

AMENDMENT
OFFERED BY MRS. FOUSHEE OF NORTH
CAROLINA

At the end of subtitle C of title I of the bill, add the following:

1 **SEC. 13 ____ . IMPACT ACT 2.0.**

2 (a) **PURPOSE.**—The purpose of this section is to en-
3 courage States to improve State-level cement, concrete, as-
4 phalt binder, and asphalt mixture specifications and
5 standards to facilitate the purchase of low-emissions ce-
6 ment, concrete, asphalt binder, or asphalt mixtures.

7 (b) **ESTABLISHMENT.**—The Administrator of the
8 Federal Highway Administration (referred to in this sec-
9 tion as the “Administrator”) shall provide to States—

10 (1) reimbursement for the additional cost of
11 using low-emissions cement, concrete, asphalt bind-
12 er, and asphalt mixtures used in Federal highway
13 projects of the State, including the costs of research,
14 lab and field testing, and pilot demonstrations of
15 using such mixtures, including test development,
16 equipment rental and purchase, and replacement of
17 test sections;

1 (2) incentives for the acquisition of low-emis-
2 sions cement, concrete, asphalt binder, and asphalt
3 mixtures for use in Federal highway projects of the
4 State;

5 (3) technical assistance, including reimburse-
6 ments to States for the provision of technical assist-
7 ance from third party entities, to update the speci-
8 fications and standards of the State to be perform-
9 ance-based specifications and standards; and

10 (4) technical assistance, including reimburse-
11 ments to States for the provision of technical assist-
12 ance from third party entities, to benchmark and
13 quantify embodied greenhouse gas emissions.

14 (c) REIMBURSEMENT AND INCENTIVE AMOUNTS.—

15 (1) REIMBURSEMENT AMOUNT.—The amount
16 of reimbursement under subsection (b)(1) shall be
17 equal to the incrementally higher cost of using such
18 materials relative to the cost of using traditional ma-
19 terials, as determined by the State and verified by
20 the Administrator.

21 (2) INCENTIVE AMOUNT.—The amount of an
22 incentive under subsection (b)(2) shall be equal to 2
23 percent of the cost of using low-emissions cement,
24 concrete, asphalt binder, and asphalt mixtures on a
25 Federal highway project of the State.

1 (3) LIMITATION.—Amounts provided for reim-
2 bursement and incentives under this section may not
3 exceed the amount authorized to be appropriated
4 under subsection (h).

5 (d) ELIGIBILITY.—To be eligible to receive reim-
6 bursement or incentives under this section, a State shall
7 have in effect, as appropriate, special provisions, specifica-
8 tions, or standards, such as engineering performance
9 standards, or a collection of embodied greenhouse gas
10 emissions reporting tools, such as environmental product
11 declarations, that facilitate the purchase of low-emissions
12 cement, concrete, asphalt binder, and asphalt mixtures.

13 (e) DECISION DEADLINE.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date on which the Administrator receives
16 an application from a State for reimbursement or in-
17 centives under this section, the Administrator shall
18 approve the application or deny the application.

19 (2) WRITTEN REASONS FOR DENIAL.—If the
20 Administrator denies an application under para-
21 graph (1), the Administrator shall provide the State
22 a written explanation for the denial.

23 (f) DIRECTORY OF LOW-EMISSION CEMENT, CON-
24 CRETE, ASPHALT BINDER, OR ASPHALT MIXTURES.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Adminis-
3 trator shall establish and maintain a publicly avail-
4 able directory of low-emissions cement, concrete, as-
5 phalt binder, or asphalt mixtures submitted by
6 States, solely as an information resource, that the
7 Administrator determines to be eligible for reim-
8 bursement or incentives under this subsection.

9 (2) RULE OF CONSTRUCTION.—Nothing in this
10 subsection shall be construed as prohibiting eligi-
11 bility for reimbursement or incentives under sub-
12 section (d).

13 (g) COORDINATION.—In carrying out this section, the
14 Administrator shall leverage the Every Day Counts Initia-
15 tive of the Department of Transportation to promote the
16 commercialization of low-emissions cement, concrete, as-
17 phalt binder, and asphalt mixtures.

18 (h) LOW-EMISSIONS CEMENT, CONCRETE, AND AS-
19 PHALT DEFINED.—In this Act, the term “low-emissions
20 cement, concrete, and asphalt” means cement, concrete,
21 asphalt binder, or asphalt mixture that reduces, to the
22 maximum extent practicable, greenhouse gas or directly
23 related pollutant emissions to levels below commercially
24 available cement, concrete, or asphalt.

1 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary to carry
3 out this section \$15,000,000 for the period of fiscal years
4 2025 through 2027.

Page 86, after line 16, insert the following (and re-
designate the subsequent paragraph accordingly):

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

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

Page 88, after line 21, insert the following (and re-
designate the subsequent paragraphs accordingly):

16 (7) in subsection (h)(6) by adding at the end
17 the following:

18 “(D) PROCUREMENT FOR INNOVATIVE
19 BUILDING MATERIALS.—

1 “(i) IN GENERAL.—A State may use
2 the funds set aside under this subsection
3 to enter into an advance multi-year con-
4 tract described in subsection (m) for a
5 specified quantity and specified price of in-
6 novative, domestically produced cement,
7 concrete, asphalt mixture, or asphalt bind-
8 er.

9 “(ii) USE OF FUNDS.—States may not
10 provide payments to the producer as part
11 of the advance procurement under clause
12 (i) unless materials have been delivered ac-
13 cording to contract terms and conditions.”;

Page 91, line 24, strike the closing quotation marks
and the second period.

Page 91, after line 24, insert the following:

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

17 “(1) produces materials with—

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

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

1 “(i) compressive strength;

2 “(ii) tensile strength; or

3 “(iii) workability; or

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

7 “(A) environmental performance; or

8 “(B) energy efficiency.

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

13 “(1) cancellation provisions in the contract do
14 not include consideration of recurring manufacturing
15 costs of the producer associated with the production
16 of unfunded units to be delivered under the contract;

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

20 “(3) the contract does not provide for a price
21 adjustment based on a failure to award a follow-on
22 contract;

23 “(4) the producer submits a statement describ-
24 ing the quantity and cost of the cement, concrete,
25 asphalt mixture, and asphalt binder;

1 “(5) the producer demonstrates material steps
2 towards commercial production and operational ca-
3 pacity of cement, concrete, asphalt mixture, or as-
4 phalt binder production with respect to logistics,
5 planned material storage, handling capacities, and
6 delivery mechanisms, of which failure to demonstrate
7 material progress towards commercial production
8 and operational capacity may result in termination
9 of a portion or all of the advance procurement at the
10 sole discretion of the State; and

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

