

AMENDMENT TO H.R. 7685
OFFERED BY MR. SORENSEN OF ILLINOIS

Add at the end the following:

1 **SEC. 3. LOW-EMISSIONS CONCRETE AND LOW-EMISSIONS**
2 **ASPHALT MANUFACTURING USA INSTITUTES.**

3 (a) DEFINITIONS.—In this section:

4 (1) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” has the meaning given the term in section
6 458(b) of the Energy Independence and Security Act
7 of 2007 (as added by section 3).

8 (2) MANUFACTURING USA INSTITUTE.—The
9 term “Manufacturing USA institute” has the mean-
10 ing given the term in section 34(d) of the National
11 Institute of Standards and Technology Act (15
12 U.S.C. 278s(d)).

13 (3) SECRETARY.—The term “Secretary” means
14 the Secretary of Commerce, acting through the Di-
15 rector of the National Institute of Standards and
16 Technology.

17 (b) PURPOSE.—The purpose of this section is to sup-
18 port—

1 (1) the development of standardized testing and
2 technical validation of low-emissions cement, con-
3 crete, asphalt binder, and asphalt mixtures; and

4 (2) the expansion, reskilling, and upskilling of
5 the manufacturing workforce to increase employ-
6 ment in fields relating to the domestic production
7 and use of low-emissions cement, concrete, asphalt
8 binder, and asphalt mixtures.

9 (c) CONSIDERATIONS.—In carrying out this section,
10 the Secretary shall consider strategies for—

11 (1) improving the durability and performance of
12 cement, concrete, asphalt binder, and asphalt mix-
13 tures, including low-emissions cement, concrete, as-
14 phalt binder, and asphalt mixtures;

15 (2) reducing the cost of low-emissions cement,
16 concrete, asphalt binder, and asphalt mixtures;

17 (3) supporting continuous innovation and emis-
18 sions reductions in the production of low-emissions
19 cement, concrete, asphalt binder, and asphalt mix-
20 tures;

21 (4) increasing employment in fields relating to
22 the domestic production and use of low-emissions ce-
23 ment, concrete, asphalt binder, and asphalt mix-
24 tures; and

1 (5) providing information to satisfy the respon-
2 sibilities of the Task Force.

3 (d) AUTHORITY TO ESTABLISH OR SUPPORT THE ES-
4 TABLISHMENT OF MANUFACTURING USA INSTITUTES
5 FOCUSED ON LOW-EMISSIONS CEMENT AND CONCRETE
6 AND LOW-EMISSIONS ASPHALT BINDER AND MIX-
7 TURES.—

8 (1) IN GENERAL.—Subject to subsection (g),
9 the Secretary may, in consultation with the Sec-
10 retary of Energy, the Secretary of Transportation,
11 the Secretary of Defense, and the Administrator of
12 the General Services Administration, establish, or
13 award financial assistance under section 34(e)(1) of
14 the National Institute of Standards and Technology
15 Act (15 U.S.C. 278s(e)(1)) to plan, establish, or
16 support, 2 Manufacturing USA institutes, 1 for low-
17 emissions cement and concrete and 1 for low-emis-
18 sions asphalt binder and mixtures that—

19 (A) establish advanced testing capabilities
20 for properties of low-emissions cement or con-
21 crete and low-emissions binder or mixtures, re-
22 spectively, produced by an eligible entity;

23 (B) provide centralized, publicly available
24 data on the properties of low-emissions cement

1 or concrete and low-emissions asphalt binder or
2 mixtures, respectively;

3 (C) support the development and imple-
4 mentation of education, training, and workforce
5 recruitment courses, materials, and programs
6 addressing workforce needs in fields related to
7 the domestic production and use of low-emis-
8 sions cement or concrete, and low-emissions as-
9 phalt binder or mixtures, respectively, through
10 training and education programs at all appro-
11 priate education levels; and

12 (D) provide collected information to the
13 Task Force.

14 (2) COORDINATION.—In addition to subpara-
15 graphs (A) through (D) of paragraph (1), the Sec-
16 retary shall require the Manufacturing USA insti-
17 tutes established, planned, or supported under such
18 paragraph to coordinate with the research program
19 established under section 458(c) of the Energy Inde-
20 pendence and Security Act of 2007, as added by sec-
21 tion 3, to carry out activities focused on researching,
22 developing, demonstrating, and deploying low-emis-
23 sions cement, concrete, asphalt binder, and asphalt
24 mixtures.

25 (3) SUPPORT AND ASSISTANCE FOR STATES.—

1 (A) IN GENERAL.—The Manufacturing
2 USA institutes established, planned, or sup-
3 ported under paragraph (1) shall, pursuant to
4 a request from a State agency for testing sup-
5 port, guidance, or resources, provide the State
6 agency with such testing support, guidance, or
7 resources in the form of technical assistance or
8 a grant.

9 (B) CONDITION.—The Secretary shall re-
10 quire, as a condition on the receipt of a grant
11 under subparagraph (A), that the recipient of
12 the grant make publicly available all data col-
13 lected by the recipient using amounts from the
14 grant.

15 (e) SELECTION OF CEMENT, CONCRETE, ASPHALT
16 BINDER, OR ASPHALT MIXTURES FOR TESTING.—In se-
17 lecting cement, concrete, asphalt binder, or asphalt mix-
18 tures from eligible entities for testing by the Manufac-
19 turing USA institutes established, planned, or supported
20 under subsection (d)(1), the Manufacturing USA insti-
21 tutes shall—

22 (1) seek to achieve regional diversity in the ce-
23 ment, concrete, asphalt binder, or asphalt mixtures
24 from eligible entities selected for testing;

1 (2) seek to achieve technological diversity in the
2 cement, concrete, asphalt binder, or asphalt mixtures
3 from eligible entities selected for testing;

4 (3) prioritize cement, concrete, asphalt binder,
5 or asphalt mixtures from eligible entities that lever-
6 age matching funds from non-Federal sources; and

7 (4) prioritize projects that would have the
8 greatest reduction in emissions on a lifecycle basis.

9 (f) ALTERNATIVES.—The Secretary may carry out
10 this section by—

11 (1) leveraging resources of relevant existing
12 Manufacturing USA institutes;

13 (2) integrating program activities into a rel-
14 evant existing Manufacturing USA institute; or

15 (3) establishing new Manufacturing USA insti-
16 tutes in accordance with subsection (d).

17 (g) FUNDING.—The Secretary shall carry out this
18 section using amounts otherwise available to the Sec-
19 retary.

20 **SEC. 4. FEDERAL HIGHWAY ADMINISTRATION.**

21 (a) PERFORMANCE-BASED LOW-EMISSIONS TRANS-
22 PORTATION MATERIALS GRANTS.—

23 (1) PURPOSE.—The purpose of this subsection
24 is to encourage States to improve State-level cement,
25 concrete, asphalt binder, and asphalt mixture speci-

1 fications and standards to facilitate the purchase of
2 low-emissions cement, concrete, asphalt binder, or
3 asphalt mixtures.

4 (2) ESTABLISHMENT.—The Administrator of
5 the Federal Highway Administration (referred to in
6 this section as the “Administrator”) shall provide to
7 States—

8 (A) reimbursement for the additional cost
9 of using low-emissions cement, concrete, asphalt
10 binder, and asphalt mixtures used in highway
11 projects of the State;

12 (B) incentives for the acquisition of low-
13 emissions cement, concrete, asphalt binder, and
14 asphalt mixtures for use in highway projects of
15 the State; and

16 (C) technical assistance to update the spec-
17 ifications and standards of the State to be per-
18 formance-based specifications and standards.

19 (3) ELIGIBILITY.—To be eligible to receive re-
20 imbursement or incentives under this subsection, a
21 State shall have in effect, as appropriate, special
22 provisions, specifications, or standards, such as engi-
23 neering performance standards, that facilitate the
24 purchase of low-emissions cement, concrete, asphalt
25 binder, and asphalt mixtures.

1 (4) COORDINATION.—In carrying out this sub-
2 section, the Administrator shall leverage the Every
3 Day Counts Initiative of the Department of Trans-
4 portation to promote the commercialization of low-
5 emissions cement, concrete, asphalt binder, and as-
6 phalt mixtures.

7 (5) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated to the Sec-
9 retary to carry out this subsection \$15,000,000 for
10 the period of fiscal years 2025 through 2027.

11 (b) TIMELY APPROVAL OF CEMENT, CONCRETE, AS-
12 PHALT BINDER, OR ASPHALT MIXTURES.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of enactment of this Act, the Adminis-
15 trator shall establish a procedure under which States
16 may submit new low-emissions cement, concrete, as-
17 phalt binder, or asphalt mixtures for timely approval
18 for use in highways projects of the State.

19 (2) SUBMISSION.—To be considered for ap-
20 proval under the procedure established under para-
21 graph (1), a State shall submit an application to the
22 Administrator at such time, in such manner, and
23 containing such information as the Administrator
24 determines to be necessary.

1 (3) DECISION DEADLINE.—Not later than 180
2 days after the date on which the Administrator re-
3 ceives an application under paragraph (2), the Ad-
4 ministrator shall—

5 (A) approve the application; or

6 (B) deny the application.

7 (4) APPROVAL.—Low-emissions cement, con-
8 crete, asphalt binder, or asphalt mixtures approved
9 under paragraph (3)(A) may be used in any highway
10 project of the State.

11 (5) WRITTEN REASONS FOR DENIAL.—If the
12 Administrator denies an application under para-
13 graph (3)(B), the Administrator shall provide the
14 State a written explanation for the denial.

15 **SEC. 5. ADVANCE PURCHASE COMMITMENT AUTHORITY.**

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

17 (1) to authorize the Secretary to directly pur-
18 chase or contractually guarantee the direct purchase
19 of conforming low-emissions cement, concrete, as-
20 phalt binder, or asphalt mixtures; and

21 (2) to encourage continuous innovation and
22 long-term emissions reductions in the production of
23 concrete, cement, asphalt binder, and asphalt mix-
24 tures.

25 (b) DEFINITIONS.—In this section:

1 (1) ADVANCE PURCHASE COMMITMENT.—The
2 term “advance purchase commitment” means a
3 binding commitment from the Department of Trans-
4 portation to purchase, 3 or more years in the future,
5 from a private entity, a specified minimum quantity
6 of conforming low-emissions cement, concrete, as-
7 phalt binder, or asphalt mixtures at a specified min-
8 imum price with the objective of establishing market
9 demand for the conforming low-emissions cement,
10 concrete, asphalt binder, or asphalt mixtures.

11 (2) CONFORMING LOW-EMISSIONS CEMENT,
12 CONCRETE, ASPHALT BINDER, OR ASPHALT MIX-
13 TURE.—The term “conforming low-emissions ce-
14 ment, concrete, asphalt binder, or asphalt mixture”
15 means a low-emissions cement, concrete, asphalt
16 binder, or asphalt mixture that—

17 (A) meets or exceeds the threshold estab-
18 lished by the Secretary of Energy under section
19 458(i)(2) of the Energy Independence and Se-
20 curity Act of 2007 that is in effect on the date
21 on which the applicable advance purchase com-
22 mitment is awarded under the program; and

23 (B) meets all applicable technical specifica-
24 tions established by the Secretary.

1 (3) PROGRAM.—The term “program” means
2 the program established under subsection (c).

3 (4) SECRETARY.—The term “Secretary” means
4 the Secretary of Transportation.

5 (c) ESTABLISHMENT OF PROGRAM.—Not later than
6 180 days after the date of enactment of this Act, the Sec-
7 retary shall establish a program for awarding, on a com-
8 petitive basis, advance purchase commitments.

9 (d) REQUIREMENT.—An advance purchase commit-
10 ment shall be awarded under the program only after—

11 (1) a private entity submits to the Secretary—

12 (A) a statement describing the quantity
13 and cost of the conforming low-emissions ce-
14 ment, concrete, asphalt binder, or asphalt mix-
15 ture for which the advance purchase commit-
16 ment is sought; and

17 (B)(i) an environmental product declara-
18 tion;

19 (ii) in cases in which a private entity does
20 not have sufficient production to generate an
21 environmental product declaration, a lifecycle
22 assessment consistent with ISO 14044 of the
23 International Organization for Standardization;
24 or

1 (iii) a preliminary environmental product
2 declaration, which shall be verified within 1
3 year of fulfillment of delivery of materials pur-
4 suant to the advance purchase commitment;
5 and

6 (2) the Secretary, based on those submissions—

7 (A) confirms that the embodied greenhouse
8 gas emissions of the conforming low-emissions
9 cement, concrete, asphalt binder, or asphalt
10 mixture meet or exceed the threshold described
11 in subsection (b)(2)(A); and

12 (B) based on the submission under para-
13 graph (1)(B) otherwise verifies that the low-
14 emissions cement, concrete, asphalt binder, or
15 asphalt mixture is a conforming low-emissions
16 cement, concrete, asphalt binder, or asphalt
17 mixture.

18 (e) PREFERENCE CRITERIA.—In carrying out the
19 program, the Secretary shall prioritize the award of ad-
20 vance purchase commitments based on the following fac-
21 tors:

22 (1) The degree of greenhouse gas emissions re-
23 duced during or in connection with the production of
24 the applicable conforming low-emissions cement, con-
25 crete, asphalt binder, or asphalt mixture.

1 (2) The anticipated suitability of the con-
2 forming low-emissions cement, concrete, asphalt
3 binder, or asphalt mixture for its intended use.

4 (3) The potential of the advance purchase com-
5 mitment to increase the availability of, or financing
6 for, conforming low-emissions cement, concrete, as-
7 phalt binder, or asphalt mixtures.

8 (4) The utilization or mineralization of carbon
9 dioxide in the conforming low-emissions cement, con-
10 crete, or asphalt mixture, subject to the condition
11 that the utilization or mineralization of the carbon
12 dioxide does not lead to positive net carbon dioxide
13 emissions.

14 (f) ASSIGNABILITY.—A contract entered into or ma-
15 terial purchased pursuant to this section may be assigned
16 to a State department of transportation or a local trans-
17 portation authority at the discretion of the Secretary.

18 (g) CLARIFICATION.—Any update or revision to the
19 threshold established by the Secretary of Energy under
20 section 458(i)(2) of the Energy Independence and Secu-
21 rity Act of 2007 shall not affect or otherwise apply to any
22 advance purchase commitment awarded under the pro-
23 gram before the date of that update or revision.

1 (h) FUNDING.—The Secretary shall carry out this
2 section using amounts otherwise available to the Sec-
3 retary.

4 **SEC. 6. INTERAGENCY TASK FORCE FOR CONCRETE AND**
5 **ASPHALT INNOVATION.**

6 (a) IN GENERAL.—The Secretary, in coordination
7 with the Secretary of Transportation, the Administrator
8 of General Services, the Secretary of Defense, the Director
9 of the National Institute of Standards and Technology,
10 and the Administrator of the Environmental Protection
11 Agency, shall establish a task force, to be known as the
12 “Interagency Task Force for Concrete and Asphalt Inno-
13 vation”.

14 (b) OBJECTIVES.—In carrying out the duties of the
15 Task Force, the Task Force shall consider strategies for—

16 (1) improving the durability and performance of
17 low-emissions cement, concrete, asphalt binder, or
18 asphalt mixtures;

19 (2) reducing the cost of low-emissions cement,
20 concrete, asphalt binder, or asphalt mixtures;

21 (3) supporting continuous innovation and emis-
22 sions reductions in the production of low-emissions
23 cement, concrete, asphalt binder, or asphalt mix-
24 tures;

1 (4) increasing employment in fields related to
2 the domestic production of low-emissions cement,
3 concrete, asphalt binder, or asphalt mixtures; and

4 (5) ensuring a trained workforce in fields re-
5 lated to the domestic production and use of low-
6 emissions cement, concrete, asphalt binder, or as-
7 phalt mixtures.

8 (c) COMPOSITION.—The Task Force shall be com-
9 posed of 2 members from each of—

10 (1) the Department of Energy;

11 (2) the Department of Transportation;

12 (3) the General Services Administration;

13 (4) the Department of Defense;

14 (5) the National Institute of Standards and
15 Technology; and

16 (6) the Environmental Protection Agency.

17 (d) CONSULTATION.—In carrying out the duties of
18 the Task Force, the Secretary shall consult with the fol-
19 lowing stakeholders, who shall reflect regional diversity to
20 the maximum extent practicable:

21 (1) Entities in the cement, concrete, asphalt
22 binder, and asphalt mixture sectors, including—

23 (A) ready-mix or site-mixed concrete pro-
24 ducers;

25 (B) precast concrete producers;

1 (C) portland cement and other cement pro-
2 ducers;

3 (D) aggregate producers;

4 (E) asphalt binder producers;

5 (F) asphalt mixture producers;

6 (G) producers of emerging cement, con-
7 crete, asphalt binder, or asphalt mixture solu-
8 tions; and

9 (H) distributors and users of cement, con-
10 crete, asphalt binder, or asphalt mixture pro-
11 duction.

12 (2) Contracting companies with at least 1 Fed-
13 eral Government contract awarded in the preceding
14 5 years.

15 (3) Contracting companies with at least 1 pri-
16 vate sector contract awarded in the preceding 5
17 years.

18 (4) Experts, including from nongovernmental
19 organizations, on the environmental impact of ce-
20 ment, concrete, asphalt binder, and asphalt mixture
21 production in architectural and nonarchitectural ap-
22 plications, with expertise in—

23 (A) developing codes, specifications, and
24 standards for cement, concrete, asphalt binder,
25 and asphalt mixtures;

1 (B) conducting performance tests on ce-
2 ment, concrete, asphalt binder, and asphalt
3 mixtures;

4 (C) working with the National Institute of
5 Building Sciences;

6 (D) working for State departments of
7 transportation from different regions of the
8 United States; and

9 (E) developing benchmarks for embodied
10 greenhouse gas emissions.

11 (5) Stakeholders in any other relevant indus-
12 tries, as determined by the Secretary.

13 (e) RESPONSIBILITIES.—The Task Force shall—

14 (1) provide recommendations to the Secretary
15 on—

16 (A) the use of engineering performance
17 standards for low-emissions cement, concrete,
18 asphalt binder, and asphalt mixtures, including
19 taking into account lessons learned from the re-
20 imbursement and incentives provided under sec-
21 tion 5(a)(2);

22 (B) creating guidelines and best practices
23 for the testing and evaluation of low-emissions
24 cement, concrete, asphalt binder, and asphalt
25 mixtures, including taking into account lessons

1 learned from the Manufacturing USA institutes
2 planned, established, or supported under section
3 4(d);

4 (C) improving the product category rules
5 governing the creation of relevant environ-
6 mental product declarations for low-emissions
7 cement, concrete, asphalt binder, and asphalt
8 mixture, including taking into account lessons
9 learned from the technical assistance program
10 established under section 458(h) of the Energy
11 Independence and Security Act of 2007; and

12 (D) incentives that would encourage the
13 use of low-emissions cement, concrete, asphalt
14 binder, and asphalt mixtures, including taking
15 into account lessons learned from the advance
16 purchase commitment program established
17 under section 6(c);

18 (2) coordinate meetings and facilitate discus-
19 sions through forums such as roundtables, work-
20 shops, or conferences to inform the recommenda-
21 tions provided under paragraph (1); and

22 (3) host briefings and provide updates to—

23 (A) the Committee on Energy and Natural
24 Resources of the Senate; and

1 (B) the Committee on Science, Space, and
2 Technology of the House of Representatives.

3 (f) REPORT.—Once every 2 years, the Secretary, in
4 consultation with the Task Force, shall submit to Con-
5 gress a report that describes—

6 (1)(A) each of the recommendations made
7 under subsection (e)(1); and

8 (B) the response of the Secretary to each of
9 those recommendations, including how best to imple-
10 ment each recommendation;

11 (2) the determinations made by the Secretary
12 under section 458(i)(1) of the Energy Independence
13 and Security Act of 2007;

14 (3) the threshold established under section
15 458(i)(2) of the Energy Independence and Security
16 Act of 2007, including a justification for that
17 threshold;

18 (4) changes to State and local codes and speci-
19 fications facilitated by the Task Force during the
20 period covered by the report; and

21 (5) meetings with cement, concrete, asphalt
22 binder, and asphalt mixture producers, contractors,
23 engineers, academics, State and local government of-
24 ficials, or any other relevant stakeholders coordi-

1 nated by the Task Force during the period covered
2 by the report.

3 (g) TERMINATION.—The Secretary may terminate
4 the Task Force if the Secretary determines that sufficient
5 low-emissions cement, concrete, asphalt binder, and as-
6 phalt mixtures are commercially available domestically at
7 a price comparable to the price of cement, concrete, as-
8 phalt binder, and asphalt mixtures produced through tra-
9 ditional methods of production.

