

119TH CONGRESS
1ST SESSION

H. R. 2122

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

MARCH 14, 2025

Mrs. FOUSHEE (for herself and Mr. MILLER of Ohio) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FEDERAL HIGHWAY ADMINISTRATION.**

2 (a) PERFORMANCE-BASED LOW-EMISSIONS TRANS-
3 PORTATION MATERIALS GRANTS.—

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

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

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

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

22 (C) technical assistance to update the spec-
23 ifications and standards of the State to be per-
24 formance-based specifications and standards;
25 and

1 (D) technical assistance to benchmark and
2 quantify embodied greenhouse gas emissions.

3 (3) REIMBURSEMENT AND INCENTIVE
4 AMOUNTS.—

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

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

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

22 (4) ELIGIBILITY.—To be eligible to receive re-
23 imbursement or incentives under this subsection, a
24 State shall have in effect, as appropriate, special
25 provisions, specifications, or standards, such as engi-

neering performance standards, or a collection of embodied greenhouse gas emissions reporting tools, such as environmental product declarations, that facilitate the purchase of low-emissions cement, concrete, asphalt binder, and asphalt mixtures.

(5) COORDINATION.—In carrying out this subsection, the Administrator shall leverage the Every Day Counts Initiative of the Department of Transportation to promote the commercialization of low-emissions cement, concrete, asphalt binder, and asphalt mixtures.

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

(b) DIRECTORY OF LOW-EMISSION CEMENT, CONCRETE, ASPHALT BINDER, OR ASPHALT MIXTURES.—

(1) IN GENERAL.—The Administrator shall establish and maintain a publicly available directory of low-emissions cement, concrete, asphalt binder, or asphalt mixtures submitted by States that the Administrator determines to be eligible for reimbursement or incentives under subsection (a).

(2) SUBMISSION AND APPROVAL.—

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

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

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

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

24 (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.

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