

116TH CONGRESS  
1ST SESSION

# S. 1864

To require transparency in reporting the greenhouse gas impacts of products procured by certain Federal agencies, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 13, 2019

Ms. KLOBUCHAR (for herself, Ms. SMITH, Mr. MERKLEY, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To require transparency in reporting the greenhouse gas impacts of products procured by certain Federal agencies, 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 “Buy Clean Trans-

5       parency Act of 2019”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) climate change will have devastating global

9       impacts;

1           (2) an overwhelming amount of scientific evi-  
 2           dence points to the need to swiftly reduce green-  
 3           house gas emissions to avert the worst effects of cli-  
 4           mate change;

5           (3) the effects of climate change are already ap-  
 6           parent in the United States, where scientists have  
 7           determined that climate change is affecting—

8                   (A) human health;

9                   (B) water and air quality;

10                  (C) agricultural production;

11                  (D) labor productivity;

12                  (E) extreme weather;

13                  (F) ecosystems, biodiversity, and species  
 14           loss;

15                  (G) historic resources; and

16                  (H) infrastructure stability;

17           (4) the Federal Government should commit to  
 18           reducing greenhouse gas emissions through regu-  
 19           latory and other actions;

20           (5) to reduce greenhouse gas emissions, it is  
 21           necessary for Federal agencies—

22                   (A) to take climate change into account in  
 23           making planning and investment decisions; and

24                   (B) to employ full life-cycle cost accounting  
 25           to evaluate and compare infrastructure invest-

1           ments and alternatives, which includes account-  
2           ing for the effects that each product included in  
3           a public infrastructure project will have on the  
4           level of greenhouse gases in the atmosphere—

5                   (i) throughout the life cycle of the  
6                   product; or

7                   (ii) during the period of the life-cycle  
8                   assessment;

9           (6) large quantities of greenhouse gas emissions  
10          are released during the manufacture and transport  
11          of products used in public infrastructure and other  
12          projects;

13          (7) by incorporating emissions information per-  
14          taining to the supply chain and product life cycle  
15          into procurement decisions, and using that informa-  
16          tion to help direct expenditures, the extensive pur-  
17          chasing power of the Federal Government may be  
18          used to improve environmental, health, and economic  
19          outcomes and accelerate necessary greenhouse gas  
20          reductions—

21                   (A) to protect public health and the envi-  
22                   ronment;

23                   (B) to support economic stability; and

24                   (C) to conserve a livable climate; and

(8) incorporating emissions information into procurement decisions will—

(A) allow the Federal Government to acknowledge those companies that have invested in emissions reduction technologies and practices; and

(B) encourage other companies to take action to reduce emissions to become more competitive in the bidding process of the Federal Government.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) CLIMATE PRODUCT COST.—The term “climate product cost” means the cost, denominated in dollars, of the life-cycle greenhouse gas emissions of a product, calculated in accordance with the methodology developed by the Administrator under section 4(c).

(3) CLIMATE PRODUCT DECLARATION.—The term “climate product declaration” means a product-specific measurement of the life-cycle greenhouse gas emissions of a product that is—

1 (A) certified by a third party; and

2 (B) in accordance with international stand-  
3 ards, such as a Type III environmental declara-  
4 tion (as defined by the International Organiza-  
5 tion for Standardization in the report entitled  
6 “Environmental labels and declarations—Type  
7 III environmental declarations—Principles and  
8 procedures”, numbered ISO 14025, and dated  
9 July 1, 2006).

10 (4) ELIGIBLE MATERIAL.—The term “eligible  
11 material” means any of—

12 (A) carbon steel rebar;

13 (B) flat glass;

14 (C) mineral wool board insulation; and

15 (D) structural steel.

16 (5) FEDERAL CONTRACTING AGENCY.—The  
17 term “Federal contracting agency” means—

18 (A) the Department of Defense;

19 (B) the Department of Energy;

20 (C) the Department of Transportation;

21 (D) the Department of Commerce;

22 (E) the Environmental Protection Agency;

23 (F) the General Services Administration;

24 and

25 (G) the Department of Veterans Affairs.

1 **SEC. 4. ASSESSMENT.**

2 (a) IN GENERAL.—The head of each Federal con-  
3 tracting agency shall carry out an assessment to determine  
4 how the products procured by the Federal contracting  
5 agency and any contractors of the Federal contracting  
6 agency in connection with a Federal contract affect the  
7 levels of greenhouse gases in the atmosphere by requiring  
8 each prospective contractor to disclose, in any response to  
9 a solicitation to offer for a Federal contract, the climate  
10 product declaration of all eligible materials the prospective  
11 contractor expects to manufacture or purchase during the  
12 course of constructing, reconstructing, or renovating the  
13 public project.

14 (b) RELEASE OF ASSESSMENT.—Not later than 60  
15 days after the date on which an assessment under sub-  
16 section (a) is completed, the head of the applicable Federal  
17 contracting agency shall—

18 (1) publish the assessment in the Federal Reg-  
19 ister; and

20 (2) make the assessment publicly available—

21 (A) on the website of the Federal con-  
22 tracting agency; and

23 (B) in appropriate offices of the Federal  
24 contracting agency.

25 (c) METHODOLOGY FOR CALCULATING THE CLIMATE  
26 PRODUCT COST.—

1           (1) IN GENERAL.—Not later than 180 days  
 2           after the date of enactment of this Act, the Adminis-  
 3           trator, using an estimate of the cost of greenhouse  
 4           gas emissions, such as the social cost of carbon,  
 5           shall develop and publish in the Federal Register a  
 6           methodology for calculating the climate product cost  
 7           of each eligible material procured by a Federal con-  
 8           tracting agency or any contractor or subcontractor  
 9           of a Federal contracting agency, including an assess-  
 10          ment of the climate product cost as a dollar cost per  
 11          metric ton of greenhouse gas emissions for the eligi-  
 12          ble material, based on information in a climate prod-  
 13          uct declaration.

14          (2) UPDATES.—Not less frequently than once  
 15          every 5 years after submission of a report under  
 16          subsection (d)(1), the Administrator shall—

17                 (A) review the method used to develop the  
 18                 methodology under paragraph (1); and

19                 (B) if necessary, update that methodology.

20          (d) REPORTS.—

21                 (1) REPORTS TO CONGRESS.—

22                         (A) IN GENERAL.—Not later than 90 days  
 23                         after the date on which the methodology under  
 24                         subsection (c)(1) is published in the Federal  
 25                         Register, the Administrator shall submit to

1 Congress a report that describes the method  
2 that the Administrator used to develop the  
3 methodology.

4 (B) UPDATES.—Not later than 180 days  
5 after each review carried out by the Adminis-  
6 trator under subsection (c)(2)(A), the Adminis-  
7 trator shall submit to Congress a report that  
8 describes—

9 (i) the review; and

10 (ii) any updated methodology devel-  
11 oped by the Administrator under sub-  
12 section (c)(2)(B).

13 (2) REPORTS TO THE ADMINISTRATOR.—Not  
14 later than 180 days after the date of enactment of  
15 this Act, and not less frequently than annually  
16 thereafter, the head of each Federal contracting  
17 agency shall submit to the Administrator and make  
18 publicly available a report that includes, for the pe-  
19 riod of time covered by the report—

20 (A) the total number and value of con-  
21 tracts awarded by the Federal contracting  
22 agency;

23 (B) the total number and value of con-  
24 tracts and subcontracts awarded to foreign con-  
25 tractors or suppliers;



1 (C) the dollar value of any articles, mate-  
2 rials, or supplies that were manufactured out-  
3 side of the United States;

4 (D) the total procurement value of any  
5 funds expended on eligible materials manufac-  
6 tured outside the United States;

7 (E) the total climate product cost of con-  
8 tracts awarded by the Federal contracting  
9 agency;

10 (F) a comparison of—

11 (i) the climate product cost of con-  
12 tracts awarded by the Federal contracting  
13 agency; and

14 (ii) the climate product cost of offers  
15 for contracts that the Federal contracting  
16 agency did not award; and

17 (G) recommendations for additional disclo-  
18 sures from prospective contractors to support  
19 accurate and comprehensive assessments of how  
20 contracts awarded by the Federal contracting  
21 agency affect—

22 (i) emissions of greenhouse gases; and

23 (ii) air, water, and land pollutants.

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