

California, Ms. LOFGREN, Mr. BRYANT of Texas, Ms. SLAUGHTER, Mr. ACKERMAN, Mr. PETE GEREN of Texas, Mr. FOGLIETTA, Mrs. MALONEY, Mr. COLEMAN, Mrs. THURMAN, and Mr. KENNEDY of Massachusetts.

H.R. 3564: Mr. DURBIN, Mr. DINGELL, and Mr. SHAYS.

H.R. 3580: Mr. JONES, Mr. CALVERT, Mr. WICKER, Mr. LIVINGSTON, and Mr. COOLEY.

H.R. 3627: Mr. HANSEN.

H.R. 3645: Mr. ENSIGN, Mr. HORN, Mr. GILMAN, Mr. WARD, Mr. PORTER, and Mr. BOEHLERT.

H.R. 3647: Mr. STOCKMAN.

H.R. 3654: Mr. PETERSON of Florida, Mr. BAESLER, Mr. MANTON, Mr. SOLOMON, Mr. SANFORD, and Mr. WICKER.

H.R. 3710: Mr. DELLUMS, Mr. STARK, Mr. OWENS, Mr. EVANS, Mr. BONIOR, Mr. FAZIO of California, Mr. DEUTSCH, Mr. FRANK of Massachusetts, Mr. MILLER of California, Mr. POSHARD, Mr. MONTGOMERY, and Mr. HORN.

H.R. 3714: Mr. TORRES, Mr. ACKERMAN, Mr. YATES, and Mr. MASCARA.

H.R. 3724: Mr. STARK and Mrs. LOWEY.

H.R. 3729: Ms. SLAUGHTER and Mr. HASTINGS of Florida.

H.R. 3746: Mr. CUMMINGS.

H.R. 3753: Mr. DEFazio, Mr. GANSKE, Mr. GUTKNECHT, Mr. MINGE, and Mr. NETHERCUTT.

H.R. 3775: Mrs. THURMAN, Mr. WELDON of Florida, and Mr. ROSE.

H.R. 3778: Mr. STOCKMAN.

H.R. 3792: Mr. BROWNBACK and Mr. SANFORD.

H.R. 3794: Mr. SANDERS.

H.R. 3839: Mr. TORKILDSEN, Ms. BROWN of Florida, and Mr. JACKSON of Illinois.

H.R. 3856: Mr. PAYNE of Virginia.

H.J. Res. 173: Mr. HORN and Ms. GREENE of Utah.

H.J. Res. 174: Mr. HORN, Mr. GREENE of Utah, and Mr. STUMP.

H. Con. Res. 175: Mr. TOWNS.

H. Con. Res. 191: Mr. SMITH of New Jersey, Mr. QUINN, Mr. SPENCE, Mrs. KELLY, Mr. KENNEDY of Massachusetts, Mr. MEEHAN, Mr. DOOLEY, and Ms. ROYBAL-ALLARD.

H. Con. Res. 196: Mr. HUTCHINSON.

#### ¶91.40 DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3467: Ms. DANNER.

### TUESDAY, JULY 23, 1996 (92)

#### ¶92.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order at 9:00 a.m. by the SPEAKER pro tempore, Mr. COLLINS of Georgia, who laid before the House the following communication:

WASHINGTON, DC,  
July 23, 1996.

I hereby designate the Honorable MAC COLLINS to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
*Speaker of the House of Representatives.*

Whereupon, pursuant to the order of the House of Friday, May 12, 1995, Members were recognized for "morning hour" debates.

#### ¶92.2 RECESS—9:51 A.M.

The SPEAKER pro tempore, Mr. COLLINS, pursuant to clause 12 of rule I, declared the House in recess until 10:00 a.m.

#### ¶92.3 AFTER RECESS—10:00 A.M.

The SPEAKER called the House to order.

#### ¶92.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, July 22, 1996.

Mr. HEFLEY, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. HEFLEY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pursuant to clause 5, rule I, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

#### ¶92.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

4281. A letter from the Secretary of Defense, transmitting a report on the United States-People's Republic of China Joint Defense Conversion Commission [JDCC] for the period August 10, 1995-February 9, 1996, pursuant to Public Law 104-106, section 1343(a) (110 Stat. 487); to the Committee on National Security.

4282. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 96-59), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4283. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the report on the program recommendations of the Riyadh Accountability Review Board (Riyadh Board), pursuant to 22 U.S.C. 4834(d)(1); to the Committee on International Relations.

4284. A letter from the Secretary of Transportation, transmitting, the semiannual report on activities of the inspector general for the period ended March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform and Oversight.

4285. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—General Services Administration Acquisition Regulation; Implementation of FAC 90-39 and Miscellaneous Changes [APD 2800.12A, CHGE 72] (RIN: 3090-AF97) received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4286. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Amendment of FIRMR Provisions Relating to GSA's Role In Screening Excess and Exchange/Sale Federal Information Processing (FIP) Equipment [FIRMR Amendment 8] (RIN: 3090-AF32) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4287. A letter from the Director, Executive Office for Immigration Review, Department

of Justice, transmitting the Department's final rule—Motions and Appeals in Immigration Proceedings [EOIR No. 102F; AG Order No. 2020-96] (RIN: 1125-AA01) received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4288. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit (Revenue Ruling RR-237026-95) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4289. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Revenue Ruling 96-37) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4290. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous—Closing Agreements (Revenue Procedure 96-41) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4291. A letter from the National Director, Tax Forms and Publications Division, Internal Revenue Service, transmitting the Service's final rule—Tax Year 1996 Information Returns for Submission to the Internal Revenue Service (Revenue Procedure 96-36) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4292. A letter from the Labor Member, Railroad Retirement Board, transmitting a letter in writing, dated June 6, 1996, stating: "On March 19, 1996, the Chairman and Management Member of the Railroad Retirement Board submitted for consideration by the Congress a draft bill restricting the statute of limitations that applies to the creditability of compensation under the Railroad Retirement Act, as Labor Member of the Railroad Retirement Board, on behalf of Rail Labor, I must oppose that draft bill" (written dissent enclosed, dated April 25, 1996); jointly, the Committees on Transportation and Infrastructure and Ways and Means.

#### ¶92.6 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

#### ¶92.7 COMMITTEES AND SUBCOMMITTEES TO SIT

On motion of Mrs. MORELLA, by unanimous consent, the following committees and their subcommittees were granted permission to sit today during the 5-minute rule: the Committee on Banking and Financial Services, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on National Security, the Committee on Resources, the Committee on Science, and the Permanent Select Committee on Intelligence.

#### ¶92.8 CORRECTIONS CALENDAR

Pursuant to clause 4, rule XIII, The SPEAKER pro tempore, Mr. HAYWORTH, directed the Corrections Calendar to be called.

When,

¶92.9 SOFT METRIC CONVERSION

The Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 2779) to provide for soft-metric conversion, and for other purposes.

When said bill was considered and read twice.

The SPEAKER pro tempore, Mr. HAYWORTH, pursuant to clause 4 of rule XIII, recognized Mrs. MORELLA and Ms. MCCARTHY, each for 30 minutes.

The following amendment recommended by the Committee on Science, was submitted:

Strike out all after the enacting clause and insert:

**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 regard 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 implementation.

**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 following 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 following new paragraphs:

"(4) 'hard-metric' means measurement, design, and manufacture using the metric system of measurement, but does not include measurement, design, and manufacture using English system measurement units which are subsequently reexpressed in the metric system of measurement;

"(5) 'hard-metric conversion' means a conversion 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."

After debate,

Pursuant to clause 4 of rule XIII, the previous question on the amendment and the bill was considered as ordered.

The question being put, *viva voce*,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. HAYWORTH, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HAYWORTH, announced that three-fifths of the Members present had voted in the affirmative.

So, three-fifths of the Members present having voted in favor thereof, the bill was passed.

By unanimous consent, the title was amended so as to read: "An Act to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes."

A motion to reconsider the votes whereby the bill was passed and the title was amended was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

¶92.10 NATO ENLARGEMENT FACILITATION

Mr. GILMAN moved to suspend the rules and pass the bill (H.R. 3564) to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe; as amended.

The SPEAKER pro tempore, Mr. HAYWORTH, recognized Mr. GILMAN