riod beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

### § 5307. Authorization of appropriations

There are authorized to be appropriated to the Secretary for carrying out this chapter $5,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, 1995, 1996, and 1997, to be derived from such sums as are otherwise authorized under section 13451(e) of title 42.

(Pub. L. 101–425, § 8, Oct. 15, 1990, 104 Stat. 919; Pub. L. 102–486, title XXI, § 2106(b), Oct. 24, 1992, 106 Stat. 3070.)

AMENDMENTS

1992—Pub. L. 102–486 substituted ''1993, 1994, 1995, 1996, and 1997, to be derived from such sums as are otherwise authorized under section 13451(e) of title 42'' for ''and 1993''.

### § 5308. Protection of proprietary rights

#### (a) Proprietary rights

No trade secrets or commercial or financial information that is privileged or confidential, under the meaning of section 552(b)(4) of title 5, which is obtained from a company as a result of activities under this chapter shall be disclosed.

#### (b) Commercial information

The Secretary, for a period of up to 5 years after the development of information that—

(1) results from research and development activities conducted under this chapter; and

(2) would be a trade secret or commercial or financial information that is privileged or confidential, under the meaning of section 552(b)(4) of title 5, if the information had been obtained from a company,

may provide appropriate protection against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5.

#### (c) Patent rights

With respect to patent rights, the Institutes shall be treated in the same manner as are nonprofit 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.
5401. Findings.
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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 equipment manufacturer and its dealers shall be considered affiliated persons for purposes of this chapter);

(6) ''fastener'' means a metallic screw, nut, bolt, or stud having internal or external threads, with a nominal diameter of 6 millimeters or greater, in the case of such items described in metric terms, or ¼ inch or greater, in the case of such items described in terms of the English system of measurement, or a load-indicating washer, that is through-hardened or represented as meeting a consensus standard that calls for through-hardening, and that is grade identification marked or represented as meeting a consensus standard that requires grade identification marking, except that such term does not include any screw, nut, bolt, stud, or load-indicating washer that is—

(A) part of an assembly;

(B) a part that is ordered for use as a spare, substitute, service, or replacement part, unless that part is in a package containing more than 75 of any such part at the time of sale, or a part that is contained in an assembly kit;

(C) produced and marked as ASTM A 307 Grade A, or a successor standard thereto;

(D) produced in accordance with ASTM F 432, or a successor standard thereto;

(E) specifically manufactured for use on an aircraft if the quality and suitability of those fasteners for that use has been approved—

(i) by the Federal Aviation Administration; or

(ii) by a foreign airworthiness authority as described in part 21.29, 21.500, 21.502, or 21.617 of title 14 of the Code of Federal Regulations;

(F) manufactured in accordance with a fastener quality assurance system; or

(G) manufactured to a proprietary standard, whether or not such proprietary standard directly or indirectly references a consensus standard or any portion thereof;

(7) ''fastener quality assurance system'' means—

(A) a system that meets the requirements, including revisions from time-to-time, of—

(i) International Organization for Standardization (ISO) Standard 9000, 9001, 9002, or TS16949;

(ii) Quality System (QS) 9000 Standard;

(iii) Verband der Automobilindustrie e. V. (VDA) 6.1 Standard; or

(iv) Aerospace Basic Quality System Standard AS9000; or

(B) any fastener manufacturing system—

(i) that has as a stated goal the prevention of defects through continuous improvement;

(ii) that seeks to attain the goal stated in clause (i) by incorporating—

(I) advanced quality planning;

(II) monitoring and control of the manufacturing process;

(III) product verification embodied in a comprehensive written control plan for product and process characteristics, and process controls (including process influence factors and statistical process control), tests, and measurement systems to be used in production; and

(IV) the creation, maintenance, and retention of electronic, photographic, or paper records required by the control plan regarding the inspections, tests, and measurements performed pursuant to the control plan; and

(iii) that—

(I) is subject to certification in accordance with the requirements of ISO/IEC Guide 62 (or another document approved by the Director under section 5411a(a) of this title), including revisions from time-to-time, by a third party who is accredited by an accreditation body in accordance with the requirements of ISO/IEC Guide 61 (or another document approved by the Director under section

5411a(b) of this title), including revisions from time-to-time; or

(II) undergoes regular or random evaluation and assessment by the end user or end users of the screws, nuts, bolts, studs, or load-indicating washers produced under such fastener manufacturing system to ensure that such system meets the requirements of clauses (i) and (ii);

(8) ''grade identification marking'' means any grade-mark or property class symbol appearing on a fastener purporting to indicate that the lot of fasteners conforms to a specific consensus standard, but such term does not include a manufacturer's insignia or part number;

(9) ''importer'' means a distributor located within the United States who contracts for the initial purchase of fasteners manufactured outside the United States;

(10) ''lot'' means a quantity of fasteners of one part number fabricated by the same production process from the same coil or heat number of metal as provided by the metal manufacturer;

(11) ''manufacturer'' means a person who fabricates fasteners for sale in commerce;

(12) ''proprietary standard'' means the provisions of a document that describes characteristics of a screw, nut, bolt, stud, or load-indicating washer and is issued by a person who—

(A) uses screws, nuts, bolts, studs, or load-indicating washers in the manufacture, assembly, or servicing of its products; and

(B) with respect to such screws, nuts, bolts, studs, or washers, is a developer and issuer of descriptions that have characteristics similar to consensus standards and that bear such user's identification;

(13) ''record of conformance'' means a record or records for each lot of fasteners sold or offered for sale that contains—

(A) the name and address of the manufacturer;

(B) a description of the type of fastener;

(C) the lot number;

(D) the nominal dimensions of the fastener (including diameter and length of bolts or screws), thread form, and class of fit;

(E) the consensus standard or specifications to which the lot of fasteners has been manufactured, including the date, number, revision, and other information sufficient to identify the particular consensus standard or specifications being referenced;

(F) the chemistry and grade of material;

(G) the coating material and characteristics and the applicable consensus standard or specifications for such coating; and

(H) the results or a summary of results of any tests performed for the purpose of verifying that a lot of fasteners conforms to its grade identification marking or to the grade identification marking the lot of fasteners is represented to meet;

(14) ''represent'' means to describe one or more of a fastener's purported characteristics in a document or statement that is transmitted to a purchaser through any medium;

(15) ''Secretary'' means the Secretary of Commerce;

(16) ''specifications'' means the required characteristics identified in the contractual agreement with the manufacturer or to which a fastener is otherwise produced, except that the term does not include proprietary standards; and

(17) ''through-harden'' means heating above the transformation temperature followed by quenching and tempering for the purpose of achieving uniform hardness.

(Pub. L. 101–592, § 3, Nov. 16, 1990, 104 Stat. 2944; Pub. L. 104–113, § 11(b), Mar. 7, 1996, 110 Stat. 780; Pub. L. 106–34, § 3, June 8, 1999, 113 Stat. 118.)

AMENDMENTS

1999—Pub. L. 106–34 amended section catchline and text generally, restating certain definitions, adding new definitions, and striking out definitions of ''alter'', ''container'', ''institute'', ''original equipment manufacturer'', ''private label distributor'', and ''standards and specifications''.

1996—Par. (1)(B). Pub. L. 104–113, § 11(b)(1), struck out ''having a minimum tensile strength of 150,000 pounds per square inch'' after ''fasteners''.

Par. (2). Pub. L. 104–113, § 11(b)(2), inserted ''consensus'' after ''or any other''.

Par. (5). Pub. L. 104–113, § 11(b)(3), inserted ''or produced in accordance with ASTM F 432'' after ''307 Grade A'' in closing provisions, inserted ''or'' at end of subpar. (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 commerce unless the manufacturer or private label distributor of such fastener has complied with the requirements prescribed by the Secretary in connection with the program established under subsection (b) of this section."

Subsec. (b). Pub. L. 106–34, § 5(2), substituted "described in subsection (a) of this section" for "and private label distributors described in subsection (a) of this section, to ensure the traceability of a fastener to its manufacturer or private label distributor".

### § 5408. Remedies and penalties

**(a) Civil remedies**

(1) The Attorney General may bring an action in an appropriate United States district court for appropriate declaratory and injunctive relief against any person who violates this chapter or any regulation under this chapter.

(2) An action under paragraph (1) may not be brought more than 10 years after the date on which the cause of action accrues.

**(b) Civil penalties**

(1) Any person who is determined by the Secretary, after notice and an opportunity for a hearing, to have violated this chapter or any regulation under this chapter shall be liable to the United States for a civil penalty of not more than $25,000 for each violation.

(2) The amount of the penalty shall be assessed by the Secretary by written notice. In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, any history of prior violations, the effect on ability to continue to do business, any good faith attempt to achieve compliance, ability to pay the penalty, and such other matters as justice may require.

(3) Any person against whom a civil penalty is assessed under paragraph (2) of this subsection may obtain review thereof in the appropriate

court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The findings and order of the Secretary shall be set aside by such court if they are found to be unsupported by substantial evidence, as provided in section 706(2) of title 5.

(4) The Secretary may arbitrate, compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section prior to referral to the Attorney General under paragraph (5).

(5) A civil penalty assessed under this subsection may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(6) For the purpose of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

**(c) Criminal penalties**

(1) Whoever knowingly certifies, marks, offers for sale, or sells a fastener in violation of this chapter or a regulation under this chapter shall be fined under title 18, or imprisoned not more than 5 years, or both.

(2) Whoever intentionally fails to maintain records relating to a fastener in violation of this chapter or a regulation under this chapter shall be fined under title 18, or imprisoned not more than 5 years, or both.

(3) Whoever negligently fails to maintain records relating to a fastener in violation of this chapter or a regulation under this chapter shall be fined under title 18, or imprisoned not more than 2 years, or both.

**(d) Enforcement**

(1) The Secretary may designate officers or employees of the Department of Commerce to conduct investigations pursuant to this chapter. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this chapter, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.

(2) The Secretary shall establish and maintain a hotline system to facilitate the reporting of alleged violations of this chapter, and the Secretary shall evaluate allegations reported through that system and report any credible allegations to the Attorney General.

(Pub. L. 101–592, § 6, formerly § 9, Nov. 16, 1990, 104 Stat. 2950; Pub. L. 104–113, § 11(g), Mar. 7, 1996, 110 Stat. 782; renumbered § 6 and amended Pub. L. 106–34, § 6, June 8, 1999, 113 Stat. 122.)

PRIOR PROVISIONS

A prior section 6 of Pub. L. 101–592 was classified to section 5405 of this title, prior to repeal by Pub. L. 106–34.

AMENDMENTS

1999—Subsec. (b)(3). Pub. L. 106–34, § 6(1), substituted ''of this subsection'' for ''of this section''.

Subsec. (b)(4). Pub. L. 106–34, § 6(2), inserted ''arbitrate,'' after ''Secretary may''.

Subsec. (d). Pub. L. 106–34, § 6(3), designated existing provisions as par. (1) and added par. (2).

1996—Subsec. (d). Pub. L. 104–113 added subsec. (d).

## § 5409. Recordkeeping requirements

Manufacturers and importers shall retain the record of conformance for fasteners for 5 years, on paper or in photographic or electronic format in a manner that allows for verification of authenticity. Upon request of a distributor who has purchased a fastener, or a person who has purchased a fastener for use in the production of a commercial product, the manufacturer or importer of the fastener shall make available information in the record of conformance to the requester.

(Pub. L. 101–592, § 7, formerly § 10, Nov. 16, 1990, 104 Stat. 2951; Pub. L. 104–113, § 11(h), Mar. 7, 1996, 110 Stat. 782; renumbered § 7 and amended Pub. L. 106–34, § 7, June 8, 1999, 113 Stat. 123.)

PRIOR PROVISIONS

A prior section 7 of Pub. L. 101–592 was classified to section 5406 of this title, prior to repeal by Pub. L. 106–34.

AMENDMENTS

1999—Pub. L. 106–34 substituted present provisions for former provisions which consisted of subsecs. (a) and (b) relating to retention and availability of records concerning inspections, testing, and certifications of fasteners under section 5404 of this title by laboratories, manufacturers, importers, private label distributors and persons who make significant alterations.

1996—Subsec. (a). Pub. L. 104–113, § 11(h)(1), substituted ''5 years'' for ''10 years''.

Subsec. (b). Pub. L. 104–113, § 11(h), substituted ''5 years'' for ''10 years'' and ''the subsequent purchaser'' for ''any subsequent purchaser''.

## § 5410. Relationship to State laws

Nothing in this chapter shall be construed to preempt any rights or causes of action that any buyer may have with respect to any seller of fasteners under the law of any State, except to the extent that the provisions of this chapter are in conflict with such State law.

(Pub. L. 101–592, § 8, formerly § 11, Nov. 16, 1990, 104 Stat. 2952; renumbered § 8, Pub. L. 106–34, § 8, June 8, 1999, 113 Stat. 123.)

PRIOR PROVISIONS

A prior section 8 of Pub. L. 101–592 was renumbered section 5 and is classified to section 5407 of this title.

### § 5411. Construction

Nothing in this chapter shall be construed to limit or otherwise affect the authority of any consensus standards organization to establish, modify, or withdraw any standards and specifications under any other law or authority.

(Pub. L. 101–592, § 9, formerly § 12, Nov. 16, 1990, 104 Stat. 2952; renumbered § 9 and amended Pub. L. 106–34, § 9, June 8, 1999, 113 Stat. 123.)

PRIOR PROVISIONS

A prior section 9 of Pub. L. 101–592 was renumbered section 6 and is classified to section 5408 of this title.

AMENDMENTS

1999—Pub. L. 106–34 struck out ''in effect on November 16, 1990'' after ''law or authority''.

### § 5411a. Certification and accreditation

**(a) Certification**

A person publishing a document setting forth guidance or requirements for the certification of manufacturing systems as fastener quality assurance systems by an accredited third party may petition the Director to approve such document for use as described in section 5402(7)(B)(iii)(I) of this title. The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 62.

**(b) Accreditation**

A person publishing a document setting forth guidance or requirements for the approval of accreditation bodies to accredit third parties described in subsection (a) of this section may petition the Director to approve such document for use as described in section 5402(7)(B)(iii)(I) of this title. The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 61.

**(c) Laboratory accreditation**

A person publishing a document setting forth guidance or requirements for the accreditation of laboratories may petition the Director to approve such document for use as described in section 5402(1)(A) of this title. The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 25.

**(d) Approval of accreditation bodies**

A person publishing a document setting forth guidance or requirements for the approval of accreditation bodies to accredit laboratories may petition the Director to approve such document for use as described in section 5402(1)(B) of this title. The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 58. In addition to any other voluntary laboratory accreditation programs that may be established by private sector persons, the Director shall establish a National Voluntary Laboratory Accreditation Program, for the accreditation of laboratories as described in section 5402(1)(B) of this title, that meets the requirements of ISO/IEC Guide 58 (or another document approved by the Director under this subsection), including revisions from time-to-time.

**(e) Affirmation**

(1) An accreditation body accrediting third parties who certify manufacturing systems as fastener quality assurance systems as described in section 5402(7)(B)(iii)(I) of this title shall affirm to the Director that it meets the requirements of ISO/IEC Guide 61 (or another document approved by the Director under subsection (b) of this section), including revisions from time-to-time.

(2) An accreditation body accrediting laboratories as described in section 5402(1)(B) of this title shall affirm to the Director that it meets the requirements of ISO/IEC Guide 58 (or another document approved by the Director under subsection (d) of this section), including revisions from time-to-time.

(3) An affirmation required under paragraph (1) or (2) shall take the form of a self-declaration that the accreditation body meets the requirements of the applicable Guide, signed by an authorized representative of the accreditation body, without requirement for accompanying documentation. Any such affirmation shall be considered to be a continuous affirmation that the accreditation body meets the requirements of the applicable Guide, unless and until the affirmation is withdrawn by the accreditation body.

(Pub. L. 101–592, § 10, as added Pub. L. 106–34, § 10, June 8, 1999, 113 Stat. 123.)

PRIOR PROVISIONS

A prior section 10 of Pub. L. 101–592 was renumbered section 7 and is classified to section 5409 of this title.

### § 5411b. Applicability

The requirements of this chapter shall be applicable only to fasteners fabricated 180 days or more after June 8, 1999, except that if a manufacturer or distributor of fasteners fabricated before June 8, 1999, prepares a record of conformance for such fasteners, representations about such fasteners shall be subject to the requirements of this chapter.

(Pub. L. 101–592, § 11, as added Pub. L. 106–34, § 11, June 8, 1999, 113 Stat. 124.)

PRIOR PROVISIONS

A prior section 11 of Pub. L. 101–592 was renumbered section 8 and is classified to section 5410 of this title.

### § 5412. Repealed. Pub. L. 106–34, § 10, June 8, 1999, 113 Stat. 123

Section, Pub. L. 101–592, § 13, Nov. 16, 1990, 104 Stat. 2952; Pub. L. 104–113, § 11(i), Mar. 7, 1996, 110 Stat. 782, required the Secretary to issue regulations necessary to implement chapter.

### § 5413. Repealed. Pub. L. 104–113, § 11(j), Mar. 7, 1996, 110 Stat. 782

Section, Pub. L. 101–592, § 14, Nov. 16, 1990, 104 Stat. 2952, related to appointment of an advisory committee to be available for consultation with Secretary on matters related to fasteners.

**§ 5414. Repealed. Pub. L. 106–34, § 10, June 8, 1999, 113 Stat. 123**

Section, Pub. L. 101–592, § 15, Nov. 16, 1990, 104 Stat. 2952; Pub. L. 105–234, § 1, Aug. 14, 1998, 112 Stat. 1536, related to applicability of this chapter.

## CHAPTER 81—HIGH-PERFORMANCE COMPUTING

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**§ 5501. Findings**

The Congress finds the following:

(1) Advances in computer science and technology are vital to the Nation's prosperity, national and economic security, industrial production, engineering, and scientific advancement.

(2) The United States currently leads the world in the development and use of high-performance computing for national security, industrial productivity, science, and engineering, but that lead is being challenged by foreign competitors.

(3) Further research and development, expanded educational programs, improved computer research networks, and more effective technology transfer from government to industry are necessary for the United States to reap fully the benefits of high-performance computing.

(4) A high-capacity, flexible, high-speed national research and education computer network is needed to provide researchers and educators with access to computational and information resources, act as a test bed for further research and development for high-capacity and high-speed computer networks, and provide researchers the necessary vehicle for continued network technology improvement through research.

(5) Several Federal agencies have ongoing high-performance computing programs, but improved long-term interagency coordination, cooperation, and planning would enhance the effectiveness of these programs.

(6) A 1991 report entitled ''Grand Challenges: High-Performance Computing and Communications'' by the Office of Science and Technology Policy, outlining a research and development strategy for high-performance computing, provides a framework for a multiagency high-performance computing program. Such a program would provide American researchers and educators with the computer and information resources they need, and demonstrate how advanced computers, high-capacity and high-speed networks, and electronic data bases can improve the national information infrastructure for use by all Americans.

(7) Additional research must be undertaken to lay the foundation for the development of new applications that can result in economic growth, improved health care, and improved educational opportunities.

(8) Research in new networking technologies holds the promise of easing the economic burdens of information access disproportionately borne by rural users of the Internet.

(9) Information security is an important part of computing, information, and communications systems and applications, and research into security architectures is a critical aspect of computing, information, and communications research programs.

(Pub. L. 102–194, § 2, Dec. 9, 1991, 105 Stat. 1594; Pub. L. 105–305, § 2(b), Oct. 28, 1998, 112 Stat. 2919.)

AMENDMENTS

1998—Par. (4). Pub. L. 105–305, § 2(b)(1), added par. (4) and struck out former par. (4) which read as follows: ''A high-capacity and high-speed national research and education computer network would provide researchers and educators with access to computer and information resources and act as a test bed for further research and development of high-capacity and high-speed computer networks.''

Pars. (7) to (9). Pub. L. 105–305, § 2(b)(2), added pars. (7) to (9).

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105–305, § 1, Oct. 28, 1998, 112 Stat. 2919, provided that: ''This Act [enacting section 5513 of this title, amending this section and sections 5502, 5503, and 5511 of this title, and enacting provisions set out as notes under this section] may be cited as the 'Next Generation Internet Research Act of 1998'.''

SHORT TITLE

Section 1 of Pub. L. 102–194 provided that: ''This Act [enacting this chapter] may be cited as the 'High-Performance Computing Act of 1991'.''

Pub. L. 108–423, § 1, Nov. 30, 2004, 118 Stat. 2400, provided that: ''This Act [enacting subchapter III of this chapter, amending sections 205*l* of this title and 1862n–9 of Title 42, The Public Health and Welfare, and enacting provisions set out as a note under section 1862n–9 of Title 42] may be cited as the 'Department of Energy High-End Computing Revitalization Act of 2004'.''

CONGRESSIONAL FINDINGS

Pub. L. 105–305, § 2(a), Oct. 28, 1998, 112 Stat. 2919, provided that: ''The Congress finds that—

''(1) United States leadership in science and technology has been vital to the Nation's prosperity, national and economic security, and international competitiveness, and there is every reason to believe that