

.....  
(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To strengthen and enhance the competitiveness of cement, concrete, asphalt binder, and asphalt mixture production in the United States through the research, development, demonstration, and commercial application of technologies to reduce emissions from cement, concrete, asphalt binder, and asphalt mixture production, and for other purposes.

---

IN THE HOUSE OF REPRESENTATIVES

Mrs. FOUSHEE introduced the following bill; which was referred to the Committee on \_\_\_\_\_

---

**A BILL**

To strengthen and enhance the competitiveness of cement, concrete, asphalt binder, and asphalt mixture production in the United States through the research, development, demonstration, and commercial application of technologies to reduce emissions from cement, concrete, asphalt binder, and asphalt mixture production, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “IMPACT Act 2.0”.

3 **SEC. 2. FEDERAL HIGHWAY ADMINISTRATION.**

4 (a) PERFORMANCE-BASED LOW-EMISSIONS TRANS-  
5 PORTATION MATERIALS GRANTS.—

6 (1) PURPOSE.—The purpose of this subsection  
7 is to encourage States to improve State-level cement,  
8 concrete, asphalt binder, and asphalt mixture speci-  
9 fications and standards to facilitate the purchase of  
10 low-emissions cement, concrete, asphalt binder, or  
11 asphalt mixtures.

12 (2) ESTABLISHMENT.—The Administrator of  
13 the Federal Highway Administration (referred to in  
14 this section as the “Administrator”) shall provide to  
15 States—

16 (A) reimbursement for the additional cost  
17 of using low-emissions cement, concrete, asphalt  
18 binder, and asphalt mixtures used in highway  
19 projects of the State;

20 (B) incentives for the acquisition of low-  
21 emissions cement, concrete, asphalt binder, and  
22 asphalt mixtures for use in highway projects of  
23 the State;

24 (C) technical assistance to update the spec-  
25 ifications and standards of the State to be per-

1 performance-based specifications and standards;  
2 and

3 (D) technical assistance to benchmark and  
4 quantify embodied greenhouse gas emissions.

5 (3) REIMBURSEMENT AND INCENTIVE  
6 AMOUNTS.—

7 (A) REIMBURSEMENT AMOUNT.—The  
8 amount of reimbursement under paragraph  
9 (2)(A) shall be equal to the incrementally high-  
10 er cost of using such materials relative to the  
11 cost of using traditional materials, as deter-  
12 mined by the State and verified by the Adminis-  
13 trator.

14 (B) INCENTIVE AMOUNT.—The amount of  
15 an incentive under paragraph (2)(B) shall be  
16 equal to 2 percent of the cost of using low-emis-  
17 sions cement, concrete, asphalt binder, and as-  
18 phalt mixtures on a highway project of the  
19 State.

20 (C) LIMITATION.—Amounts provided for  
21 reimbursement and incentives under this sub-  
22 section may not exceed the amount authorized  
23 to be appropriated under paragraph (6).

24 (4) ELIGIBILITY.—To be eligible to receive re-  
25 imbursement or incentives under this subsection, a

1 State shall have in effect, as appropriate, special  
2 provisions, specifications, or standards, such as engi-  
3 neering performance standards, or a collection of  
4 embodied greenhouse gas emissions reporting tools,  
5 such as environmental product declarations, that fa-  
6 cilitate the purchase of low-emissions cement, con-  
7 crete, asphalt binder, and asphalt mixtures.

8 (5) COORDINATION.—In carrying out this sub-  
9 section, the Administrator shall leverage the Every  
10 Day Counts Initiative of the Department of Trans-  
11 portation to promote the commercialization of low-  
12 emissions cement, concrete, asphalt binder, and as-  
13 phalt mixtures.

14 (6) AUTHORIZATION OF APPROPRIATIONS.—  
15 There is authorized to be appropriated to the Sec-  
16 retary to carry out this subsection \$15,000,000 for  
17 the period of fiscal years 2025 through 2027.

18 (b) DIRECTORY OF LOW-EMISSION CEMENT, CON-  
19 CRETE, ASPHALT BINDER, OR ASPHALT MIXTURES.—

20 (1) IN GENERAL.—The Administrator shall es-  
21 tablish and maintain a publicly available directory of  
22 low-emissions cement, concrete, asphalt binder, or  
23 asphalt mixtures submitted by States that the Ad-  
24 ministrator determines to be eligible for reimburse-  
25 ment or incentives under subsection (a).

1 (2) SUBMISSION AND APPROVAL.—

2 (A) IN GENERAL.—Not later than 180  
3 days after the date of enactment of this Act,  
4 the Administrator shall establish a procedure  
5 under which States may submit new low-emis-  
6 sions cement, concrete, asphalt binder, or as-  
7 phalt mixtures to be included in the directory  
8 under paragraph (1).

9 (B) SUBMISSION.—To be considered for  
10 inclusion in the directory under paragraph (1),  
11 a State shall submit an application relating to  
12 the low-emissions cement, concrete, asphalt  
13 binder, or asphalt mixture to the Administrator  
14 at such time, in such manner, and containing  
15 such information as the Administrator deter-  
16 mines to be necessary.

17 (C) DECISION DEADLINE.—Not later than  
18 180 days after the date on which the Adminis-  
19 trator receives an application under subpara-  
20 graph (B), the Administrator shall—

21 (i) approve the application and include  
22 the low-emissions cement, concrete, asphalt  
23 binder, or asphalt mixture in the directory  
24 under paragraph (1); or

25 (ii) deny the application.

1 (D) WRITTEN REASONS FOR DENIAL.—If  
2 the Administrator denies an application under  
3 paragraph (C)(ii), the Administrator shall pro-  
4 vide the State a written explanation for the de-  
5 nial.

6 (3) PROJECT SELECTION.—Low-emissions ce-  
7 ment, concrete, asphalt binder, or asphalt mixtures  
8 approved under paragraph (2)(C)(i) and included in  
9 the directory under paragraph (1) may be used in  
10 any highway project.

11 **SEC. 3. ADVANCE PURCHASE COMMITMENT PROGRAM.**

12 (a) PURPOSE.—The purposes of this section are—

13 (1) to allow States to purchase or contractually  
14 guarantee the direct purchase of conforming low-  
15 emissions cement, concrete, asphalt binder, or as-  
16 phalt mixtures; and

17 (2) to encourage continuous innovation and  
18 long-term emissions reductions in the production of  
19 concrete, cement, asphalt binder, and asphalt mix-  
20 tures.

21 (b) ELIGIBLE PROJECTS.—Section 133 of title 23,  
22 United States Code, is amended—

23 (1) in subsection (b) by adding at the end the  
24 following:

1           “(25) A project that includes the use of innova-  
2           tive, domestically produced cement, concrete, asphalt  
3           mixture, or asphalt binder manufactured using a  
4           process described in subsection (l).

5           “(26) Subject to subsection (m), a project that  
6           is carried out through an advance multiyear contract  
7           with a producer for a specified quantity and speci-  
8           fied price of innovative, domestically produced ce-  
9           ment, concrete, asphalt mixture, or asphalt binder  
10          manufactured using a process described in sub-  
11          section (l).”; and

12           (2) by adding at the end the following:

13          “(l) REQUIREMENTS FOR CERTAIN PROJECTS.—The  
14          process referred to in paragraphs (25) and (26) of sub-  
15          section (b) is a manufacturing process that—

16           “(1) produces materials with—

17           “(A) superior durability to conventional  
18           materials; and

19           “(B) superior performance with respect  
20           to—

21           “(i) compressive strength;

22           “(ii) tensile strength; or

23           “(iii) workability; or

1           “(2) produces materials that meet the engineer-  
2           ing specifications of the State and achieve superior  
3           performance with respect to—

4                   “(A) environmental performance; or

5                   “(B) energy efficiency.”.

6           (c) STATE FLEXIBILITY.—Section 133(h)(6) of title  
7           23, United States Code, is amended by adding at the end  
8           the following:

9                   “(D) PROCUREMENT FOR INNOVATIVE  
10                   BUILDING MATERIALS.—

11                   “(i) IN GENERAL.—A State may use  
12                   the funds set aside under this subsection  
13                   to enter into an advance multi-year con-  
14                   tract described in subsection (m) for a  
15                   specified quantity and specified price of in-  
16                   novative, domestically produced cement,  
17                   concrete, asphalt mixture, or asphalt bind-  
18                   er.

19                   “(ii) USE OF FUNDS.—States may not  
20                   provide payments to the producer as part  
21                   of the advance procurement under clause  
22                   (i) unless materials have been delivered ac-  
23                   cording to contract terms and conditions.”.



1 (d) LIMITATION.—Section 133 of title 23, United  
2 States Code, is further amended by adding at the end the  
3 following:

4 “(m) ADVANCE MULTI-YEAR CONTRACTS.—Except  
5 as otherwise provided in this section, none of the funds  
6 made available under this section may be used for a multi-  
7 year contract unless—

8 “(1) cancellation provisions in the contract do  
9 not include consideration of recurring manufacturing  
10 costs of the producer associated with the production  
11 of unfunded units to be delivered under the contract;

12 “(2) the contract provides that payments to the  
13 producer under the contract shall not be made in ad-  
14 vance of incurred costs on funded units;

15 “(3) the contract does not provide for a price  
16 adjustment based on a failure to award a follow-on  
17 contract;

18 “(4) the producer submits a statement describ-  
19 ing the quantity and cost of the cement, concrete,  
20 asphalt mixture, and asphalt binder;

21 “(5) the producer demonstrates material steps  
22 towards commercial production and operational ca-  
23 pacity of cement, concrete, asphalt mixture, or as-  
24 phalt binder production with respect to logistics,  
25 planned material storage, handling capacities, and

1 delivery mechanisms, of which failure to demonstrate  
2 material progress towards commercial production  
3 and operational capacity may result in termination  
4 of a portion or all of the advance procurement at the  
5 sole discretion of the State; and

6 “(6) the contract fulfills, to the maximum ex-  
7 tent possible, preference criteria set by the State.”.

8 (e) LOW-EMISSIONS CEMENT, CONCRETE, AND AS-  
9 PHALT DEFINED.—In this Act, the term “low-emissions  
10 cement, concrete, and asphalt” means cement, concrete,  
11 asphalt binder, or asphalt mixture that reduces, to the  
12 maximum extent practicable, greenhouse gas or directly  
13 related pollutant emissions to levels below commercially  
14 available cement, concrete, or asphalt.