

**CHAPTER 86—CHILDREN'S BICYCLE HELMET SAFETY**

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**§ 6001. Establishment of program**

**(a) In general**

The Administrator of the National Highway Traffic Safety Administration may, in accordance with section 6002 of this title, make grants to States, political subdivisions of States, and nonprofit organizations for programs that require or encourage individuals under the age of 16 to wear approved bicycle helmets. In making those grants, the Administrator shall allow grantees to use wide discretion in designing programs that effectively promote increased bicycle helmet use.

**(b) Federal share**

The amount provided by a grant under this section shall not exceed 80 percent of the cost of the program for which the grant is made. In crediting the recipient State, political subdivision, or nonprofit organization for the non-Federal share of the cost of such a program (other than planning and administration), the aggregate of all expenditures made by such State, political subdivision, or nonprofit organization (exclusive of Federal funds) for the purposes described in section 6002 of this title (other than expenditures for planning and administration) shall be available for such crediting, without regard to whether such expenditures were actually made in connection with such program.

(Pub. L. 103-267, title II, §202, June 16, 1994, 108 Stat. 726.)

**SHORT TITLE**

Pub. L. 103-267, title II, §201, June 16, 1994, 108 Stat. 726, provided that: “This title [enacting this chapter] may be cited as the ‘Children’s Bicycle Helmet Safety Act of 1994’.”

**§ 6002. Purposes for grants**

A grant made under section 6001 of this title may be used by a grantee to—

- (1) enforce a law that requires individuals under the age of 16 to wear approved bicycle helmets on their heads while riding on bicycles;
- (2) provide assistance, to individuals under the age of 16 who may not be able to afford approved bicycle helmets, to enable such individuals to acquire such helmets;
- (3) develop and administer a program to educate individuals under the age of 16 and their families on the importance of wearing such helmets in order to improve bicycle safety; or
- (4) carry out any combination of the activities described in paragraphs (1), (2), and (3).

The Administrator shall review grant applications for compliance with this section prior to awarding grants.

(Pub. L. 103-267, title II, §203, June 16, 1994, 108 Stat. 727.)

**§ 6003. Report to Congress**

Not later than May 1, 1997, the Administrator of the National Highway Traffic Safety Administration shall report to Congress on the effectiveness of the grant program established by section 6001 of this title. The report shall include a list of grant recipients, a summary of the types of programs implemented by the grantees, and any recommendation by the Administrator regarding how the program should be changed in the future.

(Pub. L. 103-267, title II, §204, June 16, 1994, 108 Stat. 727.)

**§ 6004. Standards**

**(a) In general**

Bicycle helmets manufactured 9 months or more after June 16, 1994, shall conform to—

- (1) any interim standard described under subsection (b) of this section, pending the establishment of a final standard pursuant to subsection (c) of this section; and
- (2) the final standard, once it has been established under subsection (c) of this section.

**(b) Interim standards**

The interim standards are as follows:

- (1) The American National Standards Institute standard designated as “Z90.4-1984”.
- (2) The Snell Memorial Foundation standard designated as “B-90”.
- (3) The American Society for Testing and Materials (ASTM) standard designated as “F 1447”.
- (4) Any other standard that the Commission determines is appropriate.

**(c) Final standard**

Not later than 60 days after June 16, 1994, the Commission shall begin a proceeding under section 553 of title 5 to—

- (1) review the requirements of the interim standards set forth in subsection (a) of this section and establish a final standard based on such requirements;
- (2) include in the final standard a provision to protect against the risk of helmets coming off the heads of bicycle riders;
- (3) include in the final standard provisions that address the risk of injury to children; and
- (4) include additional provisions as appropriate.

Sections 7, 9, and 30(d)<sup>1</sup> of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, 2079(d)) shall not apply to the proceeding under this subsection and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding. The final standard shall take effect 1 year from the date it is issued.

**(d) Failure to meet standards**

**(1) Failure to meet interim standard**

Until the final standard takes effect, a bicycle helmet that does not conform to an interim standard as required under subsection (a)(1) of this section shall be considered in vio-

<sup>1</sup> See References in Text note below.

lation of a consumer product safety standard promulgated under the Consumer Product Safety Act [15 U.S.C. 2051 et seq.].

**(2) Status of final standard**

The final standard developed under subsection (c) of this section shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

(Pub. L. 103-267, title II, §205, June 16, 1994, 108 Stat. 727.)

REFERENCES IN TEXT

Section 30(d) of the Consumer Product Safety Act, referred to in subsec. (c), was classified to section 2079(d) of this title prior to repeal by Pub. L. 110-314, title II, §237, Aug. 14, 2008, 122 Stat. 3076.

The Consumer Product Safety Act, referred to in subsec. (d), is Pub. L. 92-573, Oct. 27, 1972, 86 Stat. 1207, as amended, which is classified generally to chapter 47 (§2051 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2051 of this title and Tables.

**§ 6005. Authorization of appropriations**

For the National Highway Traffic Safety Administration to carry out the grant program authorized by this chapter, there are authorized to be appropriated \$2,000,000 for fiscal year 1995, \$3,000,000 for fiscal year 1996, and \$4,000,000 for fiscal year 1997.

(Pub. L. 103-267, title II, §206, June 16, 1994, 108 Stat. 728.)

**§ 6006. “Approved bicycle helmet” defined**

In this chapter, the term “approved bicycle helmet” means a bicycle helmet that meets—

- (1) any interim standard described in section 6004(b) of this title, pending establishment of a final standard under section 6004(c) of this title; and
- (2) the final standard, once it is established under section 6004(c) of this title.

(Pub. L. 103-267, title II, §207, June 16, 1994, 108 Stat. 728.)

**CHAPTER 87—TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION**

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**§ 6101. Findings**

The Congress makes the following findings:

(1) Telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact with the consumer. Telemarketers also can be very mobile, easily moving from State to State.

(2) Interstate telemarketing fraud has become a problem of such magnitude that the resources of the Federal Trade Commission are not sufficient to ensure adequate consumer protection from such fraud.

(3) Consumers and others are estimated to lose \$40 billion a year in telemarketing fraud.

(4) Consumers are victimized by other forms of telemarketing deception and abuse.

(5) Consequently, Congress should enact legislation that will offer consumers necessary protection from telemarketing deception and abuse.

(Pub. L. 103-297, §2, Aug. 16, 1994, 108 Stat. 1545.)

SHORT TITLE OF 2001 AMENDMENT

Pub. L. 107-56, title X, §1011(a), Oct. 26, 2001, 115 Stat. 396, provided that: “This section [amending sections 6102 and 6106 of this title and sections 917 and 2325 of Title 18, Crimes and Criminal Procedure] may be cited as the ‘Crimes Against Charitable Americans Act of 2001.’”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-534, §1, Nov. 22, 2000, 114 Stat. 2555, provided that: “This Act [enacting provisions set out as notes under this section and section 3732 of Title 42, The Public Health and Welfare] may be cited as the ‘Protecting Seniors From Fraud Act.’”

SHORT TITLE

Pub. L. 103-297, §1, Aug. 16, 1994, 108 Stat. 1545, provided that: “This Act [enacting this chapter and section 9b of Title 7, Agriculture, and amending section 52 of this title] may be cited as the ‘Telemarketing and Consumer Fraud and Abuse Prevention Act.’”

CONGRESSIONAL FINDINGS

Pub. L. 106-534, §2, Nov. 22, 2000, 114 Stat. 2555, provided that: “Congress makes the following findings:

“(1) Older Americans are among the most rapidly growing segments of our society.

“(2) Our Nation’s elderly are too frequently the victims of violent crime, property crime, and consumer and telemarketing fraud.

“(3) The elderly are often targeted and retargeted in a range of fraudulent schemes.

“(4) The TRIAD program, originally sponsored by the National Sheriffs’ Association, International Association of Chiefs of Police, and the American Association of Retired Persons unites sheriffs, police chiefs, senior volunteers, elder care providers, families, and seniors to reduce the criminal victimization of the elderly.

“(5) Congress should continue to support TRIAD and similar community partnerships that improve the safety and quality of life for millions of senior citizens.

“(6) There are few other community-based efforts that forge partnerships to coordinate criminal justice and social service resources to improve the safety and security of the elderly.

“(7) According to the National Consumers League, telemarketing fraud costs consumers nearly \$40,000,000,000 each year.

“(8) Senior citizens are often the target of telemarketing fraud.

“(9) Fraudulent telemarketers compile the names of consumers who are potentially vulnerable to telemarketing fraud into the so-called ‘mooch lists’.

“(10) It is estimated that 56 percent of the names on such ‘mooch lists’ are individuals age 50 or older.

“(11) The Federal Bureau of Investigation and the Federal Trade Commission have provided resources to assist private-sector organizations to operate outreach programs to warn senior citizens whose names appear on confiscated ‘mooch lists’.

“(12) The Administration on Aging was formed, in part, to provide senior citizens with the resources, information, and assistance their special circumstances require.

“(13) The Administration on Aging has a system in place to inform senior citizens of the dangers of telemarketing fraud.