

118TH CONGRESS  
2D SESSION

# S. 5201

To amend the Energy Policy Act of 2005 to limit Federal funding of the procurement of certain buses under the Clean School Bus program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mrs. BLACKBURN (for herself, Mr. KELLY, Mr. CORNYN, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Energy Policy Act of 2005 to limit Federal funding of the procurement of certain buses under the Clean School Bus program, 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 “Secure School Buses  
5 Act of 2024”.

6 **SEC. 2. LIMITATION ON PROCUREMENT UNDER CLEAN**  
7 **SCHOOL BUS PROGRAM.**

8 Section 741 of the Energy Policy Act of 2005 (42  
9 U.S.C. 16091) is amended—

1 (1) in subsection (b)—

2 (A) by redesignating paragraph (8) as  
3 paragraph (9); and

4 (B) by inserting after paragraph (7) the  
5 following:

6 “(8) LIMITATION ON PROCUREMENT OF CER-  
7 TAIN SCHOOL BUSES.—

8 “(A) LIMITATION ON USE.—Except as pro-  
9 vided in subparagraph (C), financial assistance  
10 made available under this subsection shall not  
11 be used in awarding a contract or subcontract  
12 to an entity on or after the date of enactment  
13 of the Secure School Buses Act of 2024 for the  
14 procurement of a school bus for use in accord-  
15 ance with paragraph (5) if the manufacturer of  
16 the school bus is owned or controlled by, is a  
17 subsidiary of, is contractually tied to, or is oth-  
18 erwise related legally or financially to a cor-  
19 poration based in a country that—

20 “(i) is identified as a nonmarket econ-  
21 omy country (as defined in section 771(18)  
22 of the Tariff Act of 1930 (19 U.S.C.  
23 1677(18))) as of the date of enactment of  
24 the Secure School Buses Act of 2024;

1 “(ii) was identified by the United  
2 States Trade Representative in the most  
3 recent report required by section 182 of  
4 the Trade Act of 1974 (19 U.S.C. 2242)  
5 as a priority foreign country under sub-  
6 section (a)(2) of that section; and

7 “(iii) is subject to monitoring by the  
8 United States Trade Representative under  
9 section 306 of the Trade Act of 1974 (19  
10 U.S.C. 2416).

11 “(B) INTERNATIONAL AGREEMENTS.—

12 This paragraph shall be applied in a manner  
13 consistent with the obligations of the United  
14 States under international agreements.

15 “(C) EXCEPTIONS.—

16 “(i) PRIOR CONTRACTS.—

17 “(I) IN GENERAL.—Subject to  
18 subclause (II), this paragraph shall  
19 not apply to any contract or sub-  
20 contract made by an eligible recipient  
21 with a school bus manufacturer de-  
22 scribed in subparagraph (A) if the  
23 manufacturer and the eligible recipi-  
24 ent have a contract for school bus  
25 procurement that was executed before

1 the date of enactment of the Secure  
2 School Buses Act of 2024.

3 “(II) EXCLUSION.—For purposes  
4 of subclause (I), the term ‘contract or  
5 subcontract’ does not include an op-  
6 tion, an amendment, or an extension  
7 of the original contract that is exer-  
8 cised or executed on or after the date  
9 of enactment of the Secure School  
10 Buses Act of 2024.

11 “(ii) MINORITY RELATIONSHIPS AND  
12 INVESTMENTS.—

13 “(I) IN GENERAL.—For purposes  
14 of this paragraph but subject to sub-  
15 clause (II), the term ‘otherwise re-  
16 lated legally or financially’ does not  
17 include—

18 “(aa) a minority relationship  
19 or investment; or

20 “(bb) a relationship with or  
21 investment in a subsidiary, joint  
22 venture, or other entity based in  
23 a country described in subpara-  
24 graph (A) that does not export

1 school buses for use in the  
2 United States.

3 “(II) CORPORATIONS BASED IN  
4 THE PEOPLE’S REPUBLIC OF  
5 CHINA.—Notwithstanding subclause  
6 (I)(aa), for purposes of this para-  
7 graph, the term ‘otherwise related le-  
8 gally or financially’ includes a minor-  
9 ity relationship or investment if the  
10 relationship or investment involves a  
11 corporation based in the People’s Re-  
12 public of China.”; and

13 (2) in subsection (c)(3)(E), by striking “sub-  
14 section (b)(7)” and inserting “subsection (b)(9)”.

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