

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.

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

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;

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-

ments and alternatives, which includes accounting for the effects that each product included in a public infrastructure project will have on the 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;

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

1 (8) incorporating emissions information into
2 procurement decisions will—

11 SEC. 3. DEFINITIONS.

12 In this Act:

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

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
- 15 (D) structural steel.

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.—

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—

(A) review the method used to develop the 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).

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:

(C) the dollar value of any articles, materials, or supplies that were manufactured outside of the United States;

(D) the total procurement value of any funds expended on eligible materials manufactured outside the United States;

(E) the total climate product cost of contracts awarded by the Federal contracting agency;

10 (F) a comparison of—

(i) the climate product cost of contracts awarded by the Federal contracting agency; and

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

(G) recommendations for additional disclosures from prospective contractors to support accurate and comprehensive assessments of how contracts awarded by the Federal contracting agency affect—

22 (i) emissions of greenhouse gases; and
23 (ii) air, water, and land pollutants.

