

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2517

To amend the Fastener Quality Act.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, SEPTEMBER 12), 1994

Mr. SIMON introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the Fastener Quality Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 FASTENER QUALITY ACT AMENDMENTS

4 SECTION 1. (a) REFERENCES.—Whenever in this sec-  
5 tion an amendment is expressed in terms of an amend-  
6 ment to a section or other provision, the reference shall  
7 be considered to be made to a section or other provision  
8 of the Fastener Quality Act (15 U.S.C. 5401 et seq.).

9 (b) TECHNICAL AMENDMENTS.—

10 (1) DEFINITIONS.—Section 3 (15 U.S.C. 5402)

11 is amended—

1 (A) in paragraph (8), by striking “Stand-  
2 ard” and inserting in lieu thereof “Standards”;  
3 and

4 (B) in paragraph (14), by striking “which  
5 defines or describes” and all that follows  
6 through “of any fastener”.

7 (2) INSPECTION AND TESTING.—Section  
8 5(b)(1) (15 U.S.C. 5404(b)(1)) is amended by strik-  
9 ing “section 6, unless”.

10 (3) IMPORTERS AND PRIVATE LABEL DISTRIBU-  
11 TORS.—Section 7(c)(2) (15 U.S.C. 5406(c)(2)) is  
12 amended by inserting “to the same” before “extent”.

13 (c) CLARIFYING AMENDMENTS.—

14 (1) CHEMICAL TESTS.—(A) Section 5(a)(1)(B)  
15 (15 U.S.C. 5404(a)(1)(B)) is amended by striking  
16 “subsections (b) and (c)” and inserting in lieu there-  
17 of “subsections (b), (c), and (d)”.

18 (B) Section 5(a)(2)(A)(1) (15 U.S.C.  
19 5404(a)(2)(A)(1)) is amended by striking “sub-  
20 sections (b) and (c)” and inserting in lieu thereof  
21 “subsections (b), (c), and (d)”.

22 (C) Section 5(c)(4) (15 U.S.C. 5404(c)(4)) is  
23 amended by inserting “except as provided in sub-  
24 section (d),” before “state”.

1 (D) Section 5 (15 U.S.C. 5404) is amended by  
2 inserting at the end the following new subsection:

3 “(d) ALTERNATIVE PROCEDURE FOR CHEMICAL  
4 CHARACTERISTICS.—Notwithstanding the requirements of  
5 subsections (b) and (c), a manufacturer shall be deemed  
6 to have demonstrated, for purposes of subsection (a)(1),  
7 that the chemical characteristics of a lot conform to the  
8 standards and specifications to which the manufacturer  
9 represents such lot has been manufactured if the following  
10 requirements are met:

11 “(1) The coil or heat number of metal from  
12 which such lot was fabricated has been inspected  
13 and tested with respect to its chemical characteris-  
14 tics by a laboratory accredited in accordance with  
15 the procedures and conditions specified by the Sec-  
16 retary under section 6.

17 “(2) Such laboratory has provided to the manu-  
18 facturer, either directly or through the metal manu-  
19 facturer, a written inspection and testing report,  
20 which shall be in a form prescribed by the Secretary  
21 by regulation, listing the chemical characteristics of  
22 such coil or heat number.

23 “(3) The report described in paragraph (2) in-  
24 dicates that the chemical characteristics of such coil  
25 or heat number conform to those required by the

1 standards and specifications to which the manufac-  
2 turer represents such lot has been manufactured.

3 “(4) The manufacturer demonstrates that such  
4 lot has been fabricated from the coil or heat number  
5 of metal to which the report described in paragraphs  
6 (2) and (3) relates.

7 In prescribing the form of report required by subsection  
8 (c), the Secretary shall provide for an alternative to the  
9 statement required by subsection (c)(4), insofar as such  
10 statement pertains to chemical characteristics, for cases  
11 in which a manufacturer elects to use the procedure per-  
12 mitted by this subsection.”.

13 SEC. 2. Amend section 9 of the Fastener Quality Act  
14 by adding at the end thereof a new subsection (d), to read  
15 as follows:

16 “(d) ENFORCEMENT.—The Secretary may designate  
17 officers or employees of the Department of Commerce to  
18 conduct investigations pursuant to this Act. In conducting  
19 such investigations, those officers or employees may, to  
20 the extent necessary or appropriate to the enforcement of  
21 this Act, or to the imposition of any penalty or liability  
22 arising under this Act, exercise such authorities as are  
23 conferred upon them by other laws of the United States,

1 subject to policies and procedures approved by the Attor-  
2 ney General.”.

