

(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 non-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. Reporting

At the time the President's annual budget request for the Department is submitted, the Secretary shall provide to Congress a detailed review of the progress of the research and development activities authorized under this chapter.

(Pub. L. 101-425, § 10, Oct. 15, 1990, 104 Stat. 919.)

CHAPTER 80—FASTENERS

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§ 5401. Findings and purpose

(a) Findings

The Congress finds that—

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

(2) millions of mismarked, substandard, counterfeit, and other nonconforming fasteners have been sold in commerce to end-users in the United States, and their use has dramatically increased the risk of equipment and infrastructure failures;

(3) both the military and civilian sectors of the economy have encountered unnecessary, unwarranted, and dangerous equipment and construction failures, as well as extraordinary expenses, as a result of the use of nonconforming fasteners;

(4) the purchase and use of nonconforming fasteners stem from material misrepresentations about such fasteners made by certain manufacturers, importers, and distributors engaged in commerce;

(5) current fastener standards of measurement evaluate bolts and other fasteners according to multiple criteria, including strength, hardness, and composition, and provide grade identification markings on fasteners to make the characteristics of individual fasteners clear to purchasers and users;

(6) current tests required by consensus standards, designed to ensure that fasteners are of standard measure, are adequate and appropriate for use as standards in a program of high-strength fastener testing;

(7) the lack of traceability of fasteners sold in commerce is a serious impediment to effective quality control efforts; and

(8) the health and safety of Americans is threatened by the widespread sale in commerce of mismarked, substandard, and counterfeit fasteners, a practice which also harms American manufacturers, importers, and distributors of safe and conforming fasteners, and workers in the American fastener industry.

(b) Purpose

In order to protect public safety, to deter the introduction of nonconforming fasteners into commerce, to improve the traceability of fasteners in commerce, and generally to provide commercial and governmental customers with greater assurance that fasteners meet stated specifications, it is the purpose of this chapter to create procedures for the testing, certification, and distribution of certain fasteners used in commerce within the United States.

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

AMENDMENTS

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