

108TH CONGRESS
2D SESSION

S. 2254

To encourage and ensure the use of safe equestrian helmets, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 29, 2004

Mr. DASCHLE (for Mr. DODD) (for himself and Mr. CHAFEE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To encourage and ensure the use of safe equestrian helmets, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Christen O’Donnell
5 Equestrian Helmet Safety Act of 2004”.

6 **SEC. 2. GRANTS REGARDING USE OF SAFE EQUESTRIAN**
7 **HELMETS.**

8 (a) **AUTHORITY TO AWARD GRANTS.**—The Secretary
9 of Commerce may award grants to States, political sub-
10 divisions of States, Indian tribes, tribal organizations,

1 public organizations, and private nonprofit organizations
2 for activities that encourage individuals to wear approved
3 equestrian helmets.

4 (b) APPLICATION.—A State, political subdivisions of
5 States, Indian tribes, tribal organizations, public organiza-
6 tions, and private nonprofit organizations seeking a grant
7 under this section shall submit to the Secretary an appli-
8 cation for the grant, in such form and containing such
9 information as the Secretary may require.

10 (c) REVIEW BEFORE AWARD.—

11 (1) REVIEW.—The Secretary shall review each
12 application for a grant under this section in order to
13 ensure that the applicant for the grant will use the
14 grant for the purposes described in section 3.

15 (2) SCOPE OF PROGRAMS.—In reviewing appli-
16 cations for grants, the Secretary shall permit appli-
17 cants wide discretion in designing programs that ef-
18 fectively promote increased use of approved eques-
19 trian helmets.

20 **SEC. 3. PURPOSES OF GRANTS.**

21 A grant under section 2 may be used by a grantee
22 to—

23 (1) encourage individuals to wear approved
24 equestrian helmets;

1 (2) provide assistance to individuals who may
2 not be able to afford approved equestrian helmets to
3 enable such individuals to acquire such helmets;

4 (3) educate individuals and their families on the
5 importance of wearing approved equestrian helmets
6 in a proper manner in order to improve equestrian
7 safety; or

8 (4) carry out any combination of activities de-
9 scribed in paragraphs (1), (2), and (3).

10 **SEC. 4. REPORT TO CONGRESS.**

11 (a) **REQUIREMENT.**—Not later than 1 year after the
12 date of enactment of this Act, the Secretary of Commerce
13 shall submit to the appropriate committees of Congress
14 a report on the effectiveness of grants awarded under sec-
15 tion 2.

16 (b) **CONTENTS OF REPORT.**—The report shall include
17 a list of grant recipients, a summary of the types of pro-
18 grams implemented by the grant recipients, and any rec-
19 ommendations that the Secretary considers appropriate
20 regarding modification or extension of the authority under
21 section 2.

22 (c) **APPROPRIATE COMMITTEES OF CONGRESS DE-**
23 **FINED.**—In this section, the term “appropriate commit-
24 tees of Congress” means—

1 (1) the Committee on Commerce, Science, and
2 Transportation, and the Committee on Health, Edu-
3 cation, Labor, and Pensions of the Senate; and

4 (2) the Committee on Energy and Commerce of
5 the House of Representatives.

6 **SEC. 5. STANDARDS.**

7 (a) IN GENERAL.—Every equestrian helmet manu-
8 factured on or after the date that is 9 months after the
9 date of enactment of this Act shall meet—

10 (1) the interim standard specified in subsection
11 (b), pending the establishment of a final standard
12 pursuant to subsection (c); and

13 (2) the final standard, once that standard has
14 been established under subsection (c).

15 (b) INTERIM STANDARD.—The interim standard for
16 equestrian helmets is the American Society for Testing
17 and Materials (ASTM) standard designated as F 1163.

18 (c) FINAL STANDARD.—

19 (1) REQUIREMENT.—Not later than 60 days
20 after the date of enactment of this Act, the Con-
21 sumer Product Safety Commission shall begin a pro-
22 ceeding under section 553 of title 5, United States
23 Code, to—

24 (A) establish a final standard for eques-
25 trian helmets that incorporates all the require-

1 ments of the interim standard specified in sub-
2 section (b);

3 (B) provide in the final standard a man-
4 date that all approved equestrian helmets be
5 certified to the requirements promulgated under
6 the final standard by an organization that is ac-
7 credited to certify personal protection equip-
8 ment in accordance with ISO Guide 65; and

9 (C) include in the final standard any addi-
10 tional provisions that the Commission considers
11 appropriate.

12 (2) INAPPLICABILITY OF CERTAIN LAWS.—Sec-
13 tions 7, 9, and 30(d) of the Consumer Product Safe-
14 ty Act (15 U.S.C. 2056, 2058, and 2079(d)) shall
15 not apply to the proceeding under this subsection,
16 and section 11 of such Act (15 U.S.C. 2060) shall
17 not apply with respect to any standard issued under
18 such proceeding.

19 (3) EFFECTIVE DATE.—The final standard
20 shall take effect not later than 1 year after the date
21 it is issued.

22 (d) FAILURE TO MEET STANDARDS.—

23 (1) FAILURE TO MEET INTERIM STANDARD.—
24 Until the final standard takes effect, an equestrian
25 helmet that does not meet the interim standard, re-

1 quired under subsection (a)(1), shall be considered
2 in violation of a consumer product safety standard
3 promulgated under the Consumer Product Safety
4 Act.

5 (2) STATUS OF FINAL STANDARD.—The final
6 standard developed under subsection (c) shall be
7 considered a consumer product safety standard pro-
8 mulgated under the Consumer Product Safety Act.

9 **SEC. 6. AUTHORIZATIONS OF APPROPRIATIONS.**

10 (a) DEPARTMENT OF COMMERCE.—There is author-
11 ized to be appropriated to the Department of Commerce
12 to carry out section 2, \$100,000 for each of fiscal years
13 2005, 2006, and 2007.

14 (b) CONSUMER PRODUCT SAFETY COMMISSION.—
15 There is authorized to be appropriated to the Consumer
16 Product Safety Commission to carry out activities under
17 section 5, \$500,000 for fiscal year 2005, which amount
18 shall remain available until expended.

19 **SEC. 7. DEFINITIONS.**

20 In this Act:

21 (1) APPROVED EQUESTRIAN HELMET.—The
22 term “approved equestrian helmet” means an eques-
23 trian helmet that meets—

1 (A) the interim standard specified in sec-
2 tion 5(b), pending establishment of a final
3 standard under section 5(c); and

4 (B) the final standard, once it is effective
5 under section 5(c).

6 (2) EQUESTRIAN HELMET.—The term “eques-
7 trian helmet” means a hard shell head covering in-
8 tended to be worn while participating in an eques-
9 trian event or activity.

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