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SENATE

{ REPORT
{ 111-207

SUSTAINABLE SCHOOLS POLLUTION REDUCTION ACT OF 2010

JUNE 18, 2010.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public
Works, submitted the following

R E P O R T

[To accompany S. 3362]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 3362) to amend the Clean Air Act to direct the Administrator of the Environmental Protection Agency to provide competitive grants to publicly funded schools to implement effective technologies to reduce air pollutants (as defined in section 302 of the Clean Air Act), including greenhouse gas emissions, in accordance with that Act, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

S. 3362 would amend the Clean Air Act to direct the Administrator of the Environmental Protection Agency (EPA) to provide competitive grants to publicly funded schools to implement effective technologies to reduce air pollutants (as defined in section 302 of the Clean Air Act), including greenhouse gas emissions.

The Department of Energy reports that States and local agencies are planning to invest more than \$60 billion in the next three years to build or renovate schools, which provides a significant opportunity to incorporate technologies that reduce pollution and energy use. Increasing the energy efficiency of schools and implementing projects that provide renewable energy help reduce the consumption of fossil fuels that can result in significant emissions of various air pollutants, including greenhouse gases.

With public schools nationwide spending more than \$8 billion per year on energy, the economic benefits of pollution reduction technologies that also improve energy efficiency are significant. Space heating, lighting, and water heating account for over 80% of school energy use. An average conventional school with 4,000 students spends \$700,000 annually on energy costs, while an energy efficient school spends on average \$488,000 annually, savings that can be put towards educational purposes. For existing schools, implementing energy-efficient operations and maintenance strategies can enable school districts to save as much as 20% in energy costs, extend the life of equipment, and improve the overall physical environment in their school facilities. These strategies range from simple, no-cost measures to more complicated investments. Many energy management strategies require small capital outlays and can produce rapid paybacks, in some cases, in less than two years.

Improvements to reduce emissions and save emissions also have other benefits. Energy efficiency upgrades can provide healthier learning environments, through better indoor lighting, temperature control, acoustics, and air quality. Implementing pollution reduction projects can also familiarize parents, teachers, and students with affordable, advanced pollution reduction, energy efficiency, and renewable energy technologies and practices.

S. 3362 has been endorsed by the National Council for Community and Education Partnerships and the National Association of Secondary School Principals.

OBJECTIVES OF THE LEGISLATION

This bill will amend the Clean Air Act to direct the Administrator of the EPA to provide competitive grants to publicly funded schools to implement effective technologies to reduce air pollutants (as defined in section 302 of the Clean Air Act), including greenhouse gas emissions, in accordance with that Act.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 notes that this bill may be cited as the “Sustainable Schools Pollution Reduction Act of 2010.”

Section 2. Sustainable schools pollution reduction grant program

Section 2 amends Section 105 of the Clean Air Act (42 U.S.C. 7405) by directing the Administrator of the EPA to provide competitive grants to publicly funded schools to implement effective technologies to reduce air pollutants (as defined in section 302 of the Clean Air Act), including greenhouse gas emissions, in accordance with that Act. Section 2 describes some of the criteria the Administrator is to use in selecting grants under this program, including selecting projects that:

- Ensure implementation of clean technologies that reduce air pollution and greenhouse gas emissions;
- Offer additional benefits, such as reduction of water consumption or water pollution; promotion of distributed renewable energy technologies, such as solar, small-scale or community-scale wind, geothermal, biomass, and other energy tech-

nologies; or demonstration of new and innovative technologies; and

- Provide opportunities for student involvement in the project to be funded.

Section 2 also establishes three categories of grant amounts and cost shares 1) grants of \$50,000 or less have no non-federal cost share, 2) grants between \$50,000 and \$100,000 have a 20% non-federal cost share, and 3) grants between \$100,000 and \$200,000 have a 50% non-federal cost share.

Section 2 establishes requirements for the Administrator to report to Congress on the implementation of the grant program.

LEGISLATIVE HISTORY

S. 3362 was introduced by Senators Bernard Sanders (I-VT) and Barbara Boxer (D-CA) on May 13, 2010. It has one Democratic cosponsor. The bill was received, read twice, and referred to the Senate Committee on Environment and Public Works.

On May 20, 2010, the full Environment and Public Works Committee met to consider the bill. An amendment was offered by Senator Max Baucus (D-MT) to ensure that a minimum share of funds appropriated for this program will be provided to each state and ensures that grants awarded will reflect diversity in size and geographic locations. This amendment was amended by a second-degree amendment offered by Senators Baucus and Udall. Both amendments were adopted, and the bill was ordered to be reported, as amended, favorably.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 3362 on May 20, 2010. The bill was ordered to be reported with amendments favorably.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 3362 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee noted that the Congressional Budget Office (CBO) has found, "S. 3362 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments."

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

JUNE 2, 2010.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 3362, the Sustainable Schools Pollution Reduction Act of 2010.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susanne S. Mehlman.

Sincerely,

DOUGLAS W. ELMENDORF

Enclosure.

S. 3362—Sustainable Schools Pollution Reduction Act of 2010

Summary: S. 3362 would authorize the Environmental Protection Agency (EPA) to provide grants to schools for implementing technologies to reduce air pollutants, including greenhouse gases. The legislation would authorize the annual appropriation of the necessary amounts for the grant program over the 2011–2015 period.

Assuming appropriation of the necessary funds, CBO estimates that implementing S. 3362 would cost \$41 million over the 2011–2015 period and \$9 million after 2015.

Pay-as-you-go procedures would not apply to this legislation because it would not affect direct spending or revenues.

S. 3362 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated Cost to the Federal Government: The estimated budgetary impact of S. 3362 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2011	2012	2013	2014	2015	2011–2015
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	10	10	10	10	10	50
Estimated Outlays	4	8	9	10	10	41

Basis of Estimate: For this estimate, CBO assumes that S. 3362 will be enacted near the beginning of fiscal year 2011 and that necessary amounts will be appropriated in each year. Estimated outlays are based on historical spending patterns for similar grants.

Based on information from EPA, CBO estimates that the amount of funding required for this proposed program would be similar to the existing Climate Showcase Communities Grant program, which is a competitive program designed to assist local and tribal governments in establishing and implementing climate-change initiatives. For fiscal year 2010, that program is funded at \$10 million.

Intergovernmental and Private-Sector Impact: S. 3362 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate Prepared by: Federal Costs: Susanne S. Mehlman, Impact on State, Local, and Tribal Governments: Ryan Miller; Impact on the Private Sector: Amy Petz.

Estimate Approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

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CLEAN AIR ACT

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SEC. 105. (a)(1)(A) The Administrator may make grants to air pollution control agencies, within the meaning of paragraph (1), (2), (3), (4), or (5) of section 302, in an amount up to three-fifths of the cost of implementing programs for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards. For the purpose of this section, "implementing" means any activity related to the planning, developing, establishing, carrying-out, improving, or maintaining of such programs.

* * * * *

(d) The Administrator, with the concurrence of any recipient of a grant under this section may reduce the payments to such recipient by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of any officer or employee to the recipient under section 301 of the Act, when such detail is for the convenience of, and at the request of, such recipient and for the purpose of carrying out the provisions of this Act. The amount by which such payments have been reduced shall be available for payment of such costs by the Administrator, but shall, for the purpose of determining the amount of any grant to a recipient under subsection (a) of this section, be deemed to have been paid to such agency.

(e) No application by a State for a grant under this section may be disapproved by the Administrator without prior notice and opportunity for a public hearing in the affected State, and no commitment or obligation of any funds under any such grant may be revoked or reduced without prior notice and opportunity for a public hearing in the affected State (or in one of the affected States if more than one State is affected).

(f) *SUSTAINABLE SCHOOLS POLLUTION REDUCTION GRANT PROGRAM.*—

(1) *DEFINITIONS.*—*In this subsection:*

(A) *ELEMENTARY SCHOOL; SECONDARY SCHOOL.*—*The terms 'elementary school' and 'secondary school' have the meanings given the terms, respectively, in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).*

(B) *ELIGIBLE SCHOOL.*—The term ‘eligible school’ means—

(i) a public elementary school or a public secondary school; or

(ii) a school district that encompasses a public elementary school or a public secondary school.

(C) *PROGRAM.*—The term ‘program’ means the sustainable schools pollution reduction program established by paragraph (2)(A).

(2) *PROGRAM.*—

(A) *ESTABLISHMENT.*—There is established within the Environmental Protection Agency a sustainable schools pollution reduction program.

(B) *GRANTS.*—

(i) *IN GENERAL.*—In carrying out the program, for each of fiscal years 2011 through 2015, the Administrator shall provide competitive grants to eligible schools for use in implementing effective technologies to reduce air pollutants, including greenhouse gas emissions.

(ii) *CRITERIA FOR SELECTION OF GRANTEES.*—The Administrator shall provide criteria for selection for grants under the program, including criteria that ensure—

(I) implementation of clean technologies that reduce air pollution and greenhouse gas emissions, and offer additional benefits, such as—

(aa) reduction of water consumption or water pollution;

(bb) promotion of distributed renewable energy technologies, such as solar, small-scale or community-scale wind, geothermal, biomass, and other energy technologies; or

(cc) demonstration of new and innovative technologies; and

(II) prioritization of projects that provide opportunities for student involvement in the project to be funded, including—

(aa) project installation;

(bb) project data monitoring; and

(cc) incorporation of the project into classroom curricula.

(iii) *CATEGORIES OF GRANTS AND MATCHING FUNDS.*—Of the grant funds provided under the program—

(I) not less than 40 percent shall be provided in amounts not to exceed \$50,000 for each grant, with no required matching share; and

(II) the remaining funds shall be provided—

(aa) in amounts of not less than \$50,000 but not to exceed \$100,000 for each grant, with a required non-Federal share of 20 percent; and

(bb) in amounts that exceed \$100,000 but not to exceed \$200,000, with a required non-Federal share of 50 percent.

(C) *REPORTS.*—Not later than 18 months after the date on which funds are made available to carry out this subsection, and annually thereafter, the Administrator shall submit to Congress a report evaluating the implementation of the program, including, at a minimum, a description of—

- (i) the number of grant applications received;
- (ii) the number of grants funded, including the amount of each grant funded;
- (iii) the types of technologies funded; and
- (iv) the environmental, educational, and financial benefits to eligible schools receiving the grants.

(D) *ALLOCATIONS.*—

(i) *STATES.*—Notwithstanding the other provision of this section, the Administrator shall ensure, in awarding grants under this subsection, that at least 1 grant shall be awarded to an eligible school in each State if at least 1 eligible school in the State has submitted an application that meets the criteria described in subparagraph (B)(i).

(ii) *INDIAN TRIBES.*—Notwithstanding any other provision of this subsection, before providing grants under this subsection, the Administrator shall allocate at least 2.0 percent of the total annual amount made available to carry out this subsection among Indian tribes, based on criteria described in subparagraph (B)(ii).

(E) *GEOGRAPHICAL AND SIZE DIFFERENCES.*—In addition to applying the criteria described in subparagraph (B)(ii), the Administrator shall ensure geographical diversity among grant awardees and ensure that grant awardees reflect a variety of schools sizes.

(F) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2011 through 2015.

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