

To the office of U.S. Representative Nicholas A. Langworthy

Re: HR 9317 (119th Congress), BUSES Act • Latest action (2026-07-14): Forwarded by Subcommittee to Full Committee by Voice Vote.

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Office of record (Congress.gov): 422 Cannon House Office Building, Washington, DC • (202) 225-3161

Bus Idling Flexibility and State Choice Act of 2025

The measure, as described from the official record: To prevent state and local governments from imposing engine idling restrictions on over-the-road buses and school buses that would require them to shut off engines in less than 15 minutes, in order to allow for necessary heating, cooling, safety, and operational needs.

THE PROPOSAL

This Act establishes a federal standard that no state or local government may enforce an engine idling restriction on an over-the-road bus or school bus that requires the engine to be shut off in less than 15 minutes, provided the bus is engaged in interstate commerce or receives federal highway funding. However, a state may opt out of this standard by enacting a law that expressly supersedes this Act for buses operating solely within its borders, if the state demonstrates a compelling environmental or public health need through a waiver application to the Department of Transportation. The waiver must be renewed every three years and may be revoked if the state's restriction is found to be arbitrary or discriminatory against interstate commerce. For school buses not engaged in interstate commerce, this Act applies only if the state accepts federal highway funds; states that reject this condition may enforce their own idling restrictions without penalty. The Department of Transportation shall oversee compliance and may withhold up to 1% of a state's federal highway apportionment for any fiscal year in which the state enforces a restriction that violates this Act and has not obtained a waiver. This Act sunsets after five years, and Congress shall review its effects on air quality, bus operations, and state flexibility before reauthorization.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Highway Trust Fund (administrative costs for DOT oversight, capped at \$5 million per year)
Funding Amount	\$5,000,000 per year
Sunset Years	5 years
Oversight Body	Department of Transportation, Office of the Secretary
Enforcement Mechanism	Withholding of up to 1% of a state's federal highway apportionment for noncompliance without a valid waiver
Effective Date	90 days after enactment

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1 (Spending Power – conditioning federal highway funds)
- Article I, Section 8, Clause 3 (Commerce Clause – regulating interstate bus operations)

- Tenth Amendment (states retain power to opt out for intrastate operations)

Concerns with the measure as written:

- The original bill may violate the Tenth Amendment by preempting state and local police powers over intrastate school buses and local environmental regulations.
- The original bill may exceed Congress's enumerated powers under the Commerce Clause if applied to purely intrastate school buses not substantially affecting interstate commerce.
- The original bill may infringe on state sovereignty without a clear federal interest or a cooperative federalism mechanism.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities honored: Environmental protection is preserved through a state waiver process that allows stricter idling limits for compelling health or environmental reasons, and states retain the ability to opt out entirely for intrastate school buses. Republican priorities honored: Bus operators receive a clear federal floor of 15 minutes of idling without penalty, reducing regulatory burden, and states are not forced to comply—they can choose to accept the condition on federal funds or go their own way, respecting federalism.

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