



OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

In reply refer to
DARS Tracking Number: 2024-O0009

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES SPECIAL OPERATIONS COMMAND
(ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Class Deviation—Prohibition on Required Disclosure of Information Relating to
Greenhouse Gas Emissions

Effective immediately, DoD contracting officers shall not require, as a condition of contract award, certain defense contractors to disclose a greenhouse gas inventory or any other report on greenhouse gas emissions, unless an exception is made or a waiver is granted. Contracting officers shall not consider, as a condition for award, greenhouse gas emission information that may otherwise be provided in annual representations and certifications in response to the following Federal Acquisition Regulation (FAR) solicitation provisions:

- FAR 52.204-7, System for Award Management.
- FAR 52.204-8, Annual Representations and Certifications; paragraph (c)(1)(xix), Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation.
- FAR 52.212-3, Offeror Representations and Certifications—Commercial Products and Commercial Services; paragraph (t), Public Disclosure of Greenhouse Gas Emissions and Reduction Goals.

(A) Definitions. As used in this class deviation—

(1) The term “greenhouse gas” means carbon dioxide, methane, nitrous oxide, nitrogen trifluoride, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.

(2) The term “greenhouse gas inventory” means, with respect to an entity or individual, a quantified list of the annual greenhouse gas emissions of the entity or individual.

(B) Prohibition on Required Disclosure of Information Relating to Greenhouse Gas Emissions.

Prohibition on Required Disclosure of Information Relating to Greenhouse Gas Emissions

(1) Nontraditional defense contractors. Contracting officers shall not require that any nontraditional defense contractor, as a condition of being awarded a DoD contract, disclose a greenhouse gas inventory or any other report on greenhouse gas emissions.

(2) Traditional defense contractors. Through December 22, 2024, contracting officers shall not require that any individual or entity that is other than a nontraditional defense contractor, as a condition of being awarded a DoD contract, disclose a greenhouse gas inventory or any other report on greenhouse gas emissions.

(C) Exception. An exception to the prohibition in paragraphs (B)(1) and (2) of this class deviation may apply, where a contracting official at least one level above the contracting officer determines that requiring such disclosure is necessary to verify a voluntary disclosure of such inventory or other report.

(D) Waiver. The head of the contracting activity (HCA) may issue a waiver on a contract-by-contract basis provided that the information relating to greenhouse gas emissions is directly related to the performance of the contract. In issuing such a waiver, the HCA shall ensure that any such required information is clearly delineated.

This class deviation implements section 318 of the National Defense Authorization Act for Fiscal Year 2024 (Pub. L. 118-31).

This class deviation remains in effect until December 22, 2024, for contract awards for both nontraditional defense contractors and traditional defense contractors. After December 22, 2024, this class deviation remains in effect only for nontraditional defense contractors until incorporated in the DFARS or otherwise rescinded. My point of contact is Mr. David Johnson, who is available by email at david.e.johnson3.civ@mail.mil.

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Defense Pricing and Contracting