

par. (B), struck out “or” at end of subpar. (C), and struck out subpar. (D) which read as follows: “any item within a category added by the Secretary in accordance with section 5403(b) of this title.”

Par. (6). Pub. L. 104-113, §11(b)(4), substituted “government agency” for “other person”.

Par. (8). Pub. L. 104-113, §11(b)(5), substituted “Standards” for “Standard”.

Pars. (11), (12). Pub. L. 104-113, §11(b)(6), redesignated pars. (12) and (13) as (11) and (12), respectively, and struck out former par. (11) which read as follows: “‘original equipment manufacturer’ means a person who uses fasteners in the manufacture or assembly of its products and sells fasteners to authorized dealers as replacement or service parts for its products;”.

Par. (13). Pub. L. 104-113, §11(b)(7), substituted “or a government agency” for “, a government agency, or a major end-user of fasteners which defines or describes dimensional characteristics, limits of size, acceptable materials, processing, functional behavior, plating, baking, inspecting, testing, packaging, and required markings of any fastener”.

Pub. L. 104-113, §11(b)(6), redesignated par. (14) as (13). Former par. (13) redesignated (12).

Par. (14). Pub. L. 104-113, §11(b)(8), inserted “for the purpose of achieving a uniform hardness” after “quenching and tempering”.

Pub. L. 104-113, §11(b)(6), redesignated par. (15) as (14). Former par. (14) redesignated (13).

Par. (15). Pub. L. 104-113, §11(b)(6), redesignated par. (15) as (14).

#### COMPTROLLER GENERAL REPORT

Pub. L. 106-34, §12, June 8, 1999, 113 Stat. 125, provided that: “Not later than 2 years after the date of the enactment of this Act [June 8, 1999], the Comptroller General shall transmit to the Congress a report describing any changes in industry practice resulting from or apparently resulting from the enactment of section 3(6)(B) of the Fastener Quality Act [15 U.S.C. §5402(6)(B)], as added by section 3 of this Act.”

### § 5403. Sale of fasteners

#### (a) General rule

It shall be unlawful for a manufacturer or distributor, in conjunction with the sale or offer for sale of fasteners from a single lot, to knowingly misrepresent or falsify—

- (1) the record of conformance for the lot of fasteners;
- (2) the identification, characteristics, properties, mechanical or performance marks, chemistry, or strength of the lot of fasteners; or
- (3) the manufacturer’s insignia.

#### (b) Representations

A direct or indirect reference to a consensus standard to represent that a fastener conforms to particular requirements of the consensus standard shall not be construed as a representation that the fastener meets all the requirements of the consensus standard.

#### (c) Specifications

A direct or indirect contractual reference to a consensus standard for the purpose of identifying particular requirements of the consensus standard that serve as specifications shall not be construed to require that the fastener meet all the requirements of the consensus standard.

#### (d) Use of accredited laboratories

In the case of fasteners manufactured solely to a consensus standard or standards, end-of-line testing required by the consensus standard or

standards, if any, for the purpose of verifying that a lot of fasteners conforms with the grade identification marking called for in the consensus standard or standards to which the lot of fasteners has been manufactured shall be conducted by an accredited laboratory.

(Pub. L. 101-592, §4, as added Pub. L. 106-34, §4(a), June 8, 1999, 113 Stat. 121.)

#### PRIOR PROVISIONS

A prior section 5403, Pub. L. 101-592, §4, Nov. 16, 1990, 104 Stat. 2945, set out special rule under which Secretary could waive requirements of this chapter on determination that category of fasteners was not used in critical applications, but that Secretary could also determine in given case that fastener was used in critical applications and was governed accordingly, prior to repeal by Pub. L. 104-113, §11(c), Mar. 7, 1996, 110 Stat. 780.

#### EFFECTIVE DATE

Pub. L. 106-34, §4(b), June 8, 1999, 113 Stat. 122, provided that: “Subsection (d) of section 4 of the Fastener Quality Act [15 U.S.C. §5403(d)], as added by subsection (a) of this section, shall take effect 2 years after the date of the enactment of this Act [June 8, 1999].”

### §§ 5404 to 5406. Repealed. Pub. L. 106-34, §4(a), June 8, 1999, 113 Stat. 121

Section 5404, Pub. L. 101-592, §5, Nov. 16, 1990, 104 Stat. 2945; Pub. L. 104-113, §11(d), Mar. 7, 1996, 110 Stat. 780, required testing and certification of fasteners.

Section 5405, Pub. L. 101-592, §6, Nov. 16, 1990, 104 Stat. 2947; Pub. L. 104-113, §11(e), Mar. 7, 1996, 110 Stat. 781, provided for laboratory accreditation.

Section 5406, Pub. L. 101-592, §7, Nov. 16, 1990, 104 Stat. 2948; Pub. L. 104-113, §11(f), Mar. 7, 1996, 110 Stat. 781, related to sale of domestic and imported fasteners subsequent to manufacture.

### § 5407. Manufacturers’ insignias

#### (a) General rule

Unless the specifications provide otherwise, fasteners that are required by the applicable consensus standard or standards to bear an insignia identifying their manufacturer shall not be offered for sale or sold in commerce unless—

- (1) the fasteners bear such insignia; and
- (2) the manufacturer has complied with the insignia recordation requirements established under subsection (b) of this section.

#### (b) Recordation

The Secretary shall establish, by regulation, a program to provide for the recordation of the insignias of manufacturers described in subsection (a) of this section.

(Pub. L. 101-592, §5, formerly §8, Nov. 16, 1990, 104 Stat. 2950; renumbered §5 and amended Pub. L. 106-34, §5, June 8, 1999, 113 Stat. 122.)

#### PRIOR PROVISIONS

A prior section 5 of Pub. L. 101-592 was classified to section 5404 of this title, prior to repeal by Pub. L. 106-34.

#### AMENDMENTS

1999—Subsec. (a). Pub. L. 106-34, §5(1), reenacted subsec. heading without change and amended text generally. Prior to amendment, text read as follows: “No fastener which is required by the standards and specifications to which it was manufactured to bear a raised or depressed insignia identifying its manufacturer or private label distributor shall be offered for sale or sold in