

the definition of the term “children’s product” in section 3(a)(2) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(2)) to the requirements of subsection (a) of this section, “18 years” shall be substituted for “12 years” each place it appears.

(c) For the purposes of this section, third party testing and certification shall be conducted by a testing laboratory that has an accreditation—

(1) that meets International Organization for Standardization/International Electrotechnical Commission standard 17025:2005 entitled *General Requirements for the Competence of Testing and Calibration Laboratories* (or any successor standard that is from an accreditation body that is signatory to the International Laboratory Accreditation Cooperation for testing accreditation);

(2) that meets International Organization for Standardization/International Electrotechnical Commission Guide 65:1996 entitled *General Requirements for Bodies Operating Product Certification Systems* (or any successor standard that is from an accreditation body that is signatory to the International Accreditation Forum for product certification accreditation); and

(3) that includes all appropriate football helmet standards and test methods within the scope of the accreditation.

**SEC. 5. FALSE OR MISLEADING CLAIMS WITH RESPECT TO ATHLETIC SPORTING ACTIVITY GOODS.**

(a) IN GENERAL.—It is unlawful for any person to sell, or offer for sale, in interstate commerce, or import into the United States for the purpose of selling or offering for sale, any item of equipment intended, designed, or offered for use by an individual engaged in any athletic sporting activity, whether professional or amateur, for which the seller or importer, or any person acting on behalf of the seller or importer, makes any false or misleading claim with respect to the safety benefits of such item.

(b) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—Violation of subsection (a), or any regulation prescribed under this section, shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices. The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(2) REGULATIONS.—Notwithstanding any other provision of law, the Commission may promulgate such regulations as it finds necessary or appropriate under this Act under section 553 of title 5, United States Code.

(3) PENALTIES.—Any person who violates subsection (a) or any regulation prescribed under that section, shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated in and made part of this Act.

(4) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

(c) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(1) RIGHT OF ACTION.—Except as provided in paragraph (5), the attorney general of a State, or other authorized State officer, alleging a violation of subsection (a) or any regulation issued under that section that affects or may affect such State or its residents may bring an action on behalf of the

residents of the State in any United States district court for the district in which the defendant is found, resides, or transacts business, or wherever venue is proper under section 1391 of title 28, United States Code, to obtain appropriate injunctive relief.

(2) INITIATION OF CIVIL ACTION.—A State shall provide prior written notice to the Federal Trade Commission of any civil action under paragraph (1) together with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such action.

(3) INTERVENTION BY THE COMMISSION.—The Commission may intervene in such civil action and upon intervening—

(A) be heard on all matters arising in such civil action; and

(B) file petitions for appeal of a decision in such civil action.

(4) CONSTRUCTION.—Nothing in this section shall be construed—

(A) to prevent the attorney general of a State, or other authorized State officer, from exercising the powers conferred on the attorney general, or other authorized State officer, by the laws of such State; or

(B) to prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

(5) LIMITATION.—No separate suit shall be brought under this subsection if, at the time the suit is brought, the same alleged violation is the subject of a pending action by the Federal Trade Commission or the United States under this section.

By Ms. COLLINS (for herself, Mr. ROBERTS, and Mr. BARRASSO):

S. 602. A bill to require regulatory reform; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, yesterday I offered three amendments to the SBIR/STTR Reauthorization Bill to make commonsense reforms to our regulatory system. Today, Senators ROBERTS and BARRASSO join me in offering the “CURB Act”—which stands for “Clearing Unnecessary Regulatory Burdens.” This legislation combines the provisions of those three amendments to force federal agencies to cut the red tape that impedes job growth.

As I explained yesterday, all too often it seems Federal agencies do not take into account the impacts to small businesses and job growth before imposing new rules and regulations. The bill we are introducing today obligates them to do so.

The CURB Act does three things: first, it requires Federal agencies to analyze the indirect costs of regulations, such as the impact on job creation, the cost of energy, and consumer prices.

Presently, Federal agencies are not required by statute to analyze the indirect cost regulations can have on the public, such as higher energy costs, higher prices, and the impact on job creation. However, Executive Order 12866, issued by President Clinton in 1993, obligates agencies to provide the Office of Information and Regulatory Affairs with an assessment of the indirect costs of proposed regulations. Our bill would essentially codify this provi-

sion of President Clinton’s Executive Order.

Second, the CURB Act obligates Federal agencies to comply with public notice and comment requirements and prohibits them from circumventing these requirements by issuing unofficial rules as “guidance documents.”

After President Clinton issued Executive Order 12866, Federal agencies found it easier to issue so-called “guidance documents,” rather than formal rules. Although these guidance documents are merely an agency’s interpretation of how the public can comply with a particular rule, and are not enforceable in court, as a practical matter they operate as if they are legally binding. Thus, they have been used by agencies to circumvent OIRA regulatory review and public notice and comment requirements.

In 2007, President Bush issued Executive Order 13422, which contained a provision closing this loophole by imposing “Good Guidance Practices” on Federal agencies, which requires them to provide public notice and comment for significant guidance documents. Our bill would essentially codify this provision of President Bush’s Executive Order.

Third, the CURB Act helps out the “little guy” trying to navigate our incredibly complex and burdensome regulatory environment. So many small businesses don’t have a lot of capital on hand. When a small business inadvertently runs afoul of a Federal regulation for the first time, that first penalty could sink the business and all the jobs it supports. Our bill would provide access to SBA assistance to small businesses in a situation where they face a first-time, non-harmful paperwork violation. It simply doesn’t make sense to me to punish small businesses the first time they accidentally fail to comply with paperwork requirements, so long as no harm comes from that failure.

Each of these provisions has been endorsed by the National Federation of Independent Business, NFIB, and the Small Business & Entrepreneurship Council. I urge my colleagues to support the CURB Act, which contains these important reforms to our regulatory system.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 103—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. SCHUMER (for himself and Mr. ALEXANDER) submitted the following resolution; which was considered and agreed to:

S. RES. 103

*Resolved*, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Schumer, Mrs. Murray, Mr. Udall of New Mexico, Mr. Alexander, and Mr. Chambliss.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Schumer, Mr. Durbin, Mr. Leahy, Mr. Alexander, and Mr. Cochran.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 229. Mr. PRYOR (for himself and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes.

SA 230. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 231. Mr. PAUL (for himself, Mr. GRASSLEY, Mr. PORTMAN, Mr. RUBIO, Mr. ENZI, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 232. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 233. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 234. Ms. LANDRIEU (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 235. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 236. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 237. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 238. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 239. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 240. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 241. Mr. RISCH (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 242. Mr. UDALL of Colorado (for himself, Ms. COLLINS, Mr. SCHUMER, Mr. LIEBERMAN, Mr. LEAHY, Mr. SANDERS, Mr. REED, Mr. WHITEHOUSE, Mr. NELSON of Florida, Mrs. BOXER, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 243. Ms. KLOBUCHAR (for herself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 229. Mr. PRYOR (for himself and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR pro-

grams, and for other purposes; as follows:

On page 116, after line 24, add the following:

#### SEC. 504. PATRIOT EXPRESS LOAN PROGRAM.

(a) PROGRAM.—  
(1) IN GENERAL.—Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

“(G) PATRIOT EXPRESS LOAN PROGRAM.—  
“(i) DEFINITION.—In this subparagraph, the term ‘eligible member of the military community’—

“(I) means—  
“(aa) a veteran, including a service-disabled veteran;

“(bb) a member of the Armed Forces on active duty who is eligible to participate in the Transition Assistance Program;

“(cc) a member of a reserve component of the Armed Forces;

“(dd) the spouse of an individual described in item (aa), (bb), or (cc) who is alive;

“(ee) the widowed spouse of a deceased veteran, member of the Armed Forces, or member of a reserve component of the Armed Forces who died because of a service-connected (as defined in section 101(16) of title 38, United States Code) disability; and

“(ff) the widowed spouse of a deceased member of the Armed Forces or member of a reserve component of the Armed Forces relating to whom the Department of Defense may provide for the recovery, care, and disposition of the remains of the individual under paragraph (1) or (2) of section 1481(a) of title 10, United States Code; and

“(II) does not include an individual who was discharged or released from the active military, naval, or air service under dishonorable conditions.

“(i) LOAN GUARANTEES.—The Administrator shall establish a Patriot Express Loan Program, under which the Administrator may guarantee loans under this paragraph made by express lenders to eligible members of the military community.

“(iii) LOAN TERMS.—  
“(I) IN GENERAL.—Except as provided in this clause, a loan under this subparagraph shall be made on the same terms as other loans under the Express Loan Program.

“(II) USE OF FUNDS.—A loan guaranteed under this subparagraph may be used for any business purpose, including start-up or expansion costs, purchasing equipment, working capital, purchasing inventory, or purchasing business-occupied real estate.

“(III) MAXIMUM AMOUNT.—The Administrator may guarantee a loan under this subparagraph of not more than \$1,000,000.

“(IV) GUARANTEE RATE.—The guarantee rate for a loan under this subparagraph shall be the greater of—

“(aa) the rate otherwise applicable under paragraph (2)(A);

“(bb) 85 percent for a loan of not more than \$500,000; and

“(cc) 80 percent for a loan of more than \$500,000.”.

(2) GAO REPORT.—

(A) DEFINITION.—In this paragraph, the term “programs” means—

(i) the Patriot Express Loan Program under section 7(a)(31)(G) of the Small Business Act, as added by paragraph (1); and

(ii) the increased veteran participation pilot program under section 7(a)(33) of the Small Business Act, as in effect on the day before the date of enactment of this Act.

(B) REPORT REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the

House of Representatives a report on the programs.

(C) CONTENTS.—The report submitted under subparagraph (B) shall include—

(i) the number of loans made under the programs;

(ii) a description of the impact of the programs on members of the military community eligible to participate in the programs;

(iii) an evaluation of the efficacy of the programs;

(iv) an evaluation of the actual or potential fraud and abuse under the programs; and

(v) recommendations for improving the Patriot Express Loan Program under section 7(a)(31)(G) of the Small Business Act, as added by paragraph (1).

(b) FEE REDUCTION.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking “With respect to” and inserting “Except as provided in subparagraph (C), with respect to”; and

(2) by adding at the end the following:

“(C) MILITARY COMMUNITY.—For an eligible member of the military community (as defined in paragraph (31)(G)(i)), the fee for a loan guaranteed under this subsection, except for a loan guaranteed under subparagraph (G) of paragraph (31), shall be equal to 75 percent of the fee otherwise applicable to the loan under subparagraph (A).”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(A) by striking paragraph (33); and

(B) by redesignating paragraphs (34) and (35) as paragraphs (33) and (34), respectively.

(2) SMALL BUSINESS JOBS ACT OF 2010.—Section 1133(b) of the Small Business Jobs Act of 2010 (Public Law 111-240; 124 Stat. 2515) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) by striking paragraph (33), as redesignated by section 504(c) of the SBIR/STTR Reauthorization Act of 2011; and

“(2) by redesignating paragraph (34), as redesignated by section 504(c) of the SBIR/STTR Reauthorization Act of 2011, as paragraph (33).”.

(d) REDUCTION OF GOVERNMENT PRINTING COSTS.—

(1) STRATEGY AND GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the Executive departments and independent establishments, as those terms are defined in chapter 1 of title 5, United States Code—

(A) to develop a strategy to reduce Government printing costs during the 10-year period beginning on September 1, 2011; and

(B) to issue Government-wide guidelines for printing that implements the strategy developed under subparagraph (A).

(2) CONSIDERATIONS.—

(A) IN GENERAL.—In developing the strategy under paragraph (1)(A), the Director of the Office of Management and Budget and the heads of the Executive departments and independent establishments shall consider guidelines for—

(i) duplex and color printing;

(ii) the use of digital file systems by Executive departments and independent establishments; and

(iii) determine which Government publications might be made available on Government Web sites instead of being printed.

(B) ESSENTIAL PRINTED DOCUMENTS.—The Director of the Office of Management and Budget shall ensure that printed versions of documents that the Director determines are