

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1386

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

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 1995

Mr. BURNS (for himself and Mr. SHELBY) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## 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 “Small Business  
5       Metrification Amendments of 1995”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds that—

8               (1) section 3 of the Metric Conversion Act of  
9       1975 (15 U.S.C. 205a)—

10               (A) sets forth the policy of the United  
11       States to convert to the metric system; and

1 (B) provides that each Federal agency use  
2 the metric system of measurement in its pro-  
3 curements, grants, and other business-related  
4 activities, except to the extent that use is im-  
5 practical or is likely to cause significant ineffi-  
6 ciencies or loss of markets to United States  
7 firms, such as when foreign competitors are  
8 producing competing products in nonmetric  
9 units;

10 (2) as of the date of enactment of this Act,  
11 Federal construction contracting officers are requir-  
12 ing some industries to implement a hard-metric con-  
13 version, which uses metric dimensions, but also re-  
14 quires retooling and other substantial capitalization  
15 costs and other expensive production changes to  
16 physically change the size of a product, without re-  
17 gard to whether that method is—

18 (A) impractical; or

19 (B) likely to cause significant inefficiencies  
20 or a loss of markets to United States firms;

21 (3) as of the date of enactment of this Act, con-  
22 tracting officers of many Federal agencies are re-  
23 quiring some industries to use the hard-metric meth-  
24 od of conversion, only for the additional purpose of  
25 achieving rounded numbers;

1           (4) a small number of domestic industries that  
2           manufacture basic construction products would suf-  
3           fer great upheaval by being forced to either—

4                   (A) convert to hard-metric production; or

5                   (B) be foreclosed from effectively bidding  
6           on federally owned or assisted projects;

7           (5) the huge capitalization costs and manufac-  
8           turing problems caused by hard-metric conversion  
9           could force many small businesses out of the market  
10          for contracts with the Federal Government;

11          (6) hard-metric conversion could—

12                   (A) place domestic producers at a competi-  
13                  tive disadvantage with respect to foreign pro-  
14                  ducers;

15                   (B) dramatically reduce—

16                           (i) the number of companies that may  
17                           compete for contracts with the Federal  
18                           Government; and

19                           (ii) competition for bids; and

20                   (C) force manufacturers to maintain dou-  
21                  ble inventories of similar but incompatible prod-  
22                  ucts;

23          (7) as a result of the higher costs of products  
24          produced as a result of hard-metric conversion, the  
25          Federal Government is often required to pay what is

1 known as a metric premium to procure hard-metric  
2 products;

3 (8) the taxpayers of the United States oppose  
4 paying a metric premium for hard-metric conversion  
5 at a time when budget constraints are causing cut-  
6 backs in social services programs with a higher pri-  
7 ority;

8 (9) soft-metric conversion is less costly and less  
9 intrusive than hard-metric conversion, as the prod-  
10 uct remains the same size over the course of the  
11 conversion, but is expressed in metric dimensions;  
12 and

13 (10) in many cases, because the production of  
14 a product using a soft-metric conversion uses metric  
15 units without a federally mandated change in the  
16 size or production of that product, metric conversion  
17 may be achieved without causing excessive economic  
18 upheaval with respect to domestic industries and  
19 small businesses.

20 **SEC. 3. DEFINITIONS.**

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

23 (1) by striking “and” at the end of paragraph  
24 (3);

1           (2) by striking the period at the end of para-  
2 graph (4); and

3           (3) by adding at the end the following new  
4 paragraphs:

5           “(5) ‘hard-metric product’ means a material or  
6 product (or type of product) that is produced as a  
7 result of a hard-metric conversion;

8           “(6) ‘hard-metric conversion’ means a conver-  
9 sion that requires, in addition to the expression of  
10 the dimensions of a product under the metric system  
11 of measurement, a physical change in the size of  
12 that product relative to the size of that product es-  
13 tablished under existing production practices or ca-  
14 pabilities of the appropriate industry;

15           “(7) ‘industry’ has the meaning provided that  
16 term by the Board;

17           “(8) ‘soft-metric product’ means a material or  
18 product (or type of product) that is produced as a  
19 result of a soft-metric conversion;

20           “(9) ‘soft-metric conversion’ means a conversion  
21 that is based on the expression of the dimension of  
22 a product under the metric system of measurement  
23 without changing the physical size of the product  
24 relative to the size of that product established under

1 existing production practices or capabilities of the  
2 appropriate industry; and

3 “(10) ‘small business’ has the meaning provided  
4 that term by the Board.”.

5 **SEC. 4. METRIC CONVERSION.**

6 Section 12 of the Metric Conversion Act of 1975 (15  
7 U.S.C. 205j-1) is amended by adding at the end the fol-  
8 lowing new subsections:

9 “(c) Beginning on the date of enactment of this sub-  
10 section, no agency of the Federal Government may—

11 “(1) develop, implement, or continue the use of  
12 construction design or procurement guidelines to  
13 carry out the policy set forth in paragraph (2) of  
14 section 3 that require the use of a hard-metric con-  
15 version or a hard-metric product; or

16 “(2) establish or apply any bidding requirement  
17 or preference with respect to any federally assisted  
18 construction contract that mandates the use of a  
19 hard-metric product, if—

20 “(A) the production of a soft-metric prod-  
21 uct is technologically feasible; and

22 “(B) the appropriate representative (as de-  
23 termined by the head of the Federal agency in-  
24 volved pursuant to subsection (d)) of the indus-  
25 try that manufactures the product or type of

1 product that would otherwise be subject to a  
2 hard-metric conversion certifies that—

3 “(i)(I) that product or type of product  
4 is not readily available as a hard-metric  
5 product from 50 percent or more of the do-  
6 mestic manufacturers in the United States;  
7 or

8 “(II) a hard-metric product does not  
9 constitute 50 percent or more of the total  
10 production of that product or type of prod-  
11 uct by that industry;

12 “(ii) a hard-metric conversion would  
13 require manufacturers that are small busi-  
14 nesses that produce that product or type of  
15 product to incur capital outlays in an  
16 amount greater than \$25,000 per manu-  
17 facturer to invest in new equipment to  
18 produce a hard-metric product that would  
19 otherwise be required to carry out that fed-  
20 erally assisted construction contract; and

21 “(iii)(I) based on the economic situa-  
22 tion and customs of the industry, any po-  
23 tential offsetting trade benefits that could  
24 be achieved by that industry by carrying  
25 out a hard-metric conversion to produce

1 that product or type of products would be  
2 negligible;

3 “(II) hard-metric conversion would—

4 “(aa) substantially reduce com-  
5 petition for federally assisted projects;  
6 or

7 “(bb) increase the per unit cost  
8 of that product that taxpayers would  
9 pay; or

10 “(III) hard-metric conversion would  
11 create a special hardship with respect to  
12 domestic manufacturers that are small  
13 businesses by placing those domestic man-  
14 ufacturers at a competitive disadvantage  
15 with respect to foreign competitors.

16 “(d)(1) The head of each agency of the Federal Gov-  
17 ernment shall establish a list of appropriate representa-  
18 tives of an industry that may make a certification under  
19 subsection (c)(2)(B)(i). The agency head shall update that  
20 list on an annual basis. That list shall include any appro-  
21 priate professional or trade association that is recognized  
22 as representing that industry.

23 “(2) At the time that a recognized representative of  
24 industry submits a certification under subsection  
25 (c)(2)(B)(i), that representative shall include a list of

1 manufacturers of the product that is the subject of the  
2 certification that have made commitments to providing a  
3 soft-metric product in a sufficient quantity and with suffi-  
4 cient selections to ensure, with respect to that product,  
5 competitive unit pricing and ready availability.”.

