

profit organizations and small business firms under chapter 18 of title 35, notwithstanding any provisions to the contrary contained in that chapter.

(Pub. L. 101-425, § 9, Oct. 15, 1990, 104 Stat. 919.)

### § 5309. Omitted

#### CODIFICATION

Section, Pub. L. 101-425, § 10, Oct. 15, 1990, 104 Stat. 919, which required, at the time the President's annual budget request for the Department is submitted, that the Secretary provide to Congress a detailed review of the progress of the research and development activities authorized under this chapter, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 84 of House Document No. 103-7.

## CHAPTER 80—FASTENERS

Sec.

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### § 5401. Findings

The Congress finds that—

(1) the United States fastener industry is a significant contributor to the global economy, employing thousands of workers in hundreds of communities;

(2) the American economy uses billions of fasteners each year;

(3) state-of-the-art manufacturing and improved quality assurance systems have dramatically improved fastener quality, so virtually all fasteners sold in commerce meet or exceed the consensus standards for the uses to which they are applied;

(4) a small number of mismarked, misrepresented, and counterfeit fasteners do enter commerce in the United States; and

(5) multiple criteria for the identification of fasteners exist, including grade identification markings and manufacturer's insignia, to enable purchasers and users of fasteners to accurately evaluate the characteristics of individual fasteners.

(Pub. L. 101-592, § 2, Nov. 16, 1990, 104 Stat. 2943; Pub. L. 104-113, § 11(a), Mar. 7, 1996, 110 Stat. 780; Pub. L. 106-34, § 2, June 8, 1999, 113 Stat. 118.)

#### AMENDMENTS

1999—Pub. L. 106-34 amended section generally. Prior to amendment, section consisted of subsecs. (a) and (b) stating findings of Congress and purpose of this chapter.

1996—Subsec. (a)(4) to (6). Pub. L. 104-113, § 11(a)(1), redesignated pars. (5) to (7) as (4) to (6), respectively, and struck out former par. (4) which read as follows: “the sale in commerce of nonconforming fasteners and the use of nonconforming fasteners in numerous critical applications have reduced the combat readiness of the

Nation's military forces, endangered the safety of other Federal projects and activities, and cost both the public and private sectors large sums in connection with the retesting and purging of fastener inventories;”.

Subsec. (a)(7). Pub. L. 104-113, § 11(a)(2), struck out “by lot number” after “traceability”.

Pub. L. 104-113, § 11(a)(1), redesignated par. (8) as (7). Former par. (7) redesignated (6).

Subsec. (a)(8), (9). Pub. L. 104-113, § 11(a)(1), redesignated par. (9) as (8). Former par. (8) redesignated (7).

Subsec. (b). Pub. L. 104-113, § 11(a)(3), substituted “in commerce” for “used in critical applications”.

#### SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-34, § 1, June 8, 1999, 113 Stat. 118, provided that: “This Act [enacting sections 5403, 5411a, and 5411b of this title, amending this section and sections 5402 and 5407 to 5411 of this title, repealing sections 5404 to 5406, 5412, and 5414 of this title, and enacting provisions set out as notes under sections 5402 and 5403 of this title] may be cited as the ‘Fastener Quality Act Amendments Act of 1999.’”

#### SHORT TITLE

Section 1 of Pub. L. 101-592 provided that: “This Act [enacting this chapter] may be cited as the ‘Fastener Quality Act.’”

### § 5402. Definitions

As used in this chapter, the term—

(1) “accredited laboratory” means a fastener testing facility used to perform end-of-line testing required by a consensus standard or standards to verify that a lot of fasteners conforms to the grade identification marking called for in the consensus standard or standards to which the lot of fasteners has been manufactured, and which—

(A) meets the requirements of ISO/IEC Guide 25 (or another document approved by the Director under section 5411a(c) of this title), including revisions from time-to-time; and

(B) has been accredited by a laboratory accreditation body that meets the requirements of ISO/IEC Guide 58 (or another document approved by the Director under section 5411a(d) of this title), including revisions from time-to-time;

(2) “consensus standard” means the provisions of a document that describes fastener characteristics published by a consensus standards organization or a Federal agency, and does not include a proprietary standard;

(3) “consensus standards organization” means the American Society for Testing and Materials, the American National Standards Institute, the American Society of Mechanical Engineers, the Society of Automotive Engineers, the International Organization for Standardization, any other organization identified as a United States consensus standards organization or a foreign and international consensus standards organization in the Federal Register at 61 Fed. Reg. 50582-83 (September 26, 1996), and any successor organizations thereto;

(4) “Director” means the Director of the National Institute of Standards and Technology;

(5) “distributor” means a person who purchases fasteners for the purpose of reselling them at wholesale to unaffiliated persons within the United States (an original equip-