

(7) Deployment and distribution**(A) In general**

The Administrator shall—

- (i) to the maximum extent practicable, achieve nationwide deployment of clean school buses and zero-emission school buses through the program under this section; and
- (ii) ensure a broad geographic distribution of awards.

(B) Limitation

The Administrator shall ensure that the amount received by all eligible entities in a State from grants and rebates under this section does not exceed 10 percent of the amounts made available to carry out this section during a fiscal year.

(8) Annual report

Not later than January 31 of each year, the Administrator shall submit to Congress a report that evaluates the implementation of this section and describes—

- (A) the total number of applications received;
- (B) the quantity and amount of grants and rebates awarded and the location of the recipients of the grants and rebates;
- (C) the criteria used to select the recipients; and
- (D) any other information the Administrator considers appropriate.

(c) Education and outreach**(1) In general**

Not later than 120 days after November 15, 2021, the Administrator shall develop an education and outreach program to promote and explain the award program under this section.

(2) Coordination with stakeholders

The education and outreach program under paragraph (1) shall be designed and conducted in conjunction with interested stakeholders.

(3) Components

The education and outreach program under paragraph (1) shall—

- (A) inform potential award recipients on the process of applying for awards and fulfilling the requirements of awards;
- (B) describe the available technologies and the benefits of using the technologies;
- (C) explain the benefits and costs incurred by participating in the award program;
- (D) make available information regarding best practices, lessons learned, and technical and other information regarding—
 - (i) clean school bus and zero-emission school bus acquisition and deployment;
 - (ii) the build-out of associated infrastructure and advance planning with the local electricity supplier;
 - (iii) workforce development, training, and Registered Apprenticeships that meet the requirements under parts 29 and 30 of title 29, Code of Federal Regulations (as in effect on December 1, 2019); and
 - (iv) any other information that is necessary, as determined by the Administrator; and

(E) include, as appropriate, information from the annual report required under subsection (b)(7).¹

(d) Administrative costs

The Administrator may use, for the administrative costs of carrying out this section, not more than 3 percent of the amounts made available to carry out this section for any fiscal year.

(e) Regulations

The Administrator shall have the authority to issue such regulations or other guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner, result in emissions reductions, and maximize public health benefits.

(f) Authorization of appropriations

There is authorized to be appropriated to the Administrator to carry out this section, to remain available until expended, \$1,000,000,000 for each of fiscal years 2022 through 2026, of which—

- (1) \$500,000,000 shall be made available for the adoption of clean school buses and zero-emission school buses; and
- (2) \$500,000,000 shall be made available for the adoption of zero-emission school buses.

(Pub. L. 109–58, title VII, §741, Aug. 8, 2005, 119 Stat. 821; Pub. L. 117–58, div. G, title XI, §71101, Nov. 15, 2021, 135 Stat. 1321; Pub. L. 117–328, div. O, title IV, §405, Dec. 29, 2022, 136 Stat. 5229.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(4)(A). Pub. L. 117–328, §405(1)(A)(i), inserted “, lease, license, or contract for service” after “to sell” and after “that own”.

Subsec. (a)(4)(B). Pub. L. 117–328, §405(1)(A)(ii), inserted “, lease, license, or contract for service” before period at end.

Subsec. (a)(5)(A)(i)(II). Pub. L. 117–328, §405(1)(B)(i), inserted “, lease, license, or contract for service” after “purchase”.

Subsec. (a)(5)(A)(iii) to (v). Pub. L. 117–328, §405(1)(B)(ii)–(iv), added cl. (iv) and redesignated former cl. (iv) as (v).

Subsec. (a)(5)(A)(v)(II). Pub. L. 117–328, §405(1)(B)(v), inserted “, lease, license, or contract for service” after “purchase”.

Subsec. (b)(5)(A). Pub. L. 117–328, §405(2), inserted before period at end “, except that, if the award is to an eligible contractor and the contract with the local educational agency (including charter schools operating as local educational agencies under State law) ends before the end of the 5-year period, those school buses may be operated as part of another local educational agency eligible for the same or higher priority consideration under paragraph (4), subject to the limitations under paragraph (7)”.

2021—Pub. L. 117–58 amended section generally. Prior to amendment, section related to program for retrofit or replacement of certain existing school buses with clean school buses.

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

In this section, the following definitions apply:

¹ So in original. Probably should be “subsection (b)(8).”

(1) Administrator

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

(2) Alternative fuel

The term “alternative fuel” means—

(A) liquefied natural gas, compressed natural gas, liquefied petroleum gas, hydrogen, or propane;

(B) methanol or ethanol at no less than 85 percent by volume; or

(C) biodiesel conforming with standards published by the American Society for Testing and Materials as of August 10, 2005.

(3) Clean school bus

The term “clean school bus” means a school bus with a gross vehicle weight of greater than 14,000 pounds that—

(A) is powered by a heavy duty engine; and

(B) is operated solely on an alternative fuel or ultra-low sulfur diesel fuel.

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

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

(i) one or more local or State governmental entities responsible for providing school bus service to one or more public school systems or the purchase of school buses;

(ii) one or more contracting entities that provide school bus service to one or more public school systems; or

(iii) a nonprofit school transportation association.

(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 may establish timely and appropriate requirements for approval by the public school systems that would be served by buses purchased or retrofit using grant funds made available under this section.

(5) Retrofit technology

The term “retrofit technology” means a particulate filter or other emissions control equipment that is verified or certified by the Administrator or the California Air Resources Board as an effective emission reduction technology when installed on an existing school bus.

(6) Secretary

The term “Secretary” means the Secretary of Energy.

(7) Ultra-low sulfur diesel fuel

The term “ultra-low sulfur diesel fuel” means diesel fuel that contains sulfur at not more than 15 parts per million.

(b) Program for retrofit or replacement of certain existing school buses with clean school buses**(1) Establishment****(A) In general**

The Administrator, in consultation with the Secretary and other appropriate Federal

departments and agencies, shall establish a program for awarding grants on a competitive basis to eligible recipients for the replacement of, retrofit (including repowering, aftertreatment, and remanufactured engines) of, or purchase of alternative fuels for, certain existing school buses. The awarding of grants for the purchase of alternative fuels should be consistent with the historic funding levels of the program for such purchase.

(B) Balancing

In awarding grants under this section, the Administrator shall achieve, to the maximum extent practicable, achieve¹ an appropriate balance between awarding grants—

(i) to replace school buses;

(ii) to install retrofit technologies; and

(iii) to purchase and use alternative fuel.

(2) Priority of grant applications**(A) Replacement**

In the case of grant applications to replace school buses, the Administrator shall give priority to applicants that propose to replace school buses manufactured before model year 1977.

(B) Retrofitting

In the case of grant applications to retrofit school buses, the Administrator shall give priority to applicants that propose to retrofit school buses manufactured in or after model year 1991.

(3) Use of school bus fleet**(A) In general**

All school buses acquired or retrofitted with funds provided under this section shall be operated as part of the school bus fleet for which the grant was made for not less than 5 years.

(B) Maintenance, operation, and fueling

New school buses and retrofit technology shall be maintained, operated, and fueled according to manufacturer recommendations or State requirements.

(4) Retrofit grants

The Administrator may award grants under this section for up to 100 percent of the retrofit technologies and installation costs.

(5) Replacement grants**(A) Eligibility for 50 percent grants**

The Administrator may award grants under this section for replacement of school buses in the amount of up to one-half of the acquisition costs (including fueling infrastructure) for—

(i) clean school buses with engines manufactured in model year 2005 or 2006 that emit not more than—

(I) 1.8 grams per brake horsepower-hour of non-methane hydrocarbons and oxides of nitrogen; and

(II) .01 grams per brake horsepower-hour of particulate matter; or

¹So in original. The word “achieve” probably should not appear.

(ii) clean school buses with engines manufactured in model year 2007, 2008, or 2009 that satisfy regulatory requirements established by the Administrator for emissions of oxides of nitrogen and particulate matter to be applicable for school buses manufactured in model year 2010.

(B) Eligibility for 25 percent grants

The Administrator may award grants under this section for replacement of school buses in the amount of up to one-fourth of the acquisition costs (including fueling infrastructure) for—

(i) clean school buses with engines manufactured in model year 2005 or 2006 that emit not more than—

(I) 2.5 grams per brake horsepower-hour of non-methane hydrocarbons and oxides of nitrogen; and

(II) .01 grams per brake horsepower-hour of particulate matter; or

(ii) clean school buses with engines manufactured in model year 2007 or thereafter that satisfy regulatory requirements established by the Administrator for emissions of oxides of nitrogen and particulate matter from school buses manufactured in that model year.

(6) Ultra-low sulfur diesel fuel

(A)² In general

In the case of a grant recipient receiving a grant for the acquisition of ultra-low sulfur diesel fuel school buses with engines manufactured in model year 2005 or 2006, the grant recipient shall provide, to the satisfaction of the Administrator—

(i) documentation that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the purposes of the grant; and

(ii) a commitment by the applicant to use that fuel in carrying out the purposes of the grant.

(7) Deployment and distribution

The Administrator, to the maximum extent practicable, shall—

(A) achieve nationwide deployment of clean school buses through the program under this section; and

(B) ensure a broad geographic distribution of grant awards, with no State receiving more than 10 percent of the grant funding made available under this section during a fiscal year.

(8) Annual report

(A)² In general

Not later than January 31 of each year, the Administrator shall submit to Congress a report that—

(i) evaluates the implementation of this section; and

(ii) describes—

(I) the total number of grant applications received;

(II) the number and types of alternative fuel school buses, ultra-low sulfur

diesel fuel school buses, and retrofitted buses requested in grant applications;

(III) grants awarded and the criteria used to select the grant recipients;

(IV) certified engine emission levels of all buses purchased or retrofitted under this section;

(V) an evaluation of the in-use emission level of buses purchased or retrofitted under this section; and

(VI) any other information the Administrator considers appropriate.

(c) Education

(1) In general

Not later than 90 days after August 10, 2005, the Administrator shall develop an education outreach program to promote and explain the grant program.

(2) Coordination with stakeholders

The outreach program shall be designed and conducted in conjunction with national school bus transportation associations and other stakeholders.

(3) Components

The outreach program shall—

(A) inform potential grant recipients on the process of applying for grants;

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

(C) explain the benefits of participating in the grant program; and

(D) include, as appropriate, information from the annual report required under subsection (b)(8).

(d) Authorization of appropriations

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

(1) \$55,000,000 for each of fiscal years 2006 and 2007; and

(2) such sums as are necessary for each of fiscal years 2008, 2009, and 2010.

(Pub. L. 109-59, title VI, §6015, Aug. 10, 2005, 119 Stat. 1884.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or the SAFETEA-LU, and not as part of the Energy Policy Act of 2005 which comprises this chapter.

§ 16092. Diesel truck retrofit and fleet modernization program

(a) Establishment

The Administrator, in consultation with the Secretary, shall establish a program for awarding grants on a competitive basis to public agencies and entities for fleet modernization programs including installation of retrofit technologies for diesel trucks.

(b) Eligible recipients

A grant shall be awarded under this section only to a State or local government or an agency or instrumentality of a State or local govern-

² So in original. No subpar. (B) was enacted.