

In the House of Representatives, U. S.,

March 4, 2010.

Resolved, That the House agree to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 2847) entitled “An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.”, with the following

**HOUSE ADMENDMENT TO SENATE AMENDMENT TO
HOUSE AMENDMENT TO SENATE AMENDMENT:**

In section 101 of the matter proposed to be inserted by the pending Senate amendment—

(1) In section 3111(d) of the Internal Revenue Code of 1986, as proposed to be added by subsection (a) of such section 101, add at the end the following new paragraph:

1 “(5) *SPECIAL RULE FOR FIRST CALENDAR QUAR-*
2 *TER OF 2010.*—
3 “(A) *NONAPPLICATION OF EXEMPTION DUR-*
4 *ING FIRST QUARTER.*—*Paragraph (1) shall not*

1 *apply with respect to wages paid during the first*
 2 *calendar quarter of 2010.*

3 “(B) *CREDITING OF FIRST QUARTER EXEMPTION*
 4 *DURING SECOND QUARTER.*—*The amount by which*
 5 *the tax imposed under subsection (a) would (but for*
 6 *subparagraph (A)) have been reduced with respect to*
 7 *wages paid by a qualified employer during the first*
 8 *calendar quarter of 2010 shall be treated as a pay-*
 9 *ment against the tax imposed under subsection (a)*
 10 *with respect to the qualified employer for the second*
 11 *calendar quarter of 2010 which is made on the date*
 12 *that such tax is due.”.*

(2) Strike subsection (d) of such section 101
 and insert the following new subsections:

13 *(d) APPLICATION TO RAILROAD RETIREMENT*
 14 *TAXES.—*

15 *(1) IN GENERAL.*—*Section 3221 of the Internal*
 16 *Revenue Code of 1986 is amended by redesignating*
 17 *subsection (c) as subsection (d) and by inserting after*
 18 *subsection (b) the following new subsection:*

19 “(c) *SPECIAL RATE FOR CERTAIN INDIVIDUALS HIRED*
 20 *IN 2010.—*

21 “(1) *IN GENERAL.*—*In the case of compensation*
 22 *paid by a qualified employer during the period begin-*
 23 *ning on the day after the date of the enactment of this*

1 *subsection and ending on December 31, 2010, with re-*
2 *spect to having a qualified individual in the employ-*
3 *er’s employ for services rendered to such qualified em-*
4 *ployer, the applicable percentage under subsection (a)*
5 *shall be equal to the rate of tax in effect under section*
6 *3111(b) for the calendar year.*

7 *“(2) QUALIFIED EMPLOYER.—The term ‘quali-*
8 *fied employer’ means any employer other than the*
9 *United States, any State, or any political subdivision*
10 *thereof, or any instrumentality of the foregoing.*

11 *“(3) QUALIFIED INDIVIDUAL.—For purposes of*
12 *this subsection, the term ‘qualified individual’ means*
13 *any individual who—*

14 *“(A) begins employment with a qualified*
15 *employer after February 3, 2010, and before*
16 *January 1, 2011,*

17 *“(B) certifies by signed affidavit, under*
18 *penalties of perjury, that such individual has not*
19 *been employed for more than 40 hours during the*
20 *60-day period ending on the date such indi-*
21 *vidual begins such employment,*

22 *“(C) is not employed by the qualified em-*
23 *ployer to replace another employee of such em-*
24 *ployer unless such other employee separated from*
25 *employment voluntarily or for cause, and*

1 “(D) is not an individual described in sec-
2 tion 51(i)(1) (applied by substituting ‘qualified
3 employer’ for ‘taxpayer’ each place it appears).

4 “(4) ELECTION.—A qualified employer may elect
5 to have this subsection not apply. Such election shall
6 be made in such manner as the Secretary may re-
7 quire.

8 “(5) SPECIAL RULE FOR FIRST CALENDAR QUAR-
9 TER OF 2010.—

10 “(A) NONAPPLICATION OF EXEMPTION DUR-
11 ING FIRST QUARTER.—Paragraph (1) shall not
12 apply with respect to compensation paid during
13 the first calendar quarter of 2010.

14 “(B) CREDITING OF FIRST QUARTER EX-
15 EMPTION DURING SECOND QUARTER.—The
16 amount by which the tax imposed under sub-
17 section (a) would (but for subparagraph (A))
18 have been reduced with respect to compensation
19 paid by a qualified employer during the first
20 calendar quarter of 2010 shall be treated as a
21 payment against the tax imposed under sub-
22 section (a) with respect to the qualified employer
23 for the second calendar quarter of 2010 which is
24 made on the date that such tax is due.”.

1 (2) *TRANSFERS TO SOCIAL SECURITY EQUIVA-*
2 *LENT BENEFIT ACCOUNT.*—*There are hereby appro-*
3 *priated to the Social Security Equivalent Benefit Ac-*
4 *count established under section 15A(a) of the Rail-*
5 *road Retirement Act of 1974 (45 U.S.C. 231n–1(a))*
6 *amounts equal to the reduction in revenues to the*
7 *Treasury by reason of the amendments made by para-*
8 *graph (1). Amounts appropriated by the preceding*
9 *sentence shall be transferred from the general fund at*
10 *such times and in such manner as to replicate to the*
11 *extent possible the transfers which would have oc-*
12 *curred to such Account had such amendments not*
13 *been enacted.*

14 (e) *EFFECTIVE DATES.*—

15 (1) *IN GENERAL.*—*Except as provided in para-*
16 *graph (2), the amendments made by this subsection*
17 *shall apply to wages paid after the date of the enact-*
18 *ment of this Act.*

19 (2) *RAILROAD RETIREMENT TAXES.*—*The*
20 *amendments made by subsection (d) shall apply to*
21 *compensation paid after the date of the enactment of*
22 *this Act.*

In section 102 of the matter proposed to be inserted
by the pending Senate amendment—

(1) Strike subsection (a) of such section 102 and insert the following new subsection:

1 (a) *IN GENERAL.*—*In the case of any taxable year end-*
 2 *ing after the date of the enactment of this Act, the current*
 3 *year business credit determined under section 38(b) of the*
 4 *Internal Revenue Code of 1986 for such taxable year shall*
 5 *be increased, with respect to each retained worker with re-*
 6 *spect to which subsection (b)(2) is first satisfied during such*
 7 *taxable year, by the lesser of—*

8 (1) \$1,000, or

9 (2) 6.2 percent of the wages (as defined in sec-
 10 *tion 3401(a)) paid by the taxpayer to such retained*
 11 *worker during the 52 consecutive week period referred*
 12 *to in subsection (b)(2).*

(2) In subsection (b) of such section 102, insert “or section 3221(c)(3)” after “section 3111(d)(3)”.

(3) In subsection (b)(3) of such section 102, insert “(as defined in section 3401(a))” after “wages” the first place it appears therein.

(4) At the end of such section 102, add the following new subsection:

13 (d) *TREATMENT OF POSSESSIONS.*—

14 (1) *PAYMENTS TO POSSESSIONS.*—

1 (A) *MIRROR CODE POSSESSIONS.*—*The Sec-*
2 *retary of the Treasury shall pay to each posses-*
3 *sion of the United States with a mirror code tax*
4 *system amounts equal to the loss to that posses-*
5 *sion by reason of the application of this section*
6 *(other than this subsection). Such amounts shall*
7 *be determined by the Secretary of the Treasury*
8 *based on information provided by the govern-*
9 *ment of the respective possession.*

10 (B) *OTHER POSSESSIONS.*—*The Secretary*
11 *of the Treasury shall pay to each possession of*
12 *the United States which does not have a mirror*
13 *code tax system amounts estimated by the Sec-*
14 *retary of the Treasury as being equal to the ag-*
15 *gregate benefits that would have been provided to*
16 *residents of such possession by reason of the ap-*
17 *plication of this section (other than this sub-*
18 *section) if a mirror code tax system had been in*
19 *effect in such possession. The preceding sentence*
20 *shall not apply with respect to any possession of*
21 *the United States unless such possession has a*
22 *plan, which has been approved by the Secretary*
23 *of the Treasury, under which such possession will*
24 *promptly distribute such payments to the resi-*
25 *dents of such possession.*

1 (2) *COORDINATION WITH CREDIT ALLOWED*
2 *AGAINST UNITED STATES INCOME TAXES.*—*No in-*
3 *crease in the credit determined under section 38(b) of*
4 *the Internal Revenue Code of 1986 against United*
5 *States income taxes for any taxable year determined*
6 *under subsection (a) shall be taken into account with*
7 *respect to any person—*

8 (A) *to whom a credit is allowed against*
9 *taxes imposed by the possession by reason of this*
10 *section for such taxable year, or*

11 (B) *who is eligible for a payment under a*
12 *plan described in paragraph (1)(B) with respect*
13 *to such taxable year.*

14 (3) *DEFINITIONS AND SPECIAL RULES.*—

15 (A) *POSSESSION OF THE UNITED STATES.*—
16 *For purposes of this subsection, the term “posses-*
17 *sion of the United States” includes the Common-*
18 *wealth of Puerto Rico and the Commonwealth of*
19 *the Northern Mariana Islands.*

20 (B) *MIRROR CODE TAX SYSTEM.*—*For pur-*
21 *poses of this subsection, the term “mirror code*
22 *tax system” means, with respect to any posses-*
23 *sion of the United States, the income tax system*
24 *of such possession if the income tax liability of*
25 *the residents of such possession under such sys-*

1 *tem is determined by reference to the income tax*
2 *laws of the United States as if such possession*
3 *were the United States.*

4 (C) *TREATMENT OF PAYMENTS.—For pur-*
5 *poses of section 1324(b)(2) of title 31, United*
6 *States Code, rules similar to the rules of section*
7 *1001(b)(3)(C) of the American Recovery and Re-*
8 *investment Tax Act of 2009 shall apply.*

In section 301 of the matter proposed to be inserted
by the pending Senate amendment—

(1) In section 6431(f)(1) of the Internal Revenue Code of 1986, as proposed to be added by subsection (a) of such section 301, strike subparagraph (C) and insert the following new subparagraph:

9 “(C) *the amount of the payment determined*
10 *under subsection (b) with respect to any interest*
11 *payment due under such bond shall be equal to*
12 *the lesser of—*

13 “(i) *the amount of interest payable*
14 *under such bond on such date, or*

15 “(ii) *the amount of interest which*
16 *would have been payable under such bond*
17 *on such date if such interest were deter-*

1 *mined at the applicable credit rate deter-*
 2 *mined under section 54A(b)(3),”.*

(2) In section 6431(f) of the Internal Revenue Code of 1986, as proposed to be added by subsection (a) of such section 301, strike paragraph (2) and insert the following new paragraphs:

3 *“(2) SPECIAL RULE FOR NEW CLEAN RENEW-*
 4 *ABLE ENERGY BONDS AND QUALIFIED ENERGY CON-*
 5 *SERVATION BONDS.—In the case of any specified tax*
 6 *credit bond described in clause (i) or (ii) of para-*
 7 *graph (3)(A), the amount determined under para-*
 8 *graph (1)(C)(ii) shall be 70 percent of the amount so*
 9 *determined without regard to this paragraph and sec-*
 10 *tions 54C(b) and 54D(b).*

11 *“(3) SPECIFIED TAX CREDIT BOND.—For pur-*
 12 *poses of this subsection, the term “specified tax credit*
 13 *bond” means any qualified tax credit bond (as de-*
 14 *finied in section 54A(d)) if—*

15 *“(A) such bond is—*

16 *“(i) a new clean renewable energy*
 17 *bond (as defined in section 54C),*

18 *“(ii) a qualified energy conservation*
 19 *bond (as defined in section 54D),*

20 *“(iii) a qualified zone academy bond*
 21 *(as defined in section 54E), or*

1 “(iv) a qualified school construction
 2 bond (as defined in section 54F), and
 3 “(B) the issuer of such bond makes an irrev-
 4 ocable election to have this subsection apply.”.

At the end title IV of the matter proposed to be in-
 serted by the pending Senate amendment, add the fol-
 lowing (and conform the table of contents accordingly):

5 ***Subtitle E—Disadvantaged***
 6 ***Business Enterprises***

7 ***SEC. 451. DISADVANTAGED BUSINESS ENTERPRISES.***

8 (a) *DEFINITIONS.—In this section, the following defi-*
 9 *initions apply:*

10 (1) *SMALL BUSINESS CONCERN.— The term*
 11 *“small business concern” has the meaning that term*
 12 *has under section 3 of the Small Business Act (15*
 13 *U.S.C. 632), except that the term shall not include*
 14 *any concern or group of concerns controlled by the*
 15 *same socially and economically disadvantaged indi-*
 16 *vidual or individuals which has average annual gross*
 17 *receipts over the preceding 3 fiscal years in excess of*
 18 *\$22,410,000, as adjusted annually by the Secretary of*
 19 *Transportation for inflation.*

20 (2) *SOCIALLY AND ECONOMICALLY DISADVAN-*
 21 *TAGED INDIVIDUALS.—The term “socially and eco-*
 22 *nomically disadvantaged individuals” has the mean-*

1 *ing that term has under section 8(d) of the Small*
2 *Business Act (15 U.S.C. 637(d)) and relevant subcon-*
3 *tracting regulations issued pursuant to that Act, ex-*
4 *cept that women shall be presumed to be socially and*
5 *economically disadvantaged individuals for purposes*
6 *of this section.*

7 *(b) GENERAL RULE.—Except to the extent that the*
8 *Secretary of Transportation determines otherwise, not less*
9 *than 10 percent of the amounts made available for any pro-*
10 *gram under titles I, III, and V of SAFETEA-LU (Public*
11 *Law 109–59), subtitles A and C of this title, and section*
12 *403 of title 23, United States Code, shall be expended*
13 *through small business concerns owned and controlled by*
14 *socially and economically disadvantaged individuals.*

15 *(c) ANNUAL LISTING OF DISADVANTAGED BUSINESS*
16 *ENTERPRISES.—Each State shall annually—*

17 *(1) survey and compile a list of the small busi-*
18 *ness concerns referred to in subsection (a) and the lo-*
19 *cation of the concerns in the State; and*

20 *(2) notify the Secretary of Transportation, in*
21 *writing, of the percentage of the concerns that are*
22 *controlled by women, by socially and economically*
23 *disadvantaged individuals (other than women), and*
24 *by individuals who are women and are otherwise so-*
25 *cially and economically disadvantaged individuals.*

1 (d) *UNIFORM CERTIFICATION.*—*The Secretary of*
2 *Transportation shall establish minimum uniform criteria*
3 *for State governments to use in certifying whether a concern*
4 *qualifies for purposes of this section. The minimum uniform*
5 *criteria shall include, but not be limited to, on-site visits,*
6 *personal interviews, licenses, analysis of stock ownership,*
7 *listing of equipment, analysis of bonding capacity, listing*
8 *of work completed, resume of principal owners, financial*
9 *capacity, and type of work preferred.*

10 (e) *COMPLIANCE WITH COURT ORDERS.*—*Nothing in*
11 *this section limits the eligibility of an entity or person to*
12 *receive funds made available under titles I, III, and V of*
13 *SAFETEA-LU (Public Law 109–59), subtitles A and C of*
14 *this title, and section 403 of title 23, United States Code,*
15 *if the entity or person is prevented, in whole or in part,*
16 *from complying with subsection (b) because a Federal court*
17 *issues a final order in which the court finds that the re-*
18 *quirement of subsection (b), or the program established*
19 *under subsection (b), is unconstitutional.*

In section 551(a) of the matter proposed to be inserted by the pending Senate amendment, strike “December 31, 2019” and insert “December 31, 2020”.

At the end of title V of the matter proposed to be inserted by the pending Senate amendment, add the fol-

lowing new subtitle (and conform the table of contents accordingly):

1 ***Subtitle C—Budgetary Provisions***

2 ***SEC. 561. TIME FOR PAYMENT OF CORPORATE ESTIMATED***
3 ***TAXES.***

4 *Notwithstanding section 6655 of the Internal Revenue*
5 *Code of 1986, in the case of a corporation with assets of*
6 *not less than \$1,000,000,000 (determined as of the end of*
7 *the preceding taxable year)—*

8 *(1) the percentage under paragraph (1) of section*
9 *202(b) of the Corporate Estimated Tax Shift Act of*
10 *2009 in effect on the date of the enactment of this Act*
11 *is increased by 23 percentage points,*

12 *(2) the amount of any required installment of*
13 *corporate estimated tax which is otherwise due in*
14 *July, August, or September of 2015 shall be 121.5*
15 *percent of such amount,*

16 *(3) the amount of any required installment of*
17 *corporate estimated tax which is otherwise due in*
18 *July, August, or September of 2019 shall be 106.5*
19 *percent of such amount, and*

20 *(4) the amount of the next required installment*
21 *after an installment referred to in paragraph (2) or*
22 *(3) shall be appropriately reduced to reflect the*
23 *amount of the increase by reason of such paragraph.*

1 **SEC. 562. PAYGO COMPLIANCE.**

2 *The budgetary effects of this Act, for purposes of com-*
3 *plying with the Statutory Pay-As-You-Go-Act of 2010, shall*
4 *be determined by reference to the latest statement titled*
5 *“Budgetary Effects of PAYGO Legislation” for this Act,*
6 *jointly submitted for printing in the Congressional Record*
7 *by the Chairmen of the House and Senate Budget Commit-*
8 *tees, provided that such statement has been submitted prior*
9 *to the vote on passage in the House acting first on this con-*
10 *ference report or amendments between the Houses.*

Attest:

Clerk.

11TH CONGRESS
2^D SESSION

H.R. 2847

**HOUSE AMENDMENT
TO SENATE
AMENDMENT TO
HOUSE AMENDMENT
TO SENATE
AMENDMENT**