

104TH CONGRESS
1ST SESSION

H. R. 2779

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. ROHRBACHER, Mr. SHADEGG, Mr. SPRATT, Mr. TAYLOR of North Carolina, and Mr. WICKER) introduced the following bill; which was referred to the Committee on Science

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 Construc-
5 tion Act of 1995”.

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

1 that Act requires that each Federal agency use the
2 metric system of measurement in its procurements,
3 grants and other business related activities, unless
4 that use is likely to cause significant cost or loss of
5 markets to United States firms, such as when for-
6 eign competitors are producing competing products
7 in non-metric units.

8 (2) Currently, many Federal construction con-
9 tracting officers are requiring as a condition of ob-
10 taining Federal contracts that all bidders must agree
11 to use products measured in round metric units, ma-
12 terials which are known as “hard-metric” products.
13 This requires retooling, substantial capitalization
14 costs, and other expensive production changes for
15 most construction firms and suppliers to physically
16 change the size of the product.

17 (3) This “hard-metric” conversion requirement
18 is often being imposed only for the purpose of
19 achieving rounded numbers, and without regard to
20 whether that method is impractical or likely to cause
21 significant costs or a loss of markets to United
22 States firms.

23 (4) United States businesses that manufacture
24 basic construction products suffer great upheaval by
25 being forced to either convert to hard-metric produc-

1 tion, or be foreclosed from effectively bidding on
2 Federal or federally assisted projects.

3 (5) This “hard-metric” conversion requirement
4 places domestic producers at a competitive disadvan-
5 tage with respect to foreign producers; reduces the
6 number of companies that may compete for con-
7 tracts with the Federal Government; and forces
8 manufacturers to maintain double inventories of
9 similar but incompatible products.

10 (6) This “hard-metric” conversion requirement
11 raises the cost to taxpayers of Federal construction
12 projects, since the Federal Government is often re-
13 quired to pay additional costs, known as a “metric
14 premium,” to procure hard-metric products.

15 (7) “Soft-metric” conversion would be a less
16 costly and less intrusive way of meeting the goals of
17 Section 3 of the Metric Conversion Act of 1975. The
18 product itself would remain the same size; its dimen-
19 sions simply would be expressed in metric units.

20 (8) As the application of the soft-metric conver-
21 sion mandates no change in the size of the product,
22 the goals of the Metric Conversion Act of 1975 will
23 be achieved without excessive economic upheaval.

1 **SEC. 3. DEFINITIONS.**

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

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

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

8 “(2) ‘domestic manufacturer’ means a manufac-
9 turer at least 51 percent of whose production occurs
10 in the United States;”;

11 (3) by inserting after paragraph (3), as so re-
12 designated by paragraph (1) of this section, the fol-
13 lowing new paragraphs:

14 “(4) ‘hard-metric product’ means a material or
15 product that is—

16 “(A) produced as a result of a hard-metric
17 conversion; or

18 “(B) identical to a material or product de-
19 scribed in subparagraph (A), although originally
20 produced in metric-based dimensions;

21 “(5) ‘hard-metric conversion’ means a conver-
22 sion that requires, in addition to the expression of
23 the dimensions of a product under the metric system
24 of measurement, a physical change in the size of
25 that product relative to the size of that product es-

1 established under existing production practices of the
2 appropriate industry;”;

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

6 (5) by inserting after paragraph (6), as so re-
7 designated by paragraph (1) of this section, the fol-
8 lowing new paragraph:

9 “(7) ‘industry’ has the meaning provided that
10 term by the Board by regulation;”;

11 (6) by striking the period at the end of para-
12 graph (8), as so redesignated by paragraph (1) of
13 this section, and inserting in lieu thereof a semi-
14 colon; and

15 (7) by adding at the end the following new
16 paragraphs:

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

20 “(10) ‘soft-metric conversion’ means a conver-
21 sion that requires the expression of the dimensions
22 of a product under the metric system of measure-
23 ment without changing the physical size of the prod-
24 uct relative to the size of that product established

1 under existing production practices of the appro-
2 priate industry; and

3 “(11) ‘small business’ means a business that
4 would be a small business under the Standard In-
5 dustrial Classification codes and size standards in
6 section 121.601 of title 13 of the Code of Federal
7 Regulations as in effect on the date of the enact-
8 ment of this paragraph.”.

9 **SEC. 4. METRIC CONVERSION.**

10 Section 12 of the Metric Conversion Act of 1975 (15
11 U.S.C. 205j–1) is amended by striking subsection (b) and
12 inserting in lieu thereof the following new subsections:

13 “(b) No agency of the Federal Government may de-
14 velop, implement, or continue the use of construction de-
15 sign or procurement guidelines that require the use of a
16 hard-metric product if a majority of the contracts that
17 would be proposed pursuant to such guidelines would be
18 likely to result in a certification described in subsection
19 (c)(3)(A).

20 “(c) No agency of the Federal Government may es-
21 tablish or apply a bidding requirement or preference with
22 respect to any federally assisted construction contract that
23 specifies the use of a hard-metric product if—

24 “(1) the use of soft-metric product is techno-
25 logically feasible; and

1 “(2) an appropriate representative (as selected
2 pursuant to subsection (d) of the industry that man-
3 ufactures the product) notifies the agency, within 30
4 days after enactment of this Act, that the represent-
5 ative makes certification or intends to make certifi-
6 cation under paragraph (3)(A); and either—

7 “(3) the certification establishes or will estab-
8 lish that—

9 “(A) such industry-specific or product-spe-
10 cific factors exist that—

11 “(i)(I) the product is not readily avail-
12 able as a hard-metric product from 50 per-
13 cent or more of the domestic manufactur-
14 ers in the United States; or

15 “(II) a hard-metric product does not
16 constitute 50 percent or more of the total
17 production of that product by that indus-
18 try;

19 “(ii) a hard-metric conversion would
20 require domestic manufacturers that are
21 small businesses that produce the product
22 to incur capital outlays in an average
23 amount greater than \$25,000 per manu-
24 facturer to invest in new equipment to
25 produce a hard-metric product; and

1 “(iii)(I) based on the economic situa-
2 tion and customs of the industry, any po-
3 tential offsetting benefits that could be
4 achieved by that industry by carrying out
5 a hard metric conversion to produce that
6 product would be negligible or

7 “(II) hard metric conversion would
8 substantially reduce competition for Fed-
9 eral contracts and increase by 1 percent or
10 more the per unit cost of that product; or

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

17 “(4) less that 180 days have elapsed after the
18 appropriate representative has been notified of a
19 proposed contract specifying hard-metric product.

20 “(d) The head of each agency of the Federal Govern-
21 ment shall establish a list of appropriate representatives
22 of each industry that may make a certification under sub-
23 section (e)(3)(A). The agency head shall update that list
24 on an annual basis. The list shall include appropriate pro-

1 fessional or trade associations that are recognized as rep-
2 resenting the industries.

3 “(e) When an appropriate representative submits a
4 certification under subsection (c)(3)(A), the representative
5 shall also submit a list of domestic manufacturers that
6 have the capability to manufacture the product that is the
7 subject of the certification as a soft-metric product.”.

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