H. R. 2779

AN ACT

To provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes.
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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,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Savings in Construction Act of 1996”.

SEC. 2. FINDINGS.

The Congress finds the following:

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

(2) Currently, many Federal agencies are requiring as a condition of obtaining Federal construction contracts that all bidders must agree to use products measured in round metric units, materials which are known as “hard-metric” products. This can require retooling, substantial capitalization costs, and other expensive production changes for some suppliers to physically change the size of the product.

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

(4) Some United States businesses that manufacture basic construction products suffer harm by being forced to convert to hard-metric production, or by being foreclosed from effectively bidding on Federal or federally assisted projects.

(5) This “hard-metric” conversion requirement may place domestic producers at a competitive disadvantage with respect to foreign producers; may reduce the number of companies that may compete for contracts with the Federal Government; and may force manufacturers to maintain double inventories of similar but incompatible products.

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

(7) While the Metric Conversion Act of 1975 currently provides an exception to metric usage when impractical or when it will cause economic inefficiencies, there is need for ombudsmen and procedures to ensure the effective implementation of the exceptions.
(8) The changes made by this Act will advance
the goals of the Metric Conversion Act of 1975 while
eliminating significant problems in its implementa-

SEC. 3. DEFINITIONS.

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

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

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

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

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

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

“(5) ‘hard-metric conversion’ means a conver-
sion that requires, in addition to the expression of
the linear dimensions of a product under the metric
system of measurement, a physical change in the size of that product relative to the size of that product established under the system of English measurements in production practices of the appropriate industry;”;

(4) by striking “and” at the end of paragraph (6), as so redesignated by paragraph (1) of this section;

(5) by striking the period at the end of paragraph (7), as so redesignated by paragraph (1) of this section, and inserting in lieu thereof “; and”;

and

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

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

SEC. 4. IMPLEMENTATION EXCEPTIONS.

The Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.) is amended by inserting after section 11 the following new section:

“Sec. 12. (a) In carrying out the policy set forth in section 3 (with particular emphasis on the policy set forth in paragraph (2) of that section) a Federal agency may require that specifications for structures or systems of
concrete masonry be expressed under the metric system of measurement, but may not require that concrete masonry units be converted products.

“(b) In carrying out the policy set forth in section 3 (with particular emphasis on the policy set forth in paragraph (2) of that section) a Federal agency may not require that lighting fixtures be converted products unless the predominant voluntary industry consensus standards are hard-metric.”.

SEC. 5. OMBUDSMAN.

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

“(c)(1) The head of each executive agency that awards construction contracts shall designate a senior agency official to serve as a construction metrication ombudsman who shall be responsible for reviewing and responding to complaints from prospective bidders, subcontractors, suppliers, or their designated representatives related to—

“(A) guidance or regulations issued by the agency on the use of the metric system of measurement in construction contracts; and
“(B) the use of the metric system of measurement for products or materials required for incorporation in individual construction projects.

The construction metrication ombudsman shall be independent of the contracting officer for construction contracts.

“(2) The ombudsman shall be responsible for ensuring that the agency is not implementing the metric system of measurement in a manner that is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms in violation of the policy stated in section 3(2), or is otherwise inconsistent with guidance issued by the Secretary of Commerce in consultation with the Interagency Council on Metric Policy.

“(3) The ombudsman shall respond to each complaint in writing within 30 days and make a recommendation to the head of the executive agency for an appropriate resolution thereto. In such a recommendation, the ombudsman shall consider—

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

“(B) retooling costs and capital investment impacts;

“(C) the impact on small business;
“(D) the impact on trade;

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

“(F) the impact on jobs;

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

“(H) the cost to the Federal Government.

“(4) After the head of the agency has rendered a decision regarding a recommendation of the ombudsman, the ombudsman shall be responsible for communicating the decision to all appropriate policy, design, planning, procurement, and notifying personnel in the agency. The ombudsman shall conduct appropriate monitoring as required to ensure the decision is implemented, and may submit further recommendations, as needed. The head of the agency’s decision on the ombudsman’s recommendations, and any supporting documentation, shall be provided to affected parties and made available to the public in a timely manner.”.

Passed the House of Representatives July 23, 1996.

Attest:

Clerk.