefits to the environment derived from the projects included in the pilot program; and
- (2) an estimate of the potential benefits to the environment to be derived from widespread application of alternative fueled vehicles and ultra-low sulfur diesel vehicles.

(Pub. L. 109-58, title VII, §722, Aug. 8, 2005, 119 Stat. 820.)

§ 16073. Authorization of appropriations

There are authorized to be appropriated to the Secretary to carry out this subpart \$200,000,000, to remain available until expended.

(Pub. L. 109-58, title VII, §723, Aug. 8, 2005, 119 Stat. 821.)

SUBPART 3—FUEL CELL BUSES

§ 16081. Fuel cell transit bus demonstration**(a) In general**

The Secretary, in consultation with the Secretary of Transportation, shall establish a transit bus demonstration program to make competitive, merit-based awards for 5-year projects to demonstrate not more than 25 fuel cell transit buses (and necessary infrastructure) in 5 geographically dispersed localities.

(b) Preference

In selecting projects under this section, the Secretary shall give preference to projects that are most likely to mitigate congestion and improve air quality.

(c) Authorization of appropriations

There are authorized to be appropriated to the Secretary to carry out this section \$10,000,000 for each of fiscal years 2006 through 2010.

(Pub. L. 109-58, title VII, §731, Aug. 8, 2005, 119 Stat. 821.)

PART C—CLEAN SCHOOL BUSES

§ 16091. Clean school bus program**(a) Definitions**

In this section:

(1) Administrator

The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) Alternative fuel

The term “alternative fuel” means liquefied natural gas, compressed natural gas, hydrogen, propane, or biofuels.

(3) Clean school bus

The term “clean school bus” means a school bus that—

- (A) the Administrator certifies reduces emissions and is operated entirely or in part using an alternative fuel; or
- (B) is a zero-emission school bus.

(4) Eligible contractor

The term “eligible contractor” means a contractor that is a for-profit, not-for-profit, or nonprofit entity that has the capacity—

- (A) to sell, lease, license, or contract for service clean school buses, zero-emission school buses, charging or fueling infrastructure, or other equipment needed to charge, fuel, or maintain clean school buses or zero-emission school buses, to individuals or entities that own, lease, license, or contract for service a school bus or a fleet of school buses; or
- (B) to arrange financing for such a sale, lease, license, or contract for service.

(5) Eligible recipient**(A) In general**

Subject to subparagraph (B), the term “eligible recipient” means—

- (i) 1 or more local or State governmental entities responsible for—
 - (I) providing school bus service to 1 or more public school systems; or
 - (II) the purchase, lease, license, or contract for service of school buses;
- (ii) an eligible contractor;
- (iii) a nonprofit school transportation association;
- (iv) a charter school (as defined in section 7221i of title 20) responsible for the purchase, lease, license, or contract for service of school buses for that charter school; or
- (v) an Indian Tribe (as defined in section 5304 of title 25), Tribal organization (as defined in that section), or tribally controlled school (as defined in section 2511 of title 25) that is responsible for—
 - (I) providing school bus service to 1 or more Bureau-funded schools (as defined in section 2021 of title 25); or
 - (II) the purchase, lease, license, or contract for service of school buses.

(B) Special requirements

In the case of eligible recipients identified under clauses (ii) and (iii) of subparagraph (A), the Administrator shall establish timely and appropriate requirements for notice and shall establish timely and appropriate requirements for approval by the public school systems that would be served by buses purchased using award funds made available under this section.