

106TH CONGRESS
1ST SESSION

H. R. 1183

AN ACT

To amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

106TH CONGRESS
1ST SESSION

H. R. 1183

AN ACT

To amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fastener Quality Act
3 Amendments Act of 1999”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 Section 2 of the Fastener Quality Act (15 U.S.C.
6 5401) is amended to read as follows:

7 **“SEC. 2. FINDINGS.**

8 “The Congress finds that—

9 “(1) the United States fastener industry is a
10 significant contributor to the global economy, em-
11 ploying thousands of workers in hundreds of commu-
12 nities;

13 “(2) the American economy uses billions of fas-
14 teners each year;

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

20 “(4) a small number of mismarked, misrepre-
21 sented, and counterfeit fasteners do enter commerce
22 in the United States; and

23 “(5) multiple criteria for the identification of
24 fasteners exist, including grade identification mark-
25 ings and manufacturer’s insignia, to enable pur-

1 chasers and users of fasteners to accurately evaluate
2 the characteristics of individual fasteners.”.

3 **SEC. 3. DEFINITIONS.**

4 Section 3 of the Fastener Quality Act (15 U.S.C.
5 5402) is amended to read as follows:

6 **“SEC. 3. DEFINITIONS.**

7 “As used in this Act, the term—

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

15 “(A) meets the requirements of ISO/IEC
16 Guide 25 (or another document approved by the
17 Director under section 10(c)), including revi-
18 sions from time to time; and

19 “(B) has been accredited by a laboratory
20 accreditation body that meets the requirements
21 of ISO/IEC Guide 58 (or another document ap-
22 proved by the Director under section 10(d)), in-
23 cluding revisions from time to time;

24 “(2) ‘consensus standard’ means the provisions
25 of a document that describes fastener characteristics

1 published by a consensus standards organization or
2 a Federal agency, and does not include a proprietary
3 standard;

4 “(3) ‘consensus standards organization’ means
5 the American Society for Testing and Materials, the
6 American National Standards Institute, the Amer-
7 ican Society of Mechanical Engineers, the Society of
8 Automotive Engineers, the International Organiza-
9 tion for Standardization, any other organization
10 identified as a United States consensus standards
11 organization or a foreign and international con-
12 sensus standards organization in the Federal Reg-
13 ister at 61 Fed. Reg. 50582–83 (September 26,
14 1996), and any successor organizations thereto;

15 “(4) ‘Director’ means the Director of the Na-
16 tional Institute of Standards and Technology;

17 “(5) ‘distributor’ means a person who pur-
18 chases fasteners for the purpose of reselling them at
19 wholesale to unaffiliated persons within the United
20 States (an original equipment manufacturer and its
21 dealers shall be considered affiliated persons for pur-
22 poses of this Act);

23 “(6) ‘fastener’ means a metallic screw, nut,
24 bolt, or stud having internal or external threads,
25 with a nominal diameter of 6 millimeters or greater,

1 in the case of such items described in metric terms,
2 or 1/4 inch or greater, in the case of such items de-
3 scribed in terms of the English system of measure-
4 ment, or a load-indicating washer, that is through-
5 hardened or represented as meeting a consensus
6 standard that calls for through-hardening, and that
7 is grade identification marked or represented as
8 meeting a consensus standard that requires grade
9 identification marking, except that such term does
10 not include any screw, nut, bolt, stud, or load-indi-
11 cating washer that is—

12 “(A) part of an assembly;

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

19 “(C) produced and marked as ASTM A
20 307 Grade A, or a successor standard thereto;

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

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

1 “(i) by the Federal Aviation Adminis-
2 tration; or

3 “(ii) by a foreign airworthiness au-
4 thority as described in part 21.29, 21.500,
5 21.502, or 21.617 of title 14 of the Code
6 of Federal Regulations;

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

9 “(G) manufactured to a proprietary stand-
10 ard, whether or not such proprietary standard
11 directly or indirectly references a consensus
12 standard or any portion thereof;

13 “(7) ‘fastener quality assurance system’
14 means—

15 “(A) a system that meets the require-
16 ments, including revisions from time to time,
17 of—

18 “(i) International Organization for
19 Standardization (ISO) Standard 9000,
20 9001, 9002, or TS16949;

21 “(ii) Quality System (QS) 9000
22 Standard;

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

1 “(iv) Aerospace Basic Quality System
2 Standard AS9000; or
3 “(B) any fastener manufacturing system—
4 “(i) that has as a stated goal the pre-
5 vention of defects through continuous im-
6 provement;
7 “(ii) that seeks to attain the goal stat-
8 ed in clause (i) by incorporating—
9 “(I) advanced quality planning;
10 “(II) monitoring and control of
11 the manufacturing process;
12 “(III) product verification em-
13 bodied in a comprehensive written
14 control plan for product and process
15 characteristics, and process controls
16 (including process influence factors
17 and statistical process control), tests,
18 and measurement systems to be used
19 in production; and
20 “(IV) the creation, maintenance,
21 and retention of electronic, photo-
22 graphic, or paper records required by
23 the control plan regarding the inspec-
24 tions, tests, and measurements per-

1 formed pursuant to the control plan;
2 and

3 “(iii) that—

4 “(I) is subject to certification in
5 accordance with the requirements of
6 ISO/IEC Guide 62 (or another docu-
7 ment approved by the Director under
8 section 10(a)), including revisions
9 from time to time, by a third party
10 who is accredited by an accreditation
11 body in accordance with the require-
12 ments of ISO/IEC Guide 61 (or an-
13 other document approved by the Di-
14 rector under section 10(b)), including
15 revisions from time to time; or

16 “(II) undergoes regular or ran-
17 dom evaluation and assessment by the
18 end user or end users of the screws,
19 nuts, bolts, studs, or load-indicating
20 washers produced under such fastener
21 manufacturing system to ensure that
22 such system meets the requirements
23 of clauses (i) and (ii);

24 “(8) ‘grade identification marking’ means any
25 grade-mark or property class symbol appearing on a

1 fastener purporting to indicate that the lot of fas-
2 teners conforms to a specific consensus standard,
3 but such term does not include a manufacturer’s in-
4 signia or part number;

5 “(9) ‘importer’ means a distributor located
6 within the United States who contracts for the ini-
7 tial purchase of fasteners manufactured outside the
8 United States;

9 “(10) ‘lot’ means a quantity of fasteners of one
10 part number fabricated by the same production
11 process from the same coil or heat number of metal
12 as provided by the metal manufacturer;

13 “(11) ‘manufacturer’ means a person who fab-
14 ricates fasteners for sale in commerce;

15 “(12) ‘proprietary standard’ means the provi-
16 sions of a document that describes characteristics of
17 a screw, nut, bolt, stud, or load-indicating washer
18 and is issued by a person who—

19 “(A) uses screws, nuts, bolts, studs, or
20 load-indicating washers in the manufacture, as-
21 sembly, or servicing of its products; and

22 “(B) with respect to such screws, nuts,
23 bolts, studs, or washers, is a developer and
24 issuer of descriptions that have characteristics

1 similar to consensus standards and that bear
2 such user's identification;

3 “(13) ‘record of conformance’ means a record
4 or records for each lot of fasteners sold or offered
5 for sale that contains—

6 “(A) the name and address of the manu-
7 facturer;

8 “(B) a description of the type of fastener;

9 “(C) the lot number;

10 “(D) the nominal dimensions of the fas-
11 tener (including diameter and length of bolts or
12 screws), thread form, and class of fit;

13 “(E) the consensus standard or specifica-
14 tions to which the lot of fasteners has been
15 manufactured, including the date, number, revi-
16 sion, and other information sufficient to iden-
17 tify the particular consensus standard or speci-
18 fications being referenced;

19 “(F) the chemistry and grade of material;

20 “(G) the coating material and characteris-
21 tics and the applicable consensus standard or
22 specifications for such coating; and

23 “(H) the results or a summary of results
24 of any tests performed for the purpose of
25 verifying that a lot of fasteners conforms to its

1 grade identification marking or to the grade
2 identification marking the lot of fasteners is
3 represented to meet;

4 “(14) ‘represent’ means to describe one or more
5 of a fastener’s purported characteristics in a docu-
6 ment or statement that is transmitted to a pur-
7 chaser through any medium;

8 “(15) ‘Secretary’ means the Secretary of Com-
9 merce;

10 “(16) ‘specifications’ means the required char-
11 acteristics identified in the contractual agreement
12 with the manufacturer or to which a fastener is oth-
13 erwise produced, except that the term does not in-
14 clude proprietary standards; and

15 “(17) ‘through-harden’ means heating above
16 the transformation temperature followed by quench-
17 ing and tempering for the purpose of achieving uni-
18 form hardness.”.

19 **SEC. 4. SALE OF FASTENERS.**

20 (a) AMENDMENT.—Sections 5 through 7 of the Fas-
21 tener Quality Act (15 U.S.C. 5404–6) are repealed, and
22 the following new section is inserted after section 3 of such
23 Act:

1 **“SEC. 4. SALE OF FASTENERS.**

2 “(a) GENERAL RULE.—It shall be unlawful for a
3 manufacturer or distributor, in conjunction with the sale
4 or offer for sale of fasteners from a single lot, to knowingly
5 misrepresent or falsify—

6 “(1) the record of conformance for the lot of
7 fasteners;

8 “(2) the identification, characteristics, prop-
9 erties, mechanical or performance marks, chemistry,
10 or strength of the lot of fasteners; or

11 “(3) the manufacturer’s insignia.

12 “(b) REPRESENTATIONS.—A direct or indirect ref-
13 erence to a consensus standard to represent that a fas-
14 tener conforms to particular requirements of the con-
15 sensus standard shall not be construed as a representation
16 that the fastener meets all the requirements of the con-
17 sensus standard.

18 “(c) SPECIFICATIONS.—A direct or indirect contrac-
19 tual reference to a consensus standard for the purpose of
20 identifying particular requirements of the consensus
21 standard that serve as specifications shall not be con-
22 strued to require that the fastener meet all the require-
23 ments of the consensus standard.

24 “(d) USE OF ACCREDITED LABORATORIES.—In the
25 case of fasteners manufactured solely to a consensus
26 standard or standards, end-of-line testing required by the

1 consensus standard or standards, if any, for the purpose
2 of verifying that a lot of fasteners conforms with the grade
3 identification marking called for in the consensus standard
4 or standards to which the lot of fasteners has been manu-
5 factured shall be conducted by an accredited laboratory.”.

6 (b) **EFFECTIVE DATE.**—The amendment made by
7 subsection (a) shall take effect 2 years after the date of
8 enactment of this Act.

9 **SEC. 5. MANUFACTURERS’ INSIGNIAS.**

10 Section 8 of the Fastener Quality Act (15 U.S.C.
11 5407) is redesignated as section 5 and is amended—

12 (1) by amending subsection (a) to read as fol-
13 lows:

14 “(a) **GENERAL RULE.**—Unless the specifications pro-
15 vide otherwise, fasteners that are required by the applica-
16 ble consensus standard or standards to bear an insignia
17 identifying their manufacturer shall not be offered for sale
18 or sold in commerce unless—

19 “(1) the fasteners bear such insignia; and

20 “(2) the manufacturer has complied with the
21 insignia recordation requirements established under
22 subsection (b).”; and

23 (2) in subsection (b), by striking “and private
24 label” and all that follows and inserting “described
25 in subsection (a).”.

1 **SEC. 6. REMEDIES AND PENALTIES.**

2 Section 9 of the Fastener Quality Act (15 U.S.C.
3 5408) is redesignated as section 6 and is amended—

4 (1) in subsection (b)(3), by striking “of this
5 section” and inserting “of this subsection”;

6 (2) in subsection (b)(4), by inserting “arbi-
7 trate,” after “Secretary may”; and

8 (3) in subsection (d)—

9 (A) by inserting “(1)” after “ENFORCE-
10 MENT.—”; and

11 (B) by adding at the end the following new
12 paragraph:

13 “(2) The Secretary shall establish and maintain a
14 hotline system to facilitate the reporting of alleged viola-
15 tions of this Act, and the Secretary shall evaluate allega-
16 tions reported through that system and report any credible
17 allegations to the Attorney General.”.

18 **SEC. 7. RECORDKEEPING REQUIREMENTS.**

19 Section 10 of the Fastener Quality Act (15 U.S.C.
20 5409) is redesignated as section 7 and is amended by
21 striking subsections (a) and (b) and inserting the fol-
22 lowing:

23 “Manufacturers and importers shall retain the record
24 of conformance for fasteners for 5 years, on paper or in
25 photographic or electronic format in a manner that allows
26 for verification of authenticity. Upon request of a dis-

1 tributor who has purchased a fastener, or a person who
2 has purchased a fastener for use in the production of a
3 commercial product, the manufacturer or importer of the
4 fastener shall make available information in the record of
5 conformance to the requester.”.

6 **SEC. 8. RELATIONSHIP TO STATE LAWS.**

7 Section 11 of the Fastener Quality Act (15 U.S.C.
8 5410) is redesignated as section 8.

9 **SEC. 9. CONSTRUCTION.**

10 Section 12 of the Fastener Quality Act (15 U.S.C.
11 5411) is redesignated as section 9 and is amended by
12 striking “in effect on the date of the enactment of this
13 Act”.

14 **SEC. 10. CERTIFICATION AND ACCREDITATION.**

15 Sections 13 and 15 of the Fastener Quality Act (15
16 U.S.C. 5412 and 14) are repealed, and the following new
17 section is inserted at the end of that Act:

18 **“SEC. 10. CERTIFICATION AND ACCREDITATION.**

19 “(a) CERTIFICATION.—A person publishing a docu-
20 ment setting forth guidance or requirements for the cer-
21 tification of manufacturing systems as fastener quality as-
22 surance systems by an accredited third party may petition
23 the Director to approve such document for use as de-
24 scribed in section 3(7)(B)(iii)(I). The Director shall act
25 upon a petition within 180 days after its filing, and shall

1 approve such petition if the document provides equal or
2 greater rigor and reliability as compared to ISO/IEC
3 Guide 62.

4 “(b) ACCREDITATION.—A person publishing a docu-
5 ment setting forth guidance or requirements for the ap-
6 proval of accreditation bodies to accredit third parties de-
7 scribed in subsection (a) may petition the Director to ap-
8 prove such document for use as described in section
9 3(7)(B)(iii)(I). The Director shall act upon a petition
10 within 180 days after its filing, and shall approve such
11 petition if the document provides equal or greater rigor
12 and reliability as compared to ISO/IEC Guide 61.

13 “(c) LABORATORY ACCREDITATION.—A person pub-
14 lishing a document setting forth guidance or requirements
15 for the accreditation of laboratories may petition the Di-
16 rector to approve such document for use as described in
17 section 3(1)(A). The Director shall act upon a petition
18 within 180 days after its filing, and shall approve such
19 petition if the document provides equal or greater rigor
20 and reliability as compared to ISO/IEC Guide 25.

21 “(d) APPROVAL OF ACCREDITATION BODIES.—A
22 person publishing a document setting forth guidance or
23 requirements for the approval of accreditation bodies to
24 accredit laboratories may petition the Director to approve
25 such document for use as described in section 3(1)(B).

1 The Director shall act upon a petition within 180 days
2 after its filing, and shall approve such petition if the docu-
3 ment provides equal or greater rigor and reliability as
4 compared to ISO/IEC Guide 58. In addition to any other
5 voluntary laboratory accreditation programs that may be
6 established by private sector persons, the Director shall
7 establish a National Voluntary Laboratory Accreditation
8 Program, for the accreditation of laboratories as described
9 in section 3(1)(B), that meets the requirements of ISO/
10 IEC Guide 58 (or another document approved by the Di-
11 rector under this subsection), including revisions from
12 time to time.

13 “(e) AFFIRMATION.—(1) An accreditation body ac-
14 crediting third parties who certify manufacturing systems
15 as fastener quality assurance systems as described in sec-
16 tion 3(7)(B)(iii)(I) shall affirm to the Director that it
17 meets the requirements of ISO/IEC Guide 61 (or another
18 document approved by the Director under subsection (b)),
19 including revisions from time to time.

20 “(2) An accreditation body accrediting laboratories as
21 described in section 3(1)(B) shall affirm to the Director
22 that it meets the requirements of ISO/IEC Guide 58 (or
23 another document approved by the Director under sub-
24 section (d)), including revisions from time to time.

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

11 **SEC. 11. APPLICABILITY.**

12 At the end of the Fastener Quality Act, insert the
13 following new section:

14 **“SEC. 11. APPLICABILITY.**

15 “The requirements of this Act shall be applicable only
16 to fasteners fabricated 180 days or more after the date
17 of the enactment of the Fastener Quality Act Amendments
18 Act of 1999, except that if a manufacturer or distributor
19 of fasteners fabricated before that date prepares a record
20 of conformance for such fasteners, representations about
21 such fasteners shall be subject to the requirements of this
22 Act.”.

23 **SEC. 12. COMPTROLLER GENERAL REPORT.**

24 Not later than 2 years after the date of the enact-
25 ment of this Act, the Comptroller General shall transmit

1 to the Congress a report describing any changes in indus-
2 try practice resulting from or apparently resulting from
3 the enactment of section 3(6)(B) of the Fastener Quality
4 Act, as added by section 3 of this Act.

Passed the House of Representatives May 11, 1999.

Attest:

Clerk.