

section (a) of this section, the agency determines to its satisfaction that—

(A) the crew member has received classroom and range training in weapons safety and marksmanship during the current year from a qualified instructor for each weapon that the crew member will be licensed to carry; and

(B) the receipt or possession of a weapon by the crew member would not violate Federal law, determined on the basis of a criminal record background check conducted during the current year;

(2) in issuing a renewal of a weapons license to an armored car crew member described in subsection (a) of this section, the agency determines to its satisfaction that—

(A) the crew member has received continuing training in weapons safety and marksmanship from a qualified instructor for each weapon that the crew member is licensed to carry; and

(B) the receipt or possession of a weapon by the crew member would not violate Federal law, as determined by the agency; and

(3) in issuing a weapons license under paragraph (1) or paragraph (2), as the case may be—

(A) the agency issues such license for a period not to exceed 2 years; or

(B) the agency issues such license for a period not to exceed 5 years in the case of a State that enacted a State law before October 1, 1996, that provides for the issuance of an initial weapons license or a renewal of a weapons license, as the case may be, for a period not to exceed 5 years.

(Pub. L. 103-55, § 3, July 28, 1993, 107 Stat. 276; Pub. L. 105-287, § 2, Oct. 27, 1998, 112 Stat. 2776.)

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-287, § 2(a), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “If an armored car crew member employed by an armored car company has in effect a license issued by the appropriate State agency (in the State in which such member is primarily employed by such company) to carry a weapon while acting in the services of such company in that State, and such State agency meets the minimum State requirements under subsection (b) of this section, then such crew member shall be entitled to lawfully carry any weapon to which such license relates in any State while such crew member is acting in the service of such company.”

Subsec. (b). Pub. L. 105-287, § 2(b), amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “A State agency meets the minimum State requirements of this subsection if in issuing a weapons license to an armored car crew member described in subsection (a) of this section, the agency requires the crew member to provide information on an annual basis to the satisfaction of the agency that—

“(1) the crew member has received classroom and range training in weapons safety and marksmanship during the current year by a qualified instructor for each weapon that the crew member is licensed to carry; and

“(2) the receipt or possession of a weapon by the crew member would not violate Federal law, determined on the basis of a criminal record background check conducted during the current year.”

#### EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-287, § 3, Oct. 27, 1998, 112 Stat. 2777, provided that: “The amendments made by section 2 [amending this section] shall take effect 30 days after the date of the enactment of this Act [Oct. 27, 1998].”

#### § 5903. Relation to other laws

This chapter shall supersede any provision of State law (or the law of any political subdivision of a State) that is inconsistent with this chapter.

(Pub. L. 103-55, § 4, July 28, 1993, 107 Stat. 277.)

#### § 5904. Definitions

As used in this chapter:

(1) The term “armored car crew member” means an individual who provides protection for goods transported by an armored car company.

(2) The term “armored car company” means a company—

(A) subject to regulation under subchapter I of chapter 135 of title 49; and

(B) is<sup>1</sup> registered under chapter 139 of such title, in order to engage in the business of transporting and protecting currency, bullion, securities, precious metals, food stamps, and other articles of unusual value in interstate commerce.

(3) The term “State” means any State of the United States or the District of Columbia.

(Pub. L. 103-55, § 5, July 28, 1993, 107 Stat. 277; Pub. L. 104-88, title III, § 336, Dec. 29, 1995, 109 Stat. 954.)

#### AMENDMENTS

1995—Par. (2). Pub. L. 104-88 substituted “subchapter I of chapter 135” for “subchapter II of chapter 105” in subpar. (A) and “is registered under chapter 139” for “holding the appropriate certificate, permit, or license issued under subchapter II of chapter 109” in subpar. (B).

#### EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

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

Sec.	
6001.	Establishment of program.
6002.	Purposes for grants.
6003.	Report to Congress.
6004.	Standards.
6005.	Authorization of appropriations.
6006.	“Approved bicycle helmet” defined.

#### § 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

<sup>1</sup> So in original. The word “is” probably should not appear.

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

Section 201 of title II of Pub. L. 103-267 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) 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 violation 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

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 au-

thorized 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

Sec.	
6101.	Findings.
6102.	Telemarketing rules.
6103.	Actions by States.
6104.	Actions by private persons.
6105.	Administration and applicability of chapter.
6106.	Definitions.
6107.	Enforcement of orders.
6108.	Review.

#### § 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

Section 1 of Pub. L. 103-297 provided that: “This Act [enacting this chapter and section 9b of Title 7, Agri-

culture, and amending section 52 of this title] may be cited as the ‘Telemarketing and Consumer Fraud and Abuse Prevention Act.’”

#### DO-NOT-CALL IMPLEMENTATION

Pub. L. 108-10, Mar. 11, 2003, 117 Stat. 557, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Do-Not-Call Implementation Act’.

“SEC. 2. TELEMARKETING SALES RULE; DO-NOT-CALL REGISTRY FEES.

“The Federal Trade Commission may promulgate regulations establishing fees sufficient to implement and enforce the provisions relating to the ‘do-not-call’ registry of the Telemarketing Sales Rule (16 CFR 310.4(b)(1)(iii)), promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.). Such regulations shall be promulgated in accordance with section 553 of title 5, United States Code. Fees may be collected pursuant to this section for fiscal years 2003 through 2007, and shall be deposited and credited as offsetting collections to the account, Federal Trade Commission—Salaries and Expenses, and shall remain available until expended. No amounts shall be collected as fees pursuant to this section for such fiscal years except to the extent provided in advance in appropriations Acts. Such amounts shall be available for expenditure only to offset the costs of activities and services related to the implementation and enforcement of the Telemarketing Sales Rule, and other activities resulting from such implementation and enforcement.

“SEC. 3. FEDERAL COMMUNICATIONS COMMISSION DO-NOT-CALL REGULATIONS.

“Not later than 180 days after the date of enactment of this Act [Mar. 11, 2003], the Federal Communications Commission shall issue a final rule pursuant to the rulemaking proceeding that it began on September 18, 2002, under the Telephone Consumer Protection Act [of 1991] (47 U.S.C. 227 et seq.) [see Short Title of 1991 Amendment note set out under section 609 of Title 47, Telegraphs, Telephones, and Radiotelegraphs]. In issuing such rule, the Federal Communications Commission shall consult and coordinate with the Federal Trade Commission to maximize consistency with the rule promulgated by the Federal Trade Commission (16 CFR 310.4(b)).

“SEC. 4. REPORTING REQUIREMENTS.

“(a) REPORT ON REGULATORY COORDINATION.—Within 45 days after the promulgation of a final rule by the Federal Communications Commission as required by section 3, the Federal Trade Commission and the Federal Communications Commission shall each transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report which shall include—

“(1) an analysis of the telemarketing rules promulgated by both the Federal Trade Commission and the Federal Communications Commission;

“(2) any inconsistencies between the rules promulgated by each such Commission and the effect of any such inconsistencies on consumers, and persons paying for access to the registry; and

“(3) proposals to remedy any such inconsistencies.

“(b) ANNUAL REPORT.—For each of fiscal years 2003 through 2007, the Federal Trade Commission and the Federal Communications Commission shall each transmit an annual report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report which shall include—

“(1) an analysis of the effectiveness of the ‘do-not-call’ registry as a national registry;

“(2) the number of consumers who have placed their telephone numbers on the registry;