

Union Calendar No. 319

104TH CONGRESS
2^D Session

H. R. 2779

[Report No. 104-639]

A BILL

To provide for soft-metric conversion, and for other purposes.

JUNE 26, 1996

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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To provide for soft-metric conversion, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 1995

Mr. COX of California (for himself, Mr. HEFNER, Mr. CHAMBLISS, Mr. FORBES, Mr. GOODLATTE, Mr. HILLEARY, Mr. JONES, Mr. LATHAM, Mr. LINDER, Mr. ROHRABACHER, Mr. SHADEGG, Mr. SPRATT, Mr. TAYLOR of North Carolina, and Mr. WICKER) introduced the following bill; which was referred to the Committee on Science

JUNE 26, 1996

Additional sponsors: Mr. TALENT, Mr. CALVERT, Mr. HANCOCK, Mr. COBLE, Mr. BALLENGER, Mr. DREIER, Mr. GENE GREEN of Texas, Mr. INGLIS of South Carolina, Mr. SPENCE, Mr. STOCKMAN, Mr. STUMP, Mr. TRAFICANT, Mr. LIPINSKI, Mr. BENTSEN, Mr. HANSEN, Mr. HAYES, Mr. LARGENT, Mr. BARTLETT of Maryland, Mr. HUNTER, Mr. TORKILDSEN, Mr. WALSH, Mr. BACHUS, Mr. BARTON of Texas, Mr. BURTON of Indiana, Mr. CREMEANS, Mr. JACOBS, Mr. SCHAEFER, Mr. BUNNING of Kentucky, Mr. BLILEY, Mr. SOLOMON, Mr. FOLEY, Mr. WELDON of Florida, Mr. EMERSON, Mr. BARCIA, Mr. CAMP, Mr. CUNNINGHAM, Mr. GANSKE, Mr. MCHUGH, Ms. PRYCE, Mr. ROYCE, Mr. ORTIZ, Mr. BAKER of California, Mr. CONDIT, Mr. WELDON of Pennsylvania, Mr. NORWOOD, Mr. SMITH of New Jersey, Mr. SENSENBRENNER, Mr. LEWIS of Kentucky, Mr. PAYNE of Virginia, Mr. PAXTON, Mr. HOBSON, Mr. CRAPO, Mr. HASTERT, Mr. MONTGOMERY, Mr. BEREUTER, Mrs. SEASTRAND, Mr. SCHIFF, Mr. BOEHNER, Mr. MEEHAN, Mr. PARKER, Mrs. CLAYTON, Ms. SLAUGHTER, Mr. BARR of Georgia, Mr. CANADY of Florida, Mr. GOSS, Mr. HOEKSTRA, Mr. PACKARD, Mr. BLUTE, Mr. CAMPBELL, Mr. KIM, Mr. MANZULLO, Mrs. MYRICK, and Mr. OXLEY

JUNE 26, 1996

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on December 14, 1995]

A BILL

To provide for soft-metric conversion, 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 “Savings in Construction*
 5 *Act of 1996”.*

6 **SEC. 2. FINDINGS.**

7 *The Congress finds the following:*

8 *(1) The Metric Conversion Act of 1975 was en-*
 9 *acted in order to set forth the policy of the United*
 10 *States to convert to the metric system. Section 3 of*
 11 *that Act requires that each Federal agency use the*
 12 *metric system of measurement in its procurements,*
 13 *grants and other business related activities, unless*
 14 *that use is likely to cause significant cost or loss of*
 15 *markets to United States firms, such as when foreign*
 16 *competitors are producing competing products in*
 17 *non-metric units.*

18 *(2) Currently, many Federal agencies are requir-*
 19 *ing as a condition of obtaining Federal construction*
 20 *contracts that all bidders must agree to use products*

1 *measured in round metric units, materials which are*
2 *known as “hard-metric” products. This can require*
3 *retooling, substantial capitalization costs, and other*
4 *expensive production changes for some suppliers to*
5 *physically change the size of the product.*

6 (3) *This “hard-metric” conversion requirement*
7 *has sometimes been imposed without appropriate re-*
8 *gard to whether that method is impractical or likely*
9 *to cause significant costs or a loss of markets to*
10 *United States firms.*

11 (4) *Some United States businesses that manufac-*
12 *ture basic construction products suffer harm by being*
13 *forced to convert to hard-metric production, or by*
14 *being foreclosed from effectively bidding on Federal or*
15 *federally assisted projects.*

16 (5) *This “hard-metric” conversion requirement*
17 *may place domestic producers at a competitive dis-*
18 *advantage with respect to foreign producers; may re-*
19 *duce the number of companies that may compete for*
20 *contracts with the Federal Government; and may*
21 *force manufacturers to maintain double inventories of*
22 *similar but incompatible products.*

23 (6) *This “hard-metric” conversion requirement*
24 *has unnecessarily raised the cost to the Government*

1 *of some lighting and concrete masonry products and*
 2 *there is consensus that relief is in order.*

3 *(7) While the Metric Conversion Act of 1975 cur-*
 4 *rently provides an exception to metric usage when*
 5 *impractical or when it will cause economic inefficien-*
 6 *cies, there is need for ombudsmen and procedures to*
 7 *ensure the effective implementation of the exceptions.*

8 *(8) The changes made by this Act will advance*
 9 *the goals of the Metric Conversion Act of 1975 while*
 10 *eliminating significant problems in its implementa-*
 11 *tion.*

12 **SEC. 3. DEFINITIONS.**

13 *Section 4 of the Metric Conversion Act of 1975 (15*
 14 *U.S.C. 205c) is amended—*

15 *(1) by redesignating paragraphs (2), (3), and (4)*
 16 *as paragraphs (3), (6), and (7), respectively;*

17 *(2) by inserting after paragraph (1) the follow-*
 18 *ing new paragraph:*

19 *“(2) ‘converted product’ means a material or*
 20 *product that is produced as a result of a hard-metric*
 21 *conversion;”;*

22 *(3) by inserting after paragraph (3) the follow-*
 23 *ing new paragraphs:*

24 *“(4) ‘hard-metric’ means measurement, design,*
 25 *and manufacture using the metric system of measure-*

1 *ment, but does not include measurement, design, and*
2 *manufacture using English system measurement units*
3 *which are subsequently reexpressed in the metric sys-*
4 *tem of measurement;*

5 *“(5) ‘hard-metric conversion’ means a conversion*
6 *that requires, in addition to the expression of the lin-*
7 *ear dimensions of a product under the metric system*
8 *of measurement, a physical change in the size of that*
9 *product relative to the size of that product established*
10 *under the system of English measurements in produc-*
11 *tion practices of the appropriate industry;”;*

12 *(4) by striking “and” at the end of paragraph*
13 *(6), as so redesignated by paragraph (1) of this sec-*
14 *tion;*

15 *(5) by striking the period at the end of para-*
16 *graph (7), as so redesignated by paragraph (1) of this*
17 *section, and inserting in lieu thereof “; and”; and*

18 *(6) by adding at the end the following new para-*
19 *graph:*

20 *“(8) ‘small business’ has the meaning given the*
21 *term ‘small business concern’ in section 3 of the*
22 *Small Business Act (15 U.S.C. 632).”.*

1 **SEC. 4. IMPLEMENTATION EXCEPTIONS.**

2 *The Metric Conversion Act of 1975 (15 U.S.C. 205a*
 3 *et seq.) is amended by inserting after section 11 the follow-*
 4 *ing new section:*

5 “SEC. 12. (a) *In carrying out the policy set forth in*
 6 *section 3 (with particular emphasis on the policy set forth*
 7 *in paragraph (2) of that section) a Federal agency may*
 8 *require that specifications for structures or systems of con-*
 9 *crete masonry be expressed under the metric system of meas-*
 10 *urement, but may not require that concrete masonry units*
 11 *be converted products.*

12 “(b) *In carrying out the policy set forth in section 3*
 13 *(with particular emphasis on the policy set forth in para-*
 14 *graph (2) of that section) a Federal agency may not require*
 15 *that lighting fixtures be converted products unless the pre-*
 16 *dominant voluntary industry consensus standards are*
 17 *hard-metric.”.*

18 **SEC. 5. OMBUDSMAN.**

19 *Section 12 of the Metric Conversion Act of 1975, as*
 20 *added by section 4 of this Act, is further amended by adding*
 21 *at the end the following new subsection:*

22 “(c)(1) *The head of each executive agency that awards*
 23 *construction contracts shall designate a senior agency offi-*
 24 *cial to serve as a construction metrication ombudsman who*
 25 *shall be responsible for reviewing and responding to com-*

1 *plaints from prospective bidders, subcontractors, suppliers,*
2 *or their designated representatives related to—*

3 “(A) *guidance or regulations issued by the agen-*
4 *cy on the use of the metric system of measurement in*
5 *construction contracts; and*

6 “(B) *the use of the metric system of measurement*
7 *for products or materials required for incorporation*
8 *in individual construction projects.*

9 *The construction metrication ombudsman shall be inde-*
10 *pendent of the contracting officer for construction contracts.*

11 “(2) *The ombudsman shall be responsible for ensuring*
12 *that the agency is not implementing the metric system of*
13 *measurement in a manner that is impractical or is likely*
14 *to cause significant inefficiencies or loss of markets to Unit-*
15 *ed States firms in violation of the policy stated in section*
16 *3(2), or is otherwise inconsistent with guidance issued by*
17 *the Secretary of Commerce in consultation with the Inter-*
18 *agency Council on Metric Policy.*

19 “(3) *The ombudsman shall respond to each complaint*
20 *in writing within 30 days and make a recommendation to*
21 *the head of the executive agency for an appropriate resolu-*
22 *tion thereto. In such a recommendation, the ombudsman*
23 *shall consider—*

1 “(A) *the availability of converted products and*
 2 *hard metric production capacity of United States*
 3 *firms, or lack thereof;*

4 “(B) *retooling costs and capital investment im-*
 5 *pacts;*

6 “(C) *the impact on small business;*

7 “(D) *the impact on trade;*

8 “(E) *the impact on competition for Federal con-*
 9 *tracts;*

10 “(F) *the impact on jobs;*

11 “(G) *the impact on the competitiveness of United*
 12 *States firms; and*

13 “(H) *the cost to the Federal Government.*

14 “(4) *After the head of the agency has rendered a deci-*
 15 *sion regarding a recommendation of the ombudsman, the*
 16 *ombudsman shall be responsible for communicating the de-*
 17 *cision to all appropriate policy, design, planning, procure-*
 18 *ment, and notifying personnel in the agency. The ombuds-*
 19 *man shall conduct appropriate monitoring as required to*
 20 *ensure the decision is implemented, and may submit further*
 21 *recommendations, as needed. The head of the agency’s deci-*
 22 *sion on the ombudsman’s recommendations, and any sup-*
 23 *porting documentation, shall be provided to affected parties*
 24 *and made available to the public in a timely manner.”.*

Amend the title so as to read: “A bill to provide for appropriate implementation of the Metric Conversion Act

of 1975 in Federal construction projects, and for other purposes.”.