

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2779

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IN THE SENATE OF THE UNITED STATES

JULY 24, 1996

Received

JULY 29, 1996

Read twice and referred to the Committee on Commerce, Science, and  
Transportation

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## AN ACT

To provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Savings in Construc-  
3 tion Act of 1996”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

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

16 (2) Currently, many Federal agencies are re-  
17 quiring as a condition of obtaining Federal construc-  
18 tion contracts that all bidders must agree to use  
19 products measured in round metric units, materials  
20 which are known as “hard-metric” products. This  
21 can require retooling, substantial capitalization  
22 costs, and other expensive production changes for  
23 some suppliers to physically change the size of the  
24 product.

25 (3) This “hard-metric” conversion requirement  
26 has sometimes been imposed without appropriate re-

1       gard to whether that method is impractical or likely  
2       to cause significant costs or a loss of markets to  
3       United States firms.

4               (4) Some United States businesses that manu-  
5       facture basic construction products suffer harm by  
6       being forced to convert to hard-metric production, or  
7       by being foreclosed from effectively bidding on Fed-  
8       eral or federally assisted projects.

9               (5) This “hard-metric” conversion requirement  
10       may place domestic producers at a competitive dis-  
11       advantage with respect to foreign producers; may re-  
12       duce the number of companies that may compete for  
13       contracts with the Federal Government; and may  
14       force manufacturers to maintain double inventories  
15       of similar but incompatible products.

16              (6) This “hard-metric” conversion requirement  
17       has unnecessarily raised the cost to the Government  
18       of some lighting and concrete masonry products and  
19       there is consensus that relief is in order.

20              (7) While the Metric Conversion Act of 1975  
21       currently provides an exception to metric usage  
22       when impractical or when it will cause economic in-  
23       efficiencies, there is need for ombudsmen and proce-  
24       dures to ensure the effective implementation of the  
25       exceptions.

1           (8) The changes made by this Act will advance  
2           the goals of the Metric Conversion Act of 1975 while  
3           eliminating significant problems in its implementa-  
4           tion.

5 **SEC. 3. DEFINITIONS.**

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

8           (1) by redesignating paragraphs (2), (3), and  
9           (4) as paragraphs (3), (6), and (7), respectively;

10           (2) by inserting after paragraph (1) the follow-  
11           ing new paragraph:

12           “(2) ‘converted product’ means a material or  
13           product that is produced as a result of a hard-metric  
14           conversion;”;

15           (3) by inserting after paragraph (3) the follow-  
16           ing new paragraphs:

17           “(4) ‘hard-metric’ means measurement, design,  
18           and manufacture using the metric system of meas-  
19           urement, but does not include measurement, design,  
20           and manufacture using English system measurement  
21           units which are subsequently reexpressed in the met-  
22           ric system of measurement;

23           “(5) ‘hard-metric conversion’ means a conver-  
24           sion that requires, in addition to the expression of  
25           the linear dimensions of a product under the metric

1 system of measurement, a physical change in the  
2 size of that product relative to the size of that prod-  
3 uct established under the system of English meas-  
4 urements in production practices of the appropriate  
5 industry;”;

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

9 (5) by striking the period at the end of para-  
10 graph (7), as so redesignated by paragraph (1) of  
11 this section, and inserting in lieu thereof “; and”;  
12 and

13 (6) by adding at the end the following new  
14 paragraph:

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

18 **SEC. 4. IMPLEMENTATION EXCEPTIONS.**

19 The Metric Conversion Act of 1975 (15 U.S.C. 205a  
20 et seq.) is amended by inserting after section 11 the fol-  
21 lowing new section:

22 “SEC. 12. (a) In carrying out the policy set forth in  
23 section 3 (with particular emphasis on the policy set forth  
24 in paragraph (2) of that section) a Federal agency may  
25 require that specifications for structures or systems of

1 concrete masonry be expressed under the metric system  
2 of measurement, but may not require that concrete ma-  
3 sonry units be converted products.

4 “(b) In carrying out the policy set forth in section  
5 3 (with particular emphasis on the policy set forth in para-  
6 graph (2) of that section) a Federal agency may not re-  
7 quire that lighting fixtures be converted products unless  
8 the predominant voluntary industry consensus standards  
9 are hard-metric.”.

10 **SEC. 5. OMBUDSMAN.**

11 Section 12 of the Metric Conversion Act of 1975, as  
12 added by section 4 of this Act, is further amended by add-  
13 ing at the end the following new subsection:

14 “(c)(1) The head of each executive agency that  
15 awards construction contracts shall designate a senior  
16 agency official to serve as a construction metrication om-  
17 budsman who shall be responsible for reviewing and re-  
18 sponding to complaints from prospective bidders, sub-  
19 contractors, suppliers, or their designated representatives  
20 related to—

21 “(A) guidance or regulations issued by the  
22 agency on the use of the metric system of measure-  
23 ment in construction contracts; and

1           “(B) the use of the metric system of measure-  
2           ment for products or materials required for incorpo-  
3           ration in individual construction projects.

4 The construction metrication ombudsman shall be inde-  
5 pendent of the contracting officer for construction con-  
6 tracts.

7           “(2) The ombudsman shall be responsible for ensur-  
8           ing that the agency is not implementing the metric system  
9           of measurement in a manner that is impractical or is likely  
10          to cause significant inefficiencies or loss of markets to  
11          United States firms in violation of the policy stated in sec-  
12          tion 3(2), or is otherwise inconsistent with guidance issued  
13          by the Secretary of Commerce in consultation with the  
14          Interagency Council on Metric Policy.

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

20                 “(A) the availability of converted products and  
21                 hard metric production capacity of United States  
22                 firms, or lack thereof;

23                 “(B) retooling costs and capital investment im-  
24                 pacts;

25                 “(C) the impact on small business;

1           “(D) the impact on trade;

2           “(E) the impact on competition for Federal  
3 contracts;

4           “(F) the impact on jobs;

5           “(G) the impact on the competitiveness of Unit-  
6 ed States firms; and

7           “(H) the cost to the Federal Government.

8           “(4) After the head of the agency has rendered a de-  
9 cision regarding a recommendation of the ombudsman, the  
10 ombudsman shall be responsible for communicating the  
11 decision to all appropriate policy, design, planning, pro-  
12 curement, and notifying personnel in the agency. The om-  
13 budsman shall conduct appropriate monitoring as required  
14 to ensure the decision is implemented, and may submit  
15 further recommendations, as needed. The head of the  
16 agency’s decision on the ombudsman’s recommendations,  
17 and any supporting documentation, shall be provided to  
18 affected parties and made available to the public in a time-  
19 ly manner.”.

Passed the House of Representatives July 23, 1996.

Attest:

ROBIN H. CARLE,

*Clerk.*