

SA 3406. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3407. Mr. INOUE (for himself, Mr. DORGAN, Mr. BYRD, Mr. LAUTENBERG, Mr. FRANKEN, Mr. TESTER, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3408. Mr. BINGAMAN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3409. Mr. BROWN, of Ohio submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3410. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3411. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3412. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3413. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3414. Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3415. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3416. Mrs. LINCOLN (for herself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3417. Mr. REID (for himself, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. HATCH, Mr. CRAPO, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3418. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3419. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3420. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3421. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3422. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3423. Mr. BROWNBACK (for himself, Mr. ROBERTS, Ms. CANTWELL, Mr. ENSIGN,

and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3424. Mrs. HAGAN (for herself, Mr. BURR, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3425. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3426. Mr. REID (for Mr. LEVIN) proposed an amendment to the resolution S. Res. 372, designating March 2010 as "National Auto-immune Diseases Awareness Month" and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research.

SA 3427. Mr. MCCAIN (for himself and Mr. GRAHAM) proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 3428. Mr. ROCKEFELLER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3402. Mr. LEMIEUX submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1968 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. —. MODIFICATIONS TO RUM COVER-OVER PROGRAM.

(a) IN GENERAL.—Section 7652 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(h) DISTRIBUTION OF RUM TAXES BETWEEN PUERTO RICO AND THE VIRGIN ISLANDS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of subsections (a)(3)(B), (b)(3)(B), and (e)(2), the amount to be divided between and covered into the treasury of any applicable territory under this subsection shall bear the same ratio to the total amount covered into the treasuries of all applicable territories under subsection (a)(3)(B), (b)(3)(B), or (e)(2), as the case may be, as the population of such applicable territory bears to the total combined population of all applicable territories.

“(2) TRANSITION RULE.—In the case of any calendar year before 2030, the amount to be divided between and covered into the treasury of any applicable territory under this subsection shall be equal to the sum of—

“(A) the amount which would be determined under subsection (a)(3)(B), (b)(3)(B), or (e)(2), as the case may be, with respect to such applicable territory before the date of the enactment of this subsection, plus

“(B) the product of—

“(i) the transition percentage, and

“(ii) the difference of—

“(I) the amount which would be determined under paragraph (1) for such calendar year if this paragraph did not apply, minus

“(II) the amount described in subparagraph (A).

“(3) DEFINITIONS AND OTHER RULES.—For purposes of this section—

“(A) APPLICABLE TERRITORY.—The term ‘applicable territory’ means Puerto Rico and the Virgin Islands.

“(B) POPULATION.—For purposes of paragraph (1), the respective populations of the applicable territories shall be determined on the basis of the most recent census estimate of the resident population of each released by the Bureau of the Census before the beginning of the calendar year.

“(C) TRANSITION PERCENTAGE.—

“(i) IN GENERAL.—The transition percentage for calendar year 2010 is 5 percent.

“(ii) SUBSEQUENT YEARS.—In the case of any calendar year beginning after 2010, the transition percentage shall be the percentage (not to exceed 100 percent) equal to the sum of the transition percentage for the preceding calendar year plus 5 percentage points.”.

(b) CONFORMING AMENDMENTS.—

(1) SHIPMENTS FROM PUERTO RICO.—Paragraph (3) of section 7652(a) of the Internal Revenue Code of 1986 is amended to read as follows:

“(3) DEPOSIT OF INTERNAL REVENUE COLLECTIONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), all taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States (less the estimated amount necessary for payment of refunds and drawbacks), or consumed in the island, shall be covered into the treasury of Puerto Rico.

“(B) RUM.—All taxes collected under the internal revenue laws of the United States on rum (as defined in subsection (e)(3)) produced in Puerto Rico and transported to the United States (less the estimated amount necessary for payment of refunds and drawbacks), or consumed in the island, shall be divided between and covered into the treasuries of the applicable territories as provided in subsection (1).”.

(2) SHIPMENTS FROM THE VIRGIN ISLANDS.—Paragraph (3) of section 7652(b) of such Code is amended to read as follows:

“(3) DISPOSITION OF INTERNAL REVENUE COLLECTIONS.—

“(A) IN GENERAL.—The Secretary shall determine the amount of all taxes imposed by, and collected under the internal revenue laws of the United States on articles not described in subparagraph (B) which are produced in the Virgin Islands and transported to the United States. The amount so determined, plus the amounts determined with respect to the Virgin Islands under subparagraph (B) and subsection (a)(3)(B), less 1 percent of the total of such amounts and less the estimated amount of refunds or credits, shall be subject to disposition as follows:

“(i) The payment of an estimated amount shall be made to the government of the Virgin Islands before the commencement of each fiscal year as set forth in section 4(c)(2) of the Act entitled ‘An Act to authorize appropriations for certain insular areas of the United States, and for other purposes’, approved August 18, 1978 (48 U.S.C. 1645), as in effect on the date of the enactment of the Trade and Development Act of 2000. The payment so made shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine.

“(ii) Any amounts remaining shall be deposited in the Treasury of the United States as miscellaneous receipts.

If at the end of any fiscal year the total of the Federal contribution made under clause (i) with respect to the four calendar quarters immediately preceding the beginning of that fiscal year has not been obligated or expended for an approved purpose, the balance shall continue available for expenditure during any succeeding fiscal year, but only for

emergency relief purposes and essential public projects. The aggregate amount of moneys available for expenditure for emergency relief purposes and essential public projects only shall not exceed the sum of \$5,000,000 at the end of any fiscal year. Any unobligated or unexpended balance of the Federal contribution remaining at the end of a fiscal year which would cause the moneys available for emergency relief purposes and essential public projects only to exceed the sum of \$5,000,000 shall thereupon be transferred and paid over to the Treasury of the United States as miscellaneous receipts.

“(B) RUM.—The Secretary shall determine the amount of all taxes imposed by, and collected under the internal revenue laws of the United States on rum (as defined in subsection (e)(3)) produced in the Virgin Islands and transported to the United States. The amount so determined shall be divided between and covered into the treasuries of the applicable territories as provided in subsection (i).”

(3) OTHER SHIPMENTS TO THE UNITED STATES.—Paragraph (2) of section 7652(e) of such Code is amended to read as follows:

“(2) DISTRIBUTION OF TAXES.—Such tax collections shall be divided between Puerto Rico and the Virgin Islands as provided in subsection (i). The Secretary shall prescribe by regulation the timing and methods for transferring such tax collections.”

(c) PERMANENT EXTENSION OF INCREASED LIMITATION ON COVER OVER.—Paragraph (1) of section 7652(f) of the Internal Revenue Code of 1986 is amended by striking “\$10.50 (\$13.25 in the case of distilled spirits brought into the United States after June 30, 1999, and before January 1, 2010)” and inserting “\$13.25”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxes collected after the date of the enactment of this Act.

(2) LIMITATION ON COVER-OVER.—The amendment made by subsection (c) shall apply to distilled spirits brought into the United States after December 31, 2009.

SA 3403. Mr. KERRY (for himself, Mr. SPECTER, Mr. SCHUMER, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, insert the following:

SEC. 1-YEAR EXTENSION OF THE EMERGENCY CONTINGENCY FUND FOR STATE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS.

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting “, and for fiscal year 2011, \$2,500,000,000,” before “for payment”;

(2) in paragraph (2)(B)—

(A) by inserting “for fiscal year 2009” after “under subparagraph (A)”;

(B) by inserting before the period the following: “, and may be used to make payments to a State during fiscal year 2011 with respect to expenditures incurred by such State during fiscal year 2009 or 2010. The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011 shall be used to make grants to States during such fiscal year in accordance with the requirements of paragraph (3), and may be used to make payments to a State during

fiscal year 2012 with respect to expenditures incurred by such State during fiscal year 2011”;

(3) by striking paragraph (2)(C) and inserting the following:

“(C) LIMITATIONS.—

“(i) IN GENERAL.—In no case may the Secretary make a grant from the Emergency Fund for a fiscal year after fiscal year 2012.

“(ii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011, \$500,000 shall be placed in reserve for use in fiscal year 2012. Such amounts shall be used to award grants for any expenditures incurred by States after September 30, 2011.”;

(4) in clause (i) of each of subparagraphs (A), (B), and (C) of paragraph (3), by striking “year 2009 or 2010” and inserting “years 2009 through 2011”;

(5) by adding at the end of paragraph (3) the following:

“(D) GRANT RELATED TO INCREASED EXPENDITURES FOR EMPLOYMENT SERVICES.—

“(i) IN GENERAL.—For each calendar quarter in fiscal year 2011, the Secretary shall make a grant from the Emergency Fund to each State that—

“(I) requests a grant under this subparagraph for the quarter; and

“(II) meets the requirement of clause (ii) for the quarter.

“(ii) EMPLOYMENT SERVICES EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for employment services in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total such expenditures of the State in the corresponding quarter in the emergency fund base year of the State.

“(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).”;

(6) in paragraph (4), by striking “and subsidized employment” and inserting “subsidized employment, and employment services”;

(7) in paragraph (5)—

(A) in the paragraph heading, by inserting “ON PAYMENTS; ADJUSTMENT AUTHORITY” after “LIMITATION”;

(B) by striking “The total amount” and inserting the following:

“(A) IN GENERAL.—The total amount”;

(C) by inserting after “grant” the following: “The total amount payable to a single State under subsection (b) and this subsection for fiscal year 2011 shall not exceed 25 percent of the annual State family assistance grant.”;

(D) by adding at the end the following:

“(B) ADJUSTMENT AUTHORITY.—The Secretary may issue a Program Instruction without regard to the requirements of section 553 of title 5, United States Code, specifying priority criteria for awarding grants to States for fiscal year 2011 or adjusting the percentage limitation applicable under subparagraph (A) with respect to the total amount payable to a single State for such fiscal year, if the Secretary determines that the Emergency Fund is at risk of being depleted prior to September 30, 2011, or the Secretary determines that funds are available to accommodate additional State requests.”;

(8) in paragraph (9)—

(A) in subparagraph (B)(i), by striking “or 2008” and inserting “, 2008, or 2009”;

(B) by adding at the end of subparagraph (B)(ii) the following:

“(IV) The total expenditures of the State for employment services, whether under the

State program funded under this part or as qualified State expenditures.”; and

(C) by adding at the end the following:

“(D) EMPLOYMENT SERVICES.—The term ‘employment services’ means services designed to help an individual begin, remain, or advance in employment, as defined in program guidance issued by the Secretary (without regard to section 553 of title 5, United States Code).”

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(2)—

(A) by striking “2010” and inserting “2011”; and

(B) by striking all that follows “repealed” and inserting a period; and

(2) in subsection (d)(1), by striking “2010” and inserting “2011”.

SEC. INTELLIGENT ASSIGNMENT IN ENROLLMENT.

(a) IN GENERAL.—Section 1860D-1(b)(1)(C) of the Social Security Act (42 U.S.C. 1395w-101(b)(1)(C)) is amended by inserting after “PDP region” the following: “or through use of an intelligent assignment process that is designed to maximize the access of such individual to necessary prescription drugs while minimizing costs to such individual and to the program under this part to the greatest extent possible. In the case the Secretary enrolls such individuals through use of an intelligent assignment process, such process shall take into account the extent to which prescription drugs necessary for the individual are covered in the case of a PDP sponsor of a prescription drug plan that uses a formulary, the use of prior authorization or other restrictions on access to coverage of such prescription drugs by such a sponsor, and the overall quality of a prescription drug plan as measured by quality ratings established by the Secretary”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect for contract years beginning with 2012.

SEC. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) of the Internal Revenue Code of 1986 are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) of the Internal Revenue Code of 1986 is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 of such Code is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SA 3404. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. RURAL COMMUNITY GRANT APPLICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an eligible rural community may submit to the appropriate Federal official an application for a grant under an applicable Federal program.

(b) ELIGIBILITY.—To be eligible to submit an application under subsection (a), a rural community shall comply with the following:

(1) The community shall submit to the State in which the community is located, an application for a grant under an applicable Federal program. Such State shall forward all such applications to the appropriate Federal officials involved.

(2) The community shall provide assurances that the community will comply with the requirements otherwise applicable with respect to the grant under the applicable Federal program.

(3) The community shall comply with any other requirements applied by the appropriate Federal official.

(c) DEFINITIONS.—In this section:

(1) APPLICABLE FEDERAL PROGRAM.—The term “applicable Federal program” means a grant program that—

(A) is administered by a Federal department or agency;

(B) provides authority to award grants only on a Statewide (or territory-wide) basis; and

(C) is certified by the appropriate Federal official as being a program under which a rural community will be eligible to receive a grant under the authority provided under this section.

(2) APPROPRIATE FEDERAL OFFICIAL.—The term “appropriate Federal official” means a Federal official that is responsible for administering an applicable Federal program.

(3) RURAL COMMUNITY.—The term “rural community” has the meaning given such term by the State involved.

(d) REGULATIONS.—Each appropriate Federal official shall promulgate regulations with respect to the participation of eligible rural communities in any applicable Federal programs administered by each such official.

SA 3405. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 10 and 11, insert the following:

SEC. ____ . REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded \$36,000,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 3406. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 13, strike “\$354,000,000” and insert “\$560,000,000”.

On page 92, line 19, strike “February” and insert “March”.

On page 92, after line 20, add the following:

(3) EFFECTIVE DATE FOR LOAN GUARANTEES.—The amendment made by paragraph (2) shall take effect on February 27, 2010.

SA 3407. Mr. INOUE (for himself, Mr. DORGAN, Mr. BYRD, Mr. LAUTENBERG, Mr. FRANKEN, Mr. TESTER, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____ —OTHER MATTERS

SEC. ____ 01. FUNDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR DISASTER RELIEF.

There are appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for the Department of Homeland Security under the heading “DISASTER RELIEF” under the heading “FEDERAL EMERGENCY MANAGEMENT AGENCY”, \$5,100,000,000, to remain available until expended: *Provided*, That of the amount appropriated under this section, up to \$5,000,000 shall be transferred to the Department of Homeland Security under the heading “OFFICE OF INSPECTOR GENERAL” for audits and investigations relating to disasters.

SEC. ____ 02. BLACK FARMERS DISCRIMINATION LITIGATION.

(a) There is hereby appropriated to the Department of Agriculture, \$1,150,000,000, to remain available until expended, to carry out the terms of a Settlement Agreement (“such Settlement Agreement”) executed in In re Black Farmers Discrimination Litigation, No. 08-511 (D.D.C.) that is approved by a court order that has become final and non-appealable, and that is comprehensive and provides for the final settlement of all remaining Pigford claims (“Pigford claims”), as defined in section 14012(a) of Public Law 110-246. The funds appropriated herein for such Settlement Agreement are in addition to the \$100,000,000 in funds of the Commodity Credit Corporation (CCC) that section 14012 made available for the payment of Pigford claims and are available only after such CCC funds have been fully obligated. The use of the funds appropriated herein shall be subject to the express terms of such Settlement Agreement. If any of the funds appropriated herein are not used for carrying out such Settlement Agreement, such funds shall be returned to the Treasury and shall not be made available for any purpose related to section 14012, for any other settlement agreement executed in In re Black Farmers Discrimination Litigation, No. 08-511 (D.D.C.), or for any other purpose. If such Settlement Agreement is not executed and approved as provided above, then the sole funding available for Pigford claims shall be the \$100,000,000 of funds of the CCC that section 14012 made available for the payment of Pigford claims.

(b) Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into such Settlement Agreement or any other settlement agreement.

(c) Nothing in this section shall be construed as creating the basis for a Pigford claim.

(d) Section 14012 of Public Law 110-246 is amended by striking subsections (e), (i)(2) and (j), and redesignating the remaining subsections accordingly.

SEC. ____ 03. INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT ACT OF 2010.

(a) SHORT TITLE.—This section may be cited as the “Individual Indian Money Account Litigation Settlement Act of 2010”.

(b) DEFINITIONS.—In this section:

(1) AMENDED COMPLAINT.—The term “Amended Complaint” means the Amended Complaint attached to the Settlement.

(2) LAND CONSOLIDATION PROGRAM.—The term “Land Consolidation Program” means a program conducted in accordance with the Settlement and the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) under which the Secretary may purchase fractionated interests in trust or restricted land.

(3) LITIGATION.—The term “Litigation” means the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, United States District Court, District of Columbia, Civil Action No. 96-1285 (JR).

(4) PLAINTIFF.—The term “Plaintiff” means a member of any class certified in the Litigation.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) SETTLEMENT.—The term “Settlement” means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation.

(7) TRUST ADMINISTRATION CLASS.—The term “Trust Administration Class” means the Trust Administration Class as defined in the Settlement.

(c) PURPOSE.—The purpose of this section is to authorize the Settlement.

(d) AUTHORIZATION.—The Settlement is authorized, ratified, and confirmed.

(e) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation on jurisdiction of district courts contained in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under sub-paragraph (A), the Trust Administration Class shall be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

(f) ACCOUNTING/TRUST ADMINISTRATION FUND.—

(1) IN GENERAL.—Of the amounts appropriated by section 1304 of title 31, United States Code, \$1,412,000,000 shall be deposited in the Accounting/Trust Administration Fund, in accordance with the Settlement.

(2) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of paragraph (1).

(g) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Trust Land Consolidation Fund”.

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval (as defined in the Settlement) of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund \$2,000,000,000 of the amounts appropriated by section 1304 of title 31, United States Code.

(ii) **CONDITIONS MET.**—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of clause (i).

(D) **TRANSFERS.**—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than \$60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph 2.

(2) **INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.**—

(A) **ESTABLISHMENT.**—On the final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Indian Education Scholarship Holding Fund”.

(B) **AVAILABILITY.**—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(3) **ACQUISITION OF TRUST OR RESTRICTED LAND.**—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(4) **TREATMENT OF UNLOCATABLE PLAIN-TIFFS.**—A Plaintiff the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5 year period beginning on the date of final approval (as defined in the Settlement) of the Settlement shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(h) **TAXATION AND OTHER BENEFITS.**—

(1) **INTERNAL REVENUE CODE.**—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement—

(A) shall not be included in gross income; and

(B) shall not be taken into consideration for purposes of applying any provision of the Internal Revenue Code that takes into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) **OTHER BENEFITS.**—Notwithstanding any other provision of law, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program.

SEC. 04. EMERGENCY DESIGNATIONS.

(a) **IN GENERAL.**—Each amount in this title is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) **PAYGO.**—Each amount in this title is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139).

SA 3408. Mr. BINGAMAN (for himself and Mrs. STABENOW) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ____ . EXPANSION OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

(a) **IN GENERAL.**—Section 48C(d)(1)(B) is amended by striking “\$2,300,000,000” and inserting “\$7,300,000,000”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to allocations for applications submitted after December 31, 2009.

SA 3409. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ____ . EXPANSION OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

(a) **IN GENERAL.**—Section 48C(d)(1)(B) is amended by striking “\$2,300,000,000” and inserting “\$7,300,000,000”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to allocations for applications submitted after December 31, 2009.

SEC. ____ . EXCISE TAX ON BONUSES RECEIVED BY EMPLOYEES OF BUSINESSES RECEIVING TARP FUNDS.

(a) **IN GENERAL.**—Chapter 46 is amended by adding at the end the following new section: “**SEC. 4999A. BONUSES PAID BY TARP RECIPIENTS.**”

“(a) **IN GENERAL.**—In the case of any payment of compensation during 2010 in the nature of a bonus by a TARP recipient to any employee or former employee of such recipient, there is hereby imposed a tax equal to 50 percent of so much of such compensation as exceeds \$50,000.

“(b) **TAX PAID BY BONUS RECIPIENT.**—The tax imposed by this section shall be paid by such employee or former employee.

“(c) **DEFINITIONS AND SPECIAL RULES.**—For purposes of this section—

“(1) **TARP RECIPIENT.**—The term ‘TARP recipient’ means any person who receives funds under title I of the Emergency Economic Stabilization Act of 2008.

“(2) **EMPLOYEE.**—The term ‘employee’ includes officers and executives.

“(3) **ENTITIES ACQUIRED BY TARP RECIPIENTS.**—If more than 50 percent of the equity interests in any person is acquired by a TARP recipient, such person shall be treated as a TARP recipient for purposes of this section and subsection (a) shall apply to applicable compensation paid by such person after the earlier of the date of such acquisition or the date that such acquisition is announced.

“(4) **CERTAIN CONTROLLED GROUPS, ETC.**—All employees who are treated as employed by a single employer under subsections (b), (c), or (m) of section 414 shall be treated as employed by a single employer for purposes of this section.”

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 46 is amended by adding at the end the following new item:

“Sec. 4999A. Bonuses paid by TARP recipients.”

SA 3410. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 201 and insert the following:

SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) **IN GENERAL.**—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “December 31, 2010”;

(B) in the heading for subsection (b)(2), by striking “APRIL 5, 2010” and inserting “DECEMBER 31, 2010”; and

(C) in subsection (b)(3), by striking “September 4, 2010” and inserting “May 31, 2011”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “April 5, 2010” and inserting “December 31, 2010”;

(B) in the heading for paragraph (2), by striking “APRIL 5, 2010” and inserting “DECEMBER 31, 2010”; and

(C) in paragraph (3), by striking “October 5, 2010” and inserting “June 30, 2011”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “January 1, 2011”; and

(B) in subsection (c), by striking “September 4, 2010” and inserting “June 1, 2011”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “September 4, 2010” and inserting “May 31, 2011”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking “and” at the end; and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) the amendments made by section 201(a)(1) of the American Workers, State, and Business Relief Act of 2010; and”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010.

Strike section 211 and insert the following:

SEC. 211. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) **EXTENSION OF ELIGIBILITY PERIOD.**—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3 of the Temporary Extension Act of 2010, is amended by striking “March 31, 2010” and inserting “December 31, 2010”.

(b) **RULES RELATING TO 2010 EXTENSION.**—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by subsection (b)(1)(C), is further amended by adding at the end the following:

“(18) **RULES RELATED TO 2010 EXTENSION.**—

“(A) **ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.**—In the case of any premium for a period of coverage during an assistance eligible individual’s 2010 transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

“(i) such individual’s qualifying event was on or after April 1, 2010 and prior to the date of enactment of this paragraph, and

“(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under paragraph (16)(D)(ii) (as applied by subparagraph (D) of this paragraph), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).

“(B) REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—In the case of an assistance eligible individual who pays, with respect to any period of COBRA continuation coverage during such individual’s 2010 transition period, the premium amount for such coverage without regard to paragraph (1)(A), rules similar to the rules of paragraph (12)(E) shall apply.

“(C) 2010 TRANSITION PERIOD.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘transition period’ means, with respect to any assistance eligible individual, any period of coverage if—

“(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the American Workers, State, and Business Relief Act of 2010, and

“(II) paragraph (1)(A) applies to such period by reason of the amendments made by section 211 of the American Workers, State, and Business Relief Act of 2010.

“(ii) CONSTRUCTION.—Any period during the period described in subclauses (I) and (II) of clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

“(D) NOTIFICATION.—Notification provisions similar to the provisions of paragraph (16)(E) shall apply for purposes of this paragraph.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

In section 212, strike “December 31, 2009” and insert “March 31, 2010”.

In section 231, strike “this title” and insert “this Act”.

In section 241(1), strike “March 1, 2010” and insert “March 31, 2010”.

In section 601(1), strike “February 28, 2010” and insert “March 31, 2010”.

In section 601(2), strike “March 1, 2010” and insert “April 1, 2010”.

SA 3411. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 192, insert the following:

SEC. 193. EXTENSION OF SPECIAL ALLOWANCE FOR CERTAIN PROPERTY.

(a) IN GENERAL.—Section 15345(d)(1)(D) of the Food Conservation and Energy Act of 2008 (Public Law 110-246) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONFORMING AMENDMENT.—Section 15345(d)(1)(F) of such Act is amended by striking “January 1, 2008” and inserting “January 1, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 15345 of the Food Conservation and Energy Act of 2008.

SA 3412. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FUNDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR DISASTER RELIEF.

There are appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for the Department of Homeland Security under the heading “DISASTER RELIEF” under the heading “FEDERAL EMERGENCY MANAGEMENT AGENCY”, \$5,100,000,000, to remain available until expended: *Provided*, That of the amount appropriated under this section, up to \$5,000,000 shall be transferred to the Department of Homeland Security under the heading “OFFICE OF INSPECTOR GENERAL” for audits and investigations relating to disasters: *Provided further*, That this section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)), and designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 3413. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 10 and 11, insert the following:

SEC. ____ . MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

“(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2009, with respect to leases entered into on or before March 12, 2004.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004, but shall not apply to any transaction that is the subject of a closing agreement under the provisions of section 7121 of the Internal Revenue Code of 1986 that is final as of the date of the enactment of this Act.

(c) NO INFERENCE.—Nothing in the amendment made by this section shall be construed to create an inference regarding the authority of the Internal Revenue Service to challenge transactions described in such amendment for taxable years beginning before January 1, 2010.

SA 3414. Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. 602. ENSURING CONTRACTING WITH SMALL BUSINESS CONCERNS AND DISADVANTAGED BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the term “Administration” means the Transportation Security Administration;

(2) the term “Assistant Secretary” means the Assistant Secretary of Homeland Security, Transportation Security Administration;

(3) the terms “HUBZone small business concern”, “small business concern”, “small business concern owned and controlled by service-disabled veterans”, and “small business concern owned and controlled by women” have the meanings given those terms under section 3 of the Small Business Act (15 U.S.C. 632); and

(4) the term “small business concern owned and controlled by socially and economically disadvantaged individuals” has the meaning given that term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(b) REQUIREMENTS FOR PRIME CONTRACTS.—The Assistant Secretary shall include in each contract, valued at \$300,000,000 or more, awarded for procurement of products or services acquired for the Administration—

(1) a requirement that the contractor shall submit to the Assistant Secretary and implement a plan for the award, in accordance with other applicable requirements, of subcontracts under the contract to small business concerns, including small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), institutions of higher education receiving assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.; 1101 et seq.), and Native Corporations created pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

(2) a requirement that the contractor shall submit to the Assistant Secretary, during performance of the contract, periodic reports describing the extent to which the contractor has complied with the plan submitted under paragraph (1), including a specification (by total dollar amount and by percentage of the total dollar value of the contract) of the value of subcontracts awarded at all tiers of subcontracting to small business concerns, institutions, and corporations referred to in paragraph (1).

(c) UTILIZATION OF ALLIANCES.—The Assistant Secretary shall seek to facilitate award of contracts by the Administration to teams of small business concerns, institutions, and corporations referred to in subsection (b)(1).

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than October 31 of each year, the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a report on the award of contracts to small business concerns, institutions, and corporations referred to in subsection (b)(1) during the preceding fiscal year.

(2) CONTENTS.—Each report submitted by the Assistant Secretary under paragraph (1) shall—

(A) for contracts to small business concerns, institutions, and corporations referred to in subsection (b)(1) awarded during the preceding fiscal year, specify—

(i) the value of the contracts, by dollar amount and as a percentage of the total dollar value of all contracts awarded by the Administration in the fiscal year; and

(ii) the total dollar value of the contracts awarded to each of the categories of small business concerns, institutions, and corporations referred to in subsection (b)(1); and

(B) if the percentage specified under subparagraph (A)(i) is less than 25 percent, an explanation of—

(i) why the percentage is less than 25 percent; and

(ii) what will be done to ensure that the percentage for the following fiscal year will not be less than 25 percent.

SA 3415. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ____ MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 45R. MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.

“(a) GENERAL RULE.—For purposes of section 38, in the case of a qualified taxpayer, the multiemployer plan contribution credit for any taxable year is an amount equal to 50 percent of the taxpayer’s qualified multiemployer plan contributions for the taxable year.

“(b) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED MULTIEMPLOYER PLAN CONTRIBUTION.—The term ‘qualified multiemployer plan contribution’ means the amount of contributions paid pursuant to a collective bargaining agreement by a qualified taxpayer to a qualified multiemployer plan for a taxable year.

“(2) QUALIFIED TAXPAYER.—The term ‘qualified taxpayer’ means any employer that is—

“(A) engaged primarily in the active conduct of the trade or business of carrying freight for unrelated third parties that was engaged in such trade or business on the date of enactment of the Motor Carrier Act of 1980; and

“(B) a party to—

“(i) the National Master Freight Agreement, or

“(ii) a collective bargaining agreement that includes terms substantially similar to the National Master Freight Agreement as in effect on April 1, 2008, or thereafter.

“(3) QUALIFIED MULTIEMPLOYER PLAN.—The term ‘qualified multiemployer plan’ means a defined benefit plan that is a multiemployer plan (as defined in section 414(f)).

“(c) NONINCLUSION OF INCREASED CONTRIBUTIONS.—A qualified taxpayer’s qualified multiemployer plan contribution shall not include any amount attributable to an increase in the rate of contributions to a qualified multiemployer plan after September 1, 2009, except to the extent that such increase is required by the terms of a collective bargaining agreement in effect on April 1, 2008. For purposes of the preceding sentence, a subsequent amendment or extension of a collective bargaining agreement in effect on April 1, 2008 shall not result in an inclusion of any additional amount attributable to an increased rate of contributions for purposes hereof.

“(d) SPECIAL RULES.—

“(1) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed for that portion of the qualified multiemployer plan contributions for the taxable year which is equal to the credit determined under subsection (a).

“(2) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (b) and (c) of section 414 shall be treated as a single taxpayer.

“(3) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year to the extent such taxpayer elects to have this section not apply with respect to all or a portion of the taxpayer’s qualified multiemployer plan contribution for such taxable year.

“(e) TERMINATION.—This section shall not apply to contributions made after December 31, 2013.”

(b) CREDIT TREATED AS PART OF BUSINESS CREDIT.—

(1) IN GENERAL.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (34), striking the period at the end of paragraph (35), and inserting “, plus”, and by adding at the end the following new paragraph:

“(36) the multiemployer plan contribution credit determined under section 45R(a).”

(2) SPECIAL RULES FOR CARRYBACK OF CREDIT.—

(A) IN GENERAL.—Section 39(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) SPECIAL RULES FOR MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.—Notwithstanding subsection (d), in the case of the multiemployer plan contribution credit—

“(A) this section shall be applied separately from the business credit (other than the multiemployer plan contribution credit and the marginal oil and gas well production credit),

“(B) paragraph (1) shall be applied by substituting by substituting ‘each of the 10 taxable years’ for ‘the taxable year’ in subparagraph (A) thereof; and

“(C) paragraph (2) shall be applied—

“(i) by substituting ‘30 taxable years’ for ‘21 taxable years’ in subparagraph (A) thereof, and

“(ii) by substituting ‘29 taxable years’ for ‘20 taxable years’ in subparagraph (B) thereof.”

(B) CONFORMING AMENDMENT.—Section 39(a)(3)(A) of such Code is amended by inserting “and the multiemployer plan contribution credit” after “marginal oil and gas well production credit”.

(3) TREATMENT UNDER ALTERNATIVE MINIMUM TAX.—

(A) IN GENERAL.—Section 38(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.—

“(A) IN GENERAL.—In the case of the multiemployer plan contribution credit—

“(i) this section and section 39 shall be applied separately with respect to such credit, and

“(ii) for purposes of applying paragraph (1) to such credit—

“(I) 10 percent of the tentative minimum tax shall be substituted for the tentative minimum tax under subparagraph (A) thereof, and

“(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed by subsection (a) for the taxable year (other than the multiemployer plan contribution credit).

“(B) MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.—For purposes of this paragraph, the term ‘multiemployer plan contribution cred-

it’ means the portion of the credit under subsection (a) which is attributable to the credit determined under section 45R.”

(B) CONFORMING AMENDMENTS.—

(i) Section 38(c)(2)(A)(II) of such Code is amended by striking “and the specified credits” and inserting “the specified credits, and the multiemployer plan contribution credit”.

(ii) Section 38(c)(3)(A)(II) of such Code is amended by striking “and the specified credits” and inserting “the specified credits, and the multiemployer plan contribution credit”.

(iii) Section 38(c)(4)(A)(II) of such Code is amended by striking “the specified credits” and inserting “the specified credits and the multiemployer plan contribution credit”.

(c) CONFORMING AMENDMENTS.—Subsection (c) of section 196 of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting “, and”, and by adding at the end the following new paragraph:

“(14) the multiemployer plan contribution credit determined under section 45R(a).”

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 45R. Multiemployer plan contribution credit.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made to qualified multiemployer plans on or after January 1, 2010.

SA 3416. Mrs. LINCOLN (for herself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ____ GRANTS FOR ENERGY EFFICIENT APPLIANCES IN LIEU OF TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable.

SA 3417. Mr. REID (for himself, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. HATCH, Mr. CRAPO, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end of title VI, add the following:

SEC. 6 ____ ALLOCATION OF GEOTHERMAL RECEIPTS.

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and

rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

SA 3418. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—SMALL BUSINESS JOB CREATION

SEC. 801. SHORT TITLE.

This title may be cited as the “Small Business Job Creation Act of 2010”.

Subtitle A—Small Business Tax Reform

SEC. 811. EXTENSION OF INCREASE IN EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 is amended—

(1) by striking “(\$125,000 in the case of taxable years beginning after 2006 and before 2011)” in paragraph (1) and inserting “(\$250,000 in the case of taxable years beginning after 2007 and before 2015)”;

(2) by striking “(\$500,000 in the case of taxable years beginning after 2006 and before 2011)” in paragraph (2) and inserting “(\$800,000 in the case of taxable years beginning after 2007 and before 2015)”;

(3) by striking paragraphs (5) and (7), and

(4) by redesignating paragraph (6) as paragraph (5).

(b) EXTENSION OF EXPENSING OF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking “2011” and inserting “2015”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 812. INCREASED EXCLUSION AND OTHER MODIFICATIONS APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.

(a) INCREASED EXCLUSION.—

(1) IN GENERAL.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 (relating to qualified small business stock) is amended to read as follows:

“(a) EXCLUSION.—Gross income shall not include 100 percent of any gain from the sale or exchange of qualified small business stock held for more than 4 years.”

(2) RULE RELATING TO STOCK HELD AMONG MEMBERS OF CONTROLLED GROUP.—Subsection (c) of section 1202 of such Code is amended by adding at the end the following new paragraph:

“(4) STOCK HELD AMONG MEMBERS OF 25-PERCENT CONTROLLED GROUP NOT ELIGIBLE.—

“(A) IN GENERAL.—Stock of a member of a 25-percent controlled group shall not be treated as qualified small business stock while held by another member of such group.

“(B) 25-PERCENT CONTROLLED GROUP.—For purposes of subparagraph (A), the term ‘25-percent controlled group’ means any controlled group of corporations as defined in section 1563(a)(1), except that—

“(i) ‘more than 25 percent’ shall be substituted for ‘at least 80 percent’ each place it appears in section 1563(a)(1), and

“(ii) section 1563(a)(4) shall not apply.”

(3) CONFORMING AMENDMENTS.—

(A) Subsections (b)(2), (g)(2)(A), and (j)(1)(A) of section 1202 of such Code are each amended by striking “5 years” and inserting “4 years”.

(B) The heading for section 1202 of such Code is amended by striking “partial”.

(C) The item relating to section 1202 in the table of sections for part I of subchapter P of chapter 1 of such Code is amended by striking “Partial exclusion” and inserting “Exclusion”.

(D) Section 1223(13) of such Code is amended by striking “1202(a)(2).”

(b) REPEAL OF MINIMUM TAX PREFERENCE.—

(1) IN GENERAL.—Subsection (a) of section 57 of the Internal Revenue Code of 1986 (relating to items of tax preference) is amended by striking paragraph (7).

(2) TECHNICAL AMENDMENT.—Subclause (II) of section 53(d)(1)(B)(ii) of such Code is amended by striking “, (5), and (7)” and inserting “and (5)”.

(c) REPEAL OF 28 PERCENT CAPITAL GAINS RATE ON QUALIFIED SMALL BUSINESS STOCK.—

(1) IN GENERAL.—Subparagraph (A) of section 1(h)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

“(A) collectibles gain, over”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1(h) of such Code is amended by striking paragraph (7).

(B)(i) Section 1(h) of such Code is amended by redesignating paragraphs (8), (9), (10), (11), (12), and (13) as paragraphs (7), (8), (9), (10), (11), and (12), respectively.

(ii) Sections 163(d)(4)(B), 854(b)(5), 857(c)(2)(D) of such Code are each amended by striking “section 1(h)(11)(B)” and inserting “section 1(h)(10)(B)”.

(iii) The following sections of such Code are each amended by striking “section 1(h)(11)” and inserting “section 1(h)(10)”:

(I) Section 301(f)(4).

(II) Section 306(a)(1)(D).

(III) Section 584(c).

(IV) Section 702(a)(5).

(V) Section 854(a).

(VI) Section 854(b)(2).

(iv) The heading of section 857(c)(2) is amended by striking “1(h)(11)” and inserting “1(h)(10)”.

(d) INCREASE AGGREGATE ASSET LIMITATION FOR QUALIFIED SMALL BUSINESSES.—

(1) IN GENERAL.—Paragraph (1) of section 1202(d) of the Internal Revenue Code of 1986 (relating to qualified small business) is amended by striking “\$50,000,000” each place it appears and inserting “\$100,000,000”.

(2) INFLATION ADJUSTMENT.—Section 1202(d) of such Code is amended by adding at the end the following new paragraph:

“(4) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2009, each of the \$100,000,000 dollar amounts in paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2008’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of \$1,000, such amount shall be rounded to the next lowest multiple of \$100.”

(e) TREATMENT OF STOCK OWNED BY SMALL BUSINESS INVESTMENT COMPANIES.—Section 1202(c) of the Internal Revenue Code of 1986 (defining qualified small business stock) is

amended by adding at the end the following new paragraph:

“(4) TREATMENT OF STOCK OWNED BY SMALL BUSINESS INVESTMENT COMPANIES.—Notwithstanding any other provision of this subsection or subsection (e), the term ‘qualified small business stock’ shall include stock of a corporation held by a small business investment company licensed and operating under the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) or held by a company engaged in the licensing process under such Act where the investment has been approved by the Small Business Administration.”

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to stock issued after December 31, 2009.

(2) SPECIAL RULE FOR STOCK ISSUED BEFORE JANUARY 1, 2010.—The amendments made by subsections (a), (b), and (c) shall apply to sales or exchanges—

(A) made after December 31, 2009,

(B) of stock issued before such date,

(C) by a taxpayer other than a corporation.

Subtitle B—Access to Capital

SEC. 821. SHORT TITLE.

This subtitle may be cited as the “Small Business Job Creation and Access to Capital Act of 2010”.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

SEC. 822. SECTION 7(a) BUSINESS LOANS.

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking “75 percent” and inserting “90 percent”; and

(B) in clause (ii), by striking “85 percent” and inserting “90 percent”; and

(2) in paragraph (3)(A), by striking “\$1,500,000 (or if the gross loan amount would exceed \$2,000,000)” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000)”.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking “90 percent” and inserting “75 percent”; and

(B) in clause (ii), by striking “90 percent” and inserting “85 percent”; and

(2) in paragraph (3)(A), by striking “\$4,500,000” and inserting “\$3,750,000”.

SEC. 823. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking “\$1,500,000” and inserting “\$5,000,000”;

(2) in clause (ii), by striking “\$2,000,000” and inserting “\$5,000,000”;

(3) in clause (iii), by striking “\$4,000,000” and inserting “\$5,500,000”;

(4) in clause (iv), by striking “\$4,000,000” and inserting “\$5,500,000”; and

(5) in clause (v), by striking “\$4,000,000” and inserting “\$5,500,000”.

SEC. 824. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph 1(B)(iii), by striking “\$35,000” and inserting “\$50,000”;

(2) in paragraph (3)—

(A) in subparagraph (C), by striking “\$3,500,000” and inserting “\$5,000,000”; and

(B) in subparagraph (E), by striking “\$35,000” each place that term appears and inserting “\$50,000”; and

(3) in paragraph (11)(B), by striking “\$35,000” and inserting “\$50,000”.

SEC. 825. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

“(e) INVESTMENT LIMITATIONS.—

“(1) DEFINITION.—In this subsection, the term ‘covered New Markets Venture Capital company’ means a New Markets Venture Capital company—

“(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and

“(B) that has obtained a financing from the Administrator.

“(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—

“(A) the regulatory capital of the covered New Markets Venture Capital company; and

“(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.”.

SEC. 826. ALTERNATIVE SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

“(5) ALTERNATIVE SIZE STANDARD.—

“(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

“(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—

“(i) the maximum tangible net worth of the applicant is not more than \$15,000,000; and

“(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application is not more than \$5,000,000.”.

SEC. 827. SALE OF 7(a) LOANS IN SECONDARY MARKET.

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

“(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than \$500,000, the Administrator shall, upon request of a pool assembler, divide the loan guarantee into increments of \$500,000 and 1 increment of any remaining amount less than \$500,000, in order to permit the maximum amount of any loan in a pool to be not more than \$500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.”.

SEC. 828. ONLINE LENDING PLATFORM.

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

PART II—SMALL BUSINESS ACCESS TO CAPITAL**SEC. 829. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.**

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

“(C) REFINANCING NOT INVOLVING EXPANSIONS.—

“(i) DEFINITIONS.—In this subparagraph—

“(I) the term ‘borrower’ means a small business concern that submits an application to a development company for financing under this subparagraph;

“(II) the term ‘eligible fixed asset’ means tangible property relating to which the Administrator may provide financing under this section; and

“(III) the term ‘qualified debt’ means indebtedness—

“(aa) that—

“(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

“(BB) is a commercial loan;

“(CC) is not subject to a guarantee by a Federal agency;

“(DD) the proceeds of which were used to acquire an eligible fixed asset;

“(EE) was incurred for the benefit of the small business concern; and

“(FF) is collateralized by eligible fixed assets; and

“(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

“(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

“(I) the amount of the financing is not more than 80 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

“(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

“(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

“(iii) FINANCING FOR BUSINESS EXPENSES.—

“(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

“(II) APPLICATION FOR FINANCING.—An application for financing under subclause (I) shall include—

“(aa) a specific description of the expenses for which the additional financing is requested; and

“(bb) an itemization of the amount of each expense.

“(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

“(iv) LOANS BASED ON JOBS.—

“(I) JOB CREATION AND RETENTION GOALS.—

“(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

“(bb) ALTERNATE JOB RETENTION GOAL.—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by \$65,000.

“(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

“(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

“(bb) the product obtained by multiplying—

“(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

“(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

“(v) NONDELEGATION.—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

“(vi) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of \$4,000,000,000 of financing under this subparagraph for each fiscal year.”.

(b) PROSPECTIVE REPEAL.—Effective 2 years after the date of enactment of this Act, section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) TECHNICAL CORRECTION.—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking “subparagraph (B) or (C)” and inserting “clause (ii), (iii), (iv), or (v)”.

Subtitle C—Small Business Exporting**SEC. 831. SHORT TITLE.**

This subtitle may be cited as the “Small Business Export Enhancement and International Trade Act of 2010”.

SEC. 832. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term “Associate Administrator” means the Associate Administrator for International Trade appointed under section 22(a)(2) of the Small Business Act, as amended by this Act;

(3) the term “Export Assistance Center” means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

(4) the term “rural small business concern” means a small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986; and

(5) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(t) SMALL BUSINESS DEVELOPMENT CENTER.—In this Act, the term ‘small business development center’ means a small business development center described in section 21.

“(u) REGION OF THE ADMINISTRATION.—In this Act, the term ‘region of the Administration’ means the geographic area served by a regional office of the Administration established under section 4(a).”.

(2) CONFORMING AMENDMENT.—Section 4(b)(3)(B)(x) of the Small Business Act (15

U.S.C. 633(b)(3)(B)(x) is amended by striking “Administration district and region” and inserting “district and region of the Administration”.

SEC. 833. OFFICE OF INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking “SEC. 22. (a) There” and inserting the following:

“SEC. 22. OFFICE OF INTERNATIONAL TRADE.

“(a) ESTABLISHMENT.—

“(1) OFFICE.—There”; and

(2) in subsection (a)—

(A) in paragraph (1), as so designated, by striking the period and inserting “for the primary purposes of increasing—

“(A) the number of small business concerns that export; and

“(B) the volume of exports by small business concerns.”; and

(B) by adding at the end the following:

“(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.”.

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking “five Associate Administrators” and inserting “Associate Administrators”; and

(2) by adding at the end the following: “One such Associate Administrator shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.”.

(c) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

“(h) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—The Administrator shall ensure that—

“(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

“(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

“(3) the Associate Administrator has direct supervision and control over—

“(A) the staff of the Office; and

“(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity.”.

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting “the Administrator of” before “the Small Business Administration”; and

(2) by inserting “through the Associate Administrator for International Trade, and” before “in cooperation with”.

(e) IMPLEMENTATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section.

SEC. 834. DUTIES OF THE OFFICE OF INTERNATIONAL TRADE.

(a) AMENDMENTS TO SECTION 22.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) TRADE DISTRIBUTION NETWORK.—The Associate Administrator, working in close cooperation with the Secretary of Com-

merce, the United States Trade Representative, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies, small business development centers engaged in export promotion efforts, Export Assistance Centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

“(1) maintain a distribution network, using regional and district offices of the Administration, the small business development center network, networks of women’s business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), and Export Assistance Centers, for programs relating to—

“(A) trade promotion;

“(B) trade finance;

“(C) trade adjustment assistance;

“(D) trade remedy assistance; and

“(E) trade data collection;

“(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to small business concerns on exporting trends, market-specific growth, industry trends, and international prospects for exports;

“(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women’s business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector; and

“(4) give preference in hiring or approving the transfer of any employee into the Office or to a position described in subsection (c)(9) to otherwise qualified applicants who are fluent in a language in addition to English, to—

“(A) accompany small business concerns on foreign trade missions; and

“(B) translate documents, interpret conversations, and facilitate multilingual transactions, including by providing referral lists for translation services, if required.”;

(2) in subsection (c)—

(A) by striking “(c) The Office” and inserting the following:

“(c) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator”; and

(B) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

“(1) establish annual goals for the Office relating to—

“(A) enhancing the exporting capability of small business concerns and small manufacturers;

“(B) facilitating technology transfers;

“(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

“(D) increasing the ability of small business concerns to access capital;

“(E) disseminating information concerning Federal, State, and private programs and initiatives; and

“(F) ensuring that the interests of small business concerns are adequately represented in trade negotiations.”;

(D) in paragraph (2), as so redesignated, by striking “mechanism for” and all that follows through “(D) assisting” and inserting the following: “mechanism for—

“(A) identifying subsectors of the small business community with strong export potential;

“(B) identifying areas of demand in foreign markets;

“(C) prescreening foreign buyers for commercial and credit purposes; and

“(D) assisting”;

(E) in paragraph (3), as so redesignated, by striking “assist small businesses in the formation and utilization of” and inserting “assist small business concerns in forming and using”;

(F) in paragraph (4), as so redesignated—

(i) by striking “local” and inserting “district”;

(ii) by striking “existing”;

(iii) by striking “Small Business Development Center network” and inserting “small business development center network”; and

(iv) by striking “Small Business Development Center Program” and inserting “small business development center program”;

(G) in paragraph (5), as so redesignated—

(i) in subparagraph (A), by striking “Gross State Produce” and inserting “Gross State Product”;

(ii) in subparagraph (B), by striking “SIC” each place it appears and inserting “North American Industry Classification System”; and

(iii) in subparagraph (C), by striking “small businesses” and inserting “small business concerns”;

(H) in paragraph (6), as so redesignated, by striking the period at the end and inserting a semicolon;

(I) in paragraph (7), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by inserting “concerns” after “small business”; and

(II) by striking “current” and inserting “up to date”;

(ii) in subparagraph (A), by striking “Administration’s regional offices” and inserting “regional and district offices of the Administration”;

(iii) in subparagraph (B) by striking “current”;

(iv) in subparagraph (C), by striking “current”; and

(v) by striking “small businesses” each place that term appears and inserting “small business concerns”;

(J) in paragraph (8), as so redesignated, by striking and at the end;

(K) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking “full-time export development specialists to each Administration regional office and assigning”; and

(II) by striking “person in each district office. Such specialists” and inserting “individual in each district office and providing each Administration regional office with a full-time export development specialist, who”;

(ii) in subparagraph (B)—

(I) by striking “current”; and

(II) by striking “with” and inserting “in”;

(iii) in subparagraph (D)—

(I) by striking “Administration personnel involved in granting” and inserting “personnel of the Administration involved in making”; and

(II) by striking “and” at the end;

(iv) in subparagraph (E)—

(I) by striking “small businesses’ needs” and inserting “the needs of small business concerns”; and

(II) by striking the period at the end and inserting a semicolon;

(v) by adding at the end the following:

“(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

“(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the

Department of Commerce, small business development centers, women's business centers, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies"; and

(vi) by striking "small businesses" each place that term appears and inserting "small business concerns"; and

(L) by adding at the end the following:

"(10) make available on the website of the Administration the name and contact information of each individual described in paragraph (9);

"(11) carry out a nationwide marketing effort using technology, online resources, training, and other strategies to promote exporting as a business development opportunity for small business concerns;

"(12) disseminate information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives authorized by section 8(b)(1), State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

"(13) establish and carry out training programs for the staff of the regional and district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.";

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by striking "(d) The Office" and inserting the following:

"(d) EXPORT FINANCING PROGRAMS.—

"(1) IN GENERAL.—The Associate Administrator"; and

(C) by striking "To accomplish this goal, the Office shall work" and inserting the following:

"(2) TRADE FINANCE SPECIALIST.—To accomplish the goal established under paragraph (1), the Associate Administrator shall—

"(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

"(B) work";

(4) in subsection (e), by striking "(e) The Office" and inserting the following:

"(e) TRADE REMEDIES.—The Associate Administrator";

(5) by amending subsection (f) to read as follows:

"(f) REPORTING REQUIREMENT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

"(1) a description of the progress of the Office in implementing the requirements of this section;

"(2) a detailed account of the results of export growth activities of the Administration, including the activities of each district and regional office of the Administration, based on the performance measures described in subsection (i);

"(3) an estimate of the total number of jobs created or retained as a result of export assistance provided by the Administration and resource partners of the Administration;

"(4) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small

business concerns resulting from such travel; and

"(5) a description of the participation by the Office in trade negotiations.";

(6) in subsection (g), by striking "(g) The Office" and inserting the following:

"(g) STUDIES.—The Associate Administrator"; and

(7) by adding after subsection (h), as added by section 833 of this Act, the following:

"(i) EXPORT AND TRADE COUNSELING.—

"(1) DEFINITION.—In this subsection—

"(A) the term 'lead small business development center' means a small business development center that has received a grant from the Administration; and

"(B) the term 'lead women's business center' means a women's business center that has received a grant from the Administration.

"(2) CERTIFICATION PROGRAM.—The Administrator shall establish an export and trade counseling certification program to certify employees of lead small business development centers and lead women's business centers in providing export assistance to small business concerns.

"(3) NUMBER OF CERTIFIED EMPLOYEES.—The Administrator shall ensure that the number of employees of each lead small business development center who are certified in providing export assistance is not less than the lesser of—

"(A) 5; or

"(B) 10 percent of the total number of employees of the lead small business development center.

"(4) REIMBURSEMENT FOR CERTIFICATION.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall reimburse a lead small business development center or a lead women's business center for costs relating to the certification of an employee of the lead small business center or lead women's business center in providing export assistance under the program established under paragraph (2).

"(B) LIMITATION.—The total amount reimbursed by the Administrator under subparagraph (A) may not exceed \$350,000 in any fiscal year.

"(j) PERFORMANCE MEASURES.—

"(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

"(A) the number of small business concerns that—

"(i) receive assistance from the Administration;

"(ii) had not exported goods or services before receiving the assistance described in clause (i); and

"(iii) export goods or services;

"(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

"(C) export revenues by small business concerns assisted by programs of the Administration;

"(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office;

"(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center; and

"(F) the number of small business concerns referred to the Export-Import Bank of the United States or to the Overseas Private Investment Corporation by the staff of the Office, an Export Assistance Center, or a small business development center.

"(2) JOINT PERFORMANCE MEASURES.—The Associate Administrator shall develop joint performance measures for the district offices of the Administration and the Export Assistance Centers that include the number of export loans made under—

"(A) section 7(a)(16);

"(B) the Export Working Capital Program established under section 7(a)(14);

"(C) the Preferred Lenders Program, as defined in section 7(a)(2)(C)(ii); and

"(D) the export express program established under section 7(a)(34).

"(3) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures developed under paragraph (1), that is consistent with systems used by the departments and agencies and the network."

(b) TRADE DISPUTES.—The Administrator shall carry out a comprehensive program to provide technical assistance, counseling, and reference materials to small business concerns relating to resources, procedures, and requirements for mechanisms to resolve international trade disputes or address unfair international trade practices under international trade agreements or Federal law, including—

(1) directing the district offices of the Administration to provide referrals, information, and other services to small business concerns relating to the mechanisms;

(2) entering agreements and partnerships with providers of legal services relating to the mechanisms, to ensure small business concerns may affordably use the mechanisms; and

(3) in consultation with the Director of the United States Patent and Trademark Office and the Register of Copyrights, designing counseling services and materials for small business concerns regarding intellectual property protection in other countries.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on any travel by the staff of the Office of International Trade of the Administration, during the period beginning on October 1, 2004, and ending on the date of enactment of the Act, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

SEC. 835. EXPORT ASSISTANCE CENTERS.

(a) EXPORT ASSISTANCE CENTERS.—Section 22 of the Small Business Act (15 U.S.C. 649), as amended by section 834 of this Act, is amended by adding at the end the following:

"(k) EXPORT ASSISTANCE CENTERS.—

"(1) EXPORT FINANCE SPECIALISTS.—

"(A) MINIMUM NUMBER OF EXPORT FINANCE SPECIALISTS.—On and after January 1, 2010, the Administrator, in coordination with the Secretary of Commerce, shall ensure that the number of export finance specialists is not less than the number of such employees so assigned on January 1, 2003.

"(B) EXPORT FINANCE SPECIALISTS ASSIGNED TO EACH REGION OF THE ADMINISTRATION.—On and after the date that is 2 years after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that there are not fewer than 3 export finance specialists in each region of the Administration.

“(2) PLACEMENT OF EXPORT FINANCE SPECIALISTS.—

“(A) PRIORITY.—The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

“(i) had an Administration employee assigned to the Export Assistance Center before January 2003; and

“(ii) has not had an Administration employee assigned to the Export Assistance Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

“(B) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

“(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to reassign or remove an export finance specialist who is assigned to an Export Assistance Center on the date of enactment of this subsection.

“(3) GOALS.—The Associate Administrator shall work with the Department of Commerce, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation to establish shared annual goals for the Export Assistance Centers.

“(4) OVERSIGHT.—The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

“(1) DEFINITIONS.—In this section—

“(1) the term ‘Associate Administrator’ means the Associate Administrator for International Trade described in subsection (a)(2);

“(2) the term ‘Export Assistance Center’ means a one-stop shop for United States exporters established by the United States and Foreign Commercial Service of the Department of Commerce pursuant to section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

“(3) the term ‘export finance specialist’ means a full-time equivalent employee of the Office assigned to an Export Assistance Center to carry out the duties described in subsection (e); and

“(4) the term ‘Office’ means the Office of International Trade established under subsection (a)(1).”

(b) STUDY AND REPORT ON FILLING GAPS IN HIGH-AND-LOW-EXPORT VOLUME AREAS.—

(1) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall—

(A) conduct a study of—

(i) the volume of exports for each State;

(ii) the availability of export finance specialists in each State;

(iii) the number of exporters in each State that are small business concerns;

(iv) the percentage of exporters in each State that are small business concerns;

(v) the change, if any, in the number of exporters that are small business concerns in each State—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced;

(vi) the total value of the exports in each State by small business concerns;

(vii) the percentage of the total volume of exports in each State that is attributable to small business concerns; and

(viii) the change, if any, in the percentage of the total volume of exports in each State

that is attributable to small business concerns—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced; and

(B) 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 containing—

(i) the results of the study under subparagraph (A);

(ii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the greatest volume of exports, based upon the most recent data available from the Department of Commerce;

(iii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the lowest volume of exports, based upon the most recent data available from the Department of Commerce; and

(iv) such additional information as the Administrator determines is appropriate.

(2) DEFINITION.—In this subsection, the term “export finance specialist” has the meaning given that term in section 22(1) of the Small Business Act, as added by this Act.

SEC. 836. INTERNATIONAL TRADE FINANCE PROGRAMS.

(a) LOAN LIMITS.—

(1) TOTAL AMOUNT OUTSTANDING.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking “\$1,750,000, of which not more than \$1,250,000” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000), of which not more than \$4,000,000”.

(2) PARTICIPATION.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking “subparagraph (B)” and inserting “subparagraphs (B), (D), and (E)”; and

(B) in subparagraph (D), by striking “Notwithstanding subparagraph (A), in” and inserting “In”; and

(C) by adding at the end the following:

“(E) PARTICIPATION IN INTERNATIONAL TRADE LOAN.—In an agreement to participate in a loan on a deferred basis under paragraph (16), the participation by the Administration may not exceed 90 percent.”

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking “in—” and inserting “—”;

(2) in clause (i)—

(A) by inserting “in” after “(i)”; and

(B) by striking “or” at the end;

(3) in clause (ii)—

(A) by inserting “in” after “(ii)”; and

(B) by striking the period at the end and inserting “, including any debt that qualifies for refinancing under any other provision of this subsection; or”; and

(4) by adding at the end the following:

“(iii) by providing working capital.”

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking “Each loan” and inserting the following:

“(i) IN GENERAL.—Except as provided in clause (ii), each loan”; and

(2) by adding at the end the following:

“(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien posi-

tion on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan.”

(d) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking “not exceed” and inserting “be”; and

(2) in paragraph (14)—

(A) by striking “(A) The Administration” and inserting the following: “EXPORT WORKING CAPITAL PROGRAM.—

“(A) IN GENERAL.—The Administrator”;

(B) by striking “(B) When considering” and inserting the following:

“(C) CONSIDERATIONS.—When considering”;

(C) by striking “(C) The Administration” and inserting the following:

“(D) MARKETING.—The Administrator”; and

(D) by inserting after subparagraph (A) the following:

“(B) TERMS.—

“(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than \$5,000,000.

“(ii) FEES.—

“(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

“(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern.”

(e) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

“(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program.”

(f) EXPORT EXPRESS PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking “(32) INCREASED VETERAN” and inserting “(33) INCREASED VETERAN”; and

(2) by adding at the end the following:

“(34) EXPORT EXPRESS PROGRAM.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘export development activity’ includes—

“(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee;

“(II) participation in a trade show that takes place outside the United States;

“(III) translation of product brochures or catalogues for use in markets outside the United States;

“(IV) obtaining a general line of credit for export purposes;

“(V) performing a service contract from buyers located outside the United States;

“(VI) obtaining transaction-specific financing associated with completing export orders;

“(VII) purchasing real estate or equipment to be used in the production of goods or services for export;

“(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

“(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in

the United States in the production of goods or services for export; and

“(ii) the term ‘express loan’ means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.

“(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express loan to a small business concern made for an export development activity.

“(C) LEVEL OF PARTICIPATION.—

“(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be \$500,000.

“(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

“(I) 90 percent of a loan that is not more than \$350,000; and

“(II) 75 percent of a loan that is more than \$350,000 and not more than \$500,000.”

(g) ANNUAL LISTING OF EXPORT FINANCE LENDERS.—Section 7(a)(16) of the Small Business Act (15 U.S.C. 636(a)(16)) is amended by adding at the end the following:

“(F) LIST OF EXPORT FINANCE LENDERS.—

“(i) PUBLICATION OF LIST REQUIRED.—The Administrator shall publish an annual list of the banks and participating lending institutions that, during the 1-year period ending on the date of publication of the list, have made loans guaranteed by the Administration under—

“(I) this paragraph;

“(II) paragraph (14); or

“(III) paragraph (34).

“(ii) AVAILABILITY OF LIST.—The Administrator shall—

“(I) post the list published under clause (i) on the website of the Administration; and

“(II) make the list published under clause (i) available, upon request, at each district office of the Administration.”

(h) APPLICABILITY.—The amendments made by subsections (a) through (f) shall apply with respect to any loan made after the date of enactment of this Act.

SEC. 837. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term “eligible small business concern” means a small business concern that—

(A) has been in business for not less than the 1-year period ending on the date on which assistance is provided using a grant under this section;

(B) is operating profitably, based on operations in the United States;

(C) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Associate Administrator;

(D) has in effect a strategic plan for exporting; and

(E) agrees to provide to the Associate Administrator such information and documentation as is necessary for the Associate Administrator to determine that the small business concern is in compliance with the internal revenue laws of the United States;

(2) the term “program” means the State Trade and Export Promotion Grant Program established under subsection (b);

(3) the term “small business concern owned and controlled by women” has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(4) the term “socially and economically disadvantaged small business concern” has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 6537(a)(4)(A)); and

(5) the term “State” means each of the several States, the District of Columbia, the

Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a 3-year trade and export promotion pilot program to be known as the State Trade and Export Promotion Grant Program, to make grants to States to carry out export programs that assist eligible small business concerns in—

(1) participation in a foreign trade mission;

(2) a foreign market sales trip;

(3) a subscription to services provided by the Department of Commerce;

(4) the payment of website translation fees;

(5) the design of international marketing media;

(6) a trade show exhibition;

(7) participation in training workshops; or

(8) any other export initiative determined appropriate by the Associate Administrator.

(c) GRANTS.—

(1) JOINT REVIEW.—In carrying out the program, the Associate Administrator may make a grant to a State to increase the number of eligible small business concerns in the State that export or to increase the value of the exports by eligible small business concerns in the State.

(2) CONSIDERATIONS.—In making grants under this section, the Associate Administrator may give priority to an application by a State that proposes a program that—

(A) focuses on eligible small business concerns as part of an export promotion program;

(B) demonstrates success in promoting exports by—

(i) socially and economically disadvantaged small business concerns;

(ii) small business concerns owned or controlled by women; and

(iii) rural small business concerns;

(C) promotes exports from a State that is not 1 of the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce; and

(D) promotes new-to-market export opportunities to the People's Republic of China for eligible small business concerns in the United States.

(3) LIMITATIONS.—

(A) SINGLE APPLICATION.—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.

(B) PROPORTION OF AMOUNTS.—The total value of grants under the program made during a fiscal year to the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce, shall be not more than 50 percent of the amounts appropriated for the program for that fiscal year.

(4) APPLICATION.—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.

(d) COMPETITIVE BASIS.—The Associate Administrator shall award grants under the program on a competitive basis.

(e) FEDERAL SHARE.—The Federal share of the cost of an export program carried out using a grant under the program shall be—

(1) for a State that has a high export volume, as determined by the Associate Administrator, not more than 65 percent; and

(2) for a State that does not have a high export volume, as determined by the Associate Administrator, not more than 75 percent.

(f) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of this Act, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Com-

mittee on Small Business of the House of Representatives a report, which shall include—

(A) a description of the structure of and procedures for the program;

(B) a management plan for the program; and

(C) a description of the merit-based review process to be used in the program.

(2) ANNUAL REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the program, which shall include—

(A) the number and amount of grants made under the program during the preceding year;

(B) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with grant; and

(C) the effect of each grant on exports by eligible small business concerns in the State receiving the grant.

(g) REVIEWS BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

(A) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and

(B) the overall management and effectiveness of the program.

(2) REPORT.—Not later than September 30, 2012, the Inspector General of the Administration 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 regarding the review conducted under paragraph (1).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program \$15,000,000 for each of fiscal years 2010, 2011, and 2012.

(i) TERMINATION.—The authority to carry out the program shall terminate 3 years after the date on which the Associate Administrator establishes the program.

SEC. 838. RURAL EXPORT PROMOTION.

Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Commerce, 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 that contains—

(1) a description of each program of the Administration that promotes exports by rural small business concerns, including—

(A) the number of rural small business concerns served by the program;

(B) the change, if any, in the number of rural small business concerns as a result of participation in the program during the 10-year period ending on the date of enactment of this Act;

(C) the volume of exports by rural small business concerns that participate in the program; and

(D) the change, if any, in the volume of exports by rural small businesses that participate in the program during the 10-year period ending on the date of enactment of this Act;

(2) a description of the coordination between programs of the Administration and other Federal programs that promote exports by rural small business concerns;

(3) recommendations, if any, for improving the coordination described in paragraph (2);

(4) a description of any plan by the Administration to market the international trade

financing programs of the Administration through lenders that—

(A) serve rural small business concerns; and

(B) are associated with financing programs of the Department of Agriculture;

(5) recommendations, if any, for improving coordination between the counseling programs and export financing programs of the Administration, in order to increase the volume of exports by rural small business concerns; and

(6) any additional information the Administrator determines is necessary.

SEC. 839. INTERNATIONAL TRADE COOPERATION BY SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) by striking “(2) The Small Business Development Centers” and inserting the following:

“(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—

“(A) INFORMATION AND SERVICES.—The small business development centers”; and

(2) in paragraph (2)—

(A) in subparagraph (A), as so designated, by inserting “(including State trade agencies),” after “local agencies”; and

(B) by adding at the end the following:

“(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—A small business development center that counsels a small business concern on issues relating to international trade shall—

“(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and

“(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.

“(C) DEFINITION.—In this paragraph, the term ‘Export Assistance Center’ has the same meaning as in section 22.”

SEC. 840. SMALL BUSINESS TRADE POLICY.

(a) NOTIFICATION BY USTR.—Not later than 90 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the United States Trade Representative shall notify the Administrator of the date the negotiation will begin.

(b) RECOMMENDATIONS.—Not later than 30 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the Administrator shall present to the United States Trade Representative recommendations relating to the needs and concerns of small business concerns that are exporters.

Subtitle D—Small Business Regulatory Reform

SEC. 841. SHORT TITLE.

This subtitle may be cited as the “Job Impact Analysis Act of 2010”.

SEC. 842. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals \$1,100,000,000,000. Small firms bear a disproportionate burden, paying approximately 45 percent, or \$7,647, more per employee than larger firms in annual regulatory compliance costs.

(6) The Federal Government should fully consider the costs, including indirect economic impacts and the potential for job creation and job loss, of proposed rules.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job creation or job loss.

(8) To the maximum extent practicable, the Director of the Congressional Budget Office should, in certain estimates the Director prepares with respect to bills or joint resolutions reported by congressional committees, estimate the potential job creation or job loss attributable to the bills or joint resolutions.

SEC. 843. JOB IMPACT STATEMENT FOR REPORTED BILLS AND JOINT RESOLUTIONS.

Section 424 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658c) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(D) if the Director estimates that the total amount of direct costs of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed \$5,000,000,000 (adjusted annually for inflation), to the extent practicable, the potential job creation or job loss in State, local, and tribal governments as a result of the mandates.”; and

(2) in subsection (b)(2)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) if the Director estimates that the total amount of direct costs of all Federal private sector mandates in the bill or joint resolution will equal or exceed \$5,000,000,000 (adjusted annually for inflation), to the extent practicable, the potential job creation or job loss in the private sector as a result of the mandates.”

SEC. 844. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

Section 601 of title 5, United States Code, is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7)(B), by striking the period at the end and inserting a semicolon;

(3) in paragraph (8)—

(A) by striking “RECORDKEEPING REQUIREMENT.—The” and inserting “the”; and

(B) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(9) the term ‘economic impact’ means, with respect to a proposed or final rule—

“(A) any direct economic effect of the rule on small entities; and

“(B) any indirect economic effect on small entities, including potential job creation or job loss, that is reasonably foreseeable and that results from the rule, without regard to whether small entities are directly regulated by the rule.”

SEC. 845. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job creation and employment by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.”; and

(2) by adding at the end the following:

“(d) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities—

“(1) not later than the date on which the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget under Executive Order 12866, if that order requires such submission; or

“(2) if no submission to the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency.”

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting “detailed” before “description” each place it appears;

(B) in paragraph (1), by striking “succinct”;

(C) in paragraph (2)—

(i) by striking “summary” each place it appears and inserting “statement”; and

(ii) by inserting “(or certification of the proposed rule under section 605(b))” after “initial regulatory flexibility analysis”;

(D) in paragraph (3), by striking “an explanation” and inserting “a detailed explanation”;

(E) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(F) by inserting after paragraph (2) the following:

“(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the

proposed rule in the final rule as a result of the comments;”.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

“(b) The agency shall—

“(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

“(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.”.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

“(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement.”.

(d) CERTIFICATIONS.—The second sentence of section 605(b) of title 5, United States Code, is amended by striking “statement providing the factual” and inserting “detailed statement providing the factual and legal”.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

“§ 607. Quantification requirements

“In complying with sections 603 and 604, an agency shall provide—

“(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job creation or job loss, and alternatives to the proposed or final rule; or

“(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.”.

SEC. 846. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

“§ 610. Periodic review of rules

“(a) Not later than 180 days after the enactment of the Job Impact Analysis Act of 2010, each agency shall publish in the Federal Register and place on its Web site a plan for the periodic review of rules issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities). Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the Web site of the agency.

“(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Job Impact Analysis Act of 2010 within 10 years after the date of publication of the plan in the Federal Register and every 10 years thereafter and for re-

view of rules adopted after the date of enactment of the Job Impact Analysis Act of 2010 within 10 years after the publication of the final rule in the Federal Register and every 10 years thereafter. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy and Congress.

“(c) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to Congress and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44, United States Code), to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (d) and a detailed explanation of the reasons for such determination.

“(d) In reviewing rules under such plan, the agency shall consider—

“(1) the continued need for the rule;

“(2) the nature of complaints received by the agency from small entities concerning the rule;

“(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy;

“(4) the complexity of the rule;

“(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

“(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (c);

“(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

“(8) the current impact of the rule, including—

“(A) the estimated number of small entities to which the rule will apply;

“(B) the estimated number of small business jobs that will be lost or created by the rule; and

“(C) the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including—

“(i) an estimate of the classes of small entities that will be subject to the requirement; and

“(ii) the type of professional skills necessary for preparation of the report or record.

“(e) The agency shall publish in the Federal Register and on the Web site of the agency a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.”.

SEC. 847. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94-305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.”.

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94-305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

“SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

“(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

“(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.”.

SEC. 848. CLERICAL AMENDMENTS.

(a) HEADING.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

“§ 605. Incorporations by reference and certifications”.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

“605. Incorporations by reference and certifications.”; and

(2) by striking the item relating to section 607 and inserting the following:

“607. Quantification requirements.”.

Subtitle E—Other Provisions

SEC. 851. FUNDS FOR SBDCS.

(a) IN GENERAL.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration – Salaries and Expenses”, \$50,000,000, to remain available until January 1, 2012, for grants to small business development centers under section 21 of the Small Business Act (15 U.S.C. 648) to provide targeted technical assistance to small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) seeking access to capital or credit, Federal procurement opportunities, energy efficiency audits to reduce energy bills, opportunities to export products or provide services to foreign customers, or other assistance.

(b) ALLOCATION.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding the requirements of section 21(a)(4)(C)(iii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)), the amount appropriated under subsection (a) shall be allocated under the formula under section 21(a)(4)(C)(i) of that Act.

(2) MINIMUM FUNDING.—The amount made available under this section to each State shall be not less than \$325,000.

(3) TYPES OF USES.—Of the total amount of the grants awarded by the Administrator under this section—

(A) not less than 80 percent shall be used for counseling of small business concerns; and

(B) not more than 20 percent may be used for classes or seminars.

(c) NO NON-FEDERAL SHARE REQUIRED.—Notwithstanding section 21(a)(4)(A) of the Small Business Act (15 U.S.C. 648(a)(4)(A)), the recipient of a grant made using amounts appropriated under subsection (a) shall not be required to provide non-Federal matching funds.

(d) DISTRIBUTION.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall disburse the total amount appropriated under subsection (a).

SEC. 852. TEMPORARY WAIVER AUTHORITY FOR WOMEN'S BUSINESS CENTER PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Small Business Administration;

(2) the term “recipient organization” means an organization receiving financial assistance from the Administrator under the women's business center program; and

(3) the term “women's business center program” means the women's business center program under section 29 of the Small Business Act (15 U.S.C. 656).

(b) AUTHORITY.—Upon request by a recipient organization, and in accordance with this section, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under section 29(c) of the Small Business Act (15 U.S.C. 656(c)) for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under the women's business center program.

(c) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this section, the Administrator shall consider—

(1) the economic conditions affecting the recipient organization;

(2) the impact a waiver under this section would have on the credibility of the women's business center program;

(3) the demonstrated ability of the recipient organization to raise non-Federal funds; and

(4) the performance of the recipient organization.

(d) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this section if granting the waiver would undermine the credibility of the women's business center program.

(e) TERMINATION.—The Administrator may not grant a waiver of the requirement to obtain non-Federal funds under this section on or after January 1, 2012.

SEC. 853. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EFFECTIVE DATE.

The amendment made by section 246(b)(2) of this Act shall take effect on February 27, 2010.

Subtitle F—Funding

SEC. 861. OFFSET.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), an amount equal to the total amount appropriated or made available under this title is rescinded on a pro rata basis from unobligated amounts appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116).

SEC. 862. EMERGENCY DESIGNATION.

This title is designated as an emergency requirement pursuant to section 4(g) of the

Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)). This title is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 3419. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ____ . ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who made a rollover of an airline payment amount to a Roth IRA pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008, may transfer to a traditional IRA all or any part of the Roth IRA attributable to such rollover, and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2011).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term “airline payment amount” means any payment of any money or other property which is payable by

a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term “qualified airline employee” means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) TRADITIONAL IRA.—The term “traditional IRA” means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) ROTH IRA.—The term “Roth IRA” has the meaning given such term by section 408A(b) of such Code.

(d) SURVIVING SPOUSE.—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

SA 3420. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 4 through 12, and insert the following:

“(3) CERTIFICATION BY CHIEF EXECUTIVE OFFICER.—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the 6-month period that begins on January 1, 2011, and ends on June 30, 2011, unless the chief executive officer of the State certifies to the Secretary not later than 45 days after the date of enactment of this paragraph, that—

“(A) the State will request and use such additional Federal funds; and

“(B) during the period that begins on such date of enactment and ends on June 30, 2011, the State will not eliminate any State employment position in which an individual is

employed on such date of enactment (other than a position held by an individual whose State employment is terminated for cause).”;

SA 3421. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 4 through 12, and insert the following:

“(3) CERTIFICATION BY CHIEF EXECUTIVE OFFICER.—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the 6-month period that begins on January 1, 2011, and ends on June 30, 2011, unless the chief executive officer of the State certifies to the Secretary—

“(A) not later than 45 days after the date of enactment of this paragraph, that the State will request and use such additional Federal funds; and

“(B) on December 31, 2010, that the State has not passed any law on or after the date of enactment of this paragraph that will cause income, property, or sales tax rates in the State to increase during such 6-month period.”;

SA 3422. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ____ . PERMANENT EXTENSION OF ELECTIVE TAX TREATMENT FOR ALASKA NATIVE SETTLEMENT TRUSTS.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset provisions) shall not apply to the provisions of, and amendments made by, section 671 of such Act (relating to tax treatment and information requirements of Alaska Native Settlement Trusts).

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective upon the date of enactment of this Act.

SA 3423. Mr. BROWNBACK (for himself, Mr. ROBERTS, Ms. CANTWELL, Mr. ENSIGN, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the

Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION ____—FOOTWEAR

SEC. 01. SHORT TITLE.

This division may be cited as the “Affordable Footwear Act of 2010”.

SEC. 02. FINDINGS.

Congress finds the following:

(1) Average collected duties on imported footwear are among the highest of any product sector, totaling approximately \$1,700,000,000 during 2008.

(2) Duty rates on imported footwear are among the highest imposed by the United States Government, with some as high as the equivalent of 67.5 percent ad valorem.

(3) The duties currently imposed by the United States were set in an era during which high rates of duty were intended to protect production of footwear in the United States.

(4) Footwear produced in the United States supplies only about 1 percent of the total United States market for footwear. This production is concentrated in distinct product groupings, which are not affected by the provisions of this Act.

(5) Low- and moderate-income families spend a larger share of their disposable income on footwear than higher-income families.

(6) Footwear duties, which are higher on lower-price footwear, serve no purpose and are a hidden, regressive tax on those people in the United States least able to pay.

SEC. 03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the reduction or elimination of duties on the importation of certain footwear articles would provide significant benefits to United States consumers, particularly lower-income families;

(2) there is no production in the United States of many footwear articles;

(3) the reduction or elimination of duties on such articles will not negatively affect manufacturing or employment in the United States; and

(4) the reduction or elimination of duties on such articles will result in reduced retail prices for consumers.

SEC. 04. TEMPORARY ELIMINATION OR REDUCTION OF DUTIES ON CERTAIN FOOTWEAR.

(a) DEFINITIONS.—The U.S. Notes to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following:

“20. For the purposes of headings 9902.64.25 through 9902.64.57 and any superior text thereto:

“(a) The term ‘footwear for men’ means footwear of American sizes 6 and larger for

males and does not include footwear commonly worn by both sexes.

“(b) The term ‘footwear for women’ means footwear of American sizes 4 and larger, whether for females or of types commonly worn by both sexes.

“(c)(i) The term ‘work footwear’ means, in addition to footwear for men or footwear for women having a metal toe-cap, footwear for men or footwear for women that—

“(A) has outer soles of rubber or plastics;

“(B) is of a kind designed for use by persons employed in occupations such as those related to the agricultural, construction, industrial, public safety or transportation sectors; and

“(C) has special features to protect against hazards in the workplace (such as resistance to chemicals, compression, grease, oil, penetration, slippage or static build-up).

“(ii) The term ‘work footwear’ does not include the following:

“(A) sports footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like;

“(B) footwear designed to be worn over other footwear;

“(C) footwear with open toes or open heels; or

“(D) footwear (except footwear covered by heading 6401) of the slip-on type that is held to the foot without the use of laces or a combination of laces and hooks or other features.

“(d) The term ‘house slippers’ means footwear of the slip-on type designed solely for casual indoor use. The term ‘house slippers’ includes—

“(i) footwear with outer soles not over 3.5 mm in thickness, consisting of cellular rubber, non-grain leather or textile material;

“(ii) footwear with outer soles not over 2 mm in thickness consisting of polyvinyl chloride, whether or not backed; and

“(iii) footwear which, when measured at the ball of the foot, has sole components (including any inner and mid-soles) with a combined thickness not over 8 mm as measured from the outer surface of the uppermost sole component to the bottom surface of the outer sole and which, when measured in the same manner at the area of the heel, has a thickness equal to or less than that at the ball of the foot.

“(e) Textile materials attached, incorporated into, or which otherwise form part of, an outer sole of rubber or plastics shall be disregarded and the constituent material of outer sole shall be deemed to be rubber or plastics.”.

(b) AMENDMENTS TO HTS.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

9902.64.25	Vulcanized rubber lug boot bottoms for use in fishing waders (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2012
9902.64.26	Vulcanized rubber footwear with molded soles, lasted uppers (not molded or injected) of more than 70 percent by weight natural rubber, valued over \$35/pair, measuring in height from the bottom of the outer sole to the top of the upper over 19 cm, the foregoing designed to be used in lieu of, but not over, other footwear as a protection against water or cold or inclement weather (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2012

9902.64.27	Sports footwear with outer soles and uppers of rubber or plastics (other than golf shoes), having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements) is rubber or plastics (except footwear having foxing or a foxing-like band applied or molded at the sole and overlapping the upper); the foregoing not including footwear for women (provided for in subheading 6402.19.15)	Free	No change	No change	On or before 12/31/2012
9902.64.28	Footwear with outer soles and uppers of rubber or plastics, covering the ankle and incorporating a protective metal toe-cap, having uppers of which over 90 percent of the external surface area is rubber or plastics (provided for in subheading 6402.91.05)	Free	No change	No change	On or before 12/31/2012
9902.64.29	Footwear with outer soles and uppers of rubber or plastics, covering the ankle and incorporating a protective metal toe-cap, valued not over \$3/pair (provided for in subheading 6402.91.16)	Free	No change	No change	On or before 12/31/2012
9902.64.30	Footwear (other than work footwear) with outer soles and uppers of rubber or plastics, covering the ankle, not incorporating a protective metal toe-cap, having uppers of which over 90 percent of the external surface area is rubber or plastics (provided for in subheading 6401.91.40)	Free	No change	No change	On or before 12/31/2012
9902.64.31	Footwear with outer soles and uppers of rubber or plastics, designed to be used in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather, valued over \$20/pair, and if designed for men or women the height of which does not exceed 20.32 cm or if designed for other persons the height of which does not exceed 17.72 cm; the foregoing not to include vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper, where protection against water is imparted by the use of a coated laminated fabric (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2012
9902.64.32	Footwear with outer soles and uppers of rubber or plastics, covering the ankle, valued over \$12/pair (provided for in subheading 6402.91.90)	Free	No change	No change	On or before 12/31/2012
9902.64.33	Footwear with outer soles and uppers of rubber or plastics, other than covering the ankle and other than sports footwear: Of a type described in subheading 6402.99.04	Free	No change	No change	On or before 12/31/2012
9902.64.34	Of a type described in subheading 6402.99.12	Free	No change	No change	On or before 12/31/2012
9902.64.35	Of a type described in subheading 6402.99.31	Free	No change	No change	On or before 12/31/2012
9902.64.36	Footwear designed to be used in lieu of, but not over, other footwear, valued over \$20/pair (other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), where protection against water is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.33)	Free	No change	No change	On or before 12/31/2012
9902.64.37	Footwear with outer soles and uppers of rubber or plastics, not specially described or indicated in any other heading of this subchapter: Of a type described in subheading 6402.99.40	Free	No change	No change	On or before 12/31/2012
9902.64.38	Of a type described in subheading 6402.99.60	Free	No change	No change	On or before 12/31/2012
9902.64.39	Of a type described in subheading 6402.99.70	Free	No change	No change	On or before 12/31/2012
9902.64.40	Welt footwear with pigskin uppers (provided for in subheading 6403.40.30)	Free	No change	No change	On or before 12/31/2012

9902.64.41	Footwear with outer soles and uppers of leather, covering the ankle, other than footwear for women (provided for in subheading 6403.51.90)	Free	No change	No change	On or before 12/31/2012
9902.64.42	Turn or turned footwear, other than footwear for men or footwear for women (provided for in subheading 6403.59.15)	Free	No change	No change	On or before 12/31/2012
9902.64.43	Footwear for men, and footwear for youths and boys, covering the ankle, other than work footwear and other than slip-on footwear (except such footwear with sole components, including any mid-soles but excluding any inner soles, which when measured at the ball of the foot have a combined thick-ness less than 13.5 mm), the foregoing valued over \$20/pair (provided for in subheading 6403.91.60)	Free	No change	No change	On or before 12/31/2012
9902.64.44	Footwear (other than footwear for men or footwear for youths and boys) covering the ankle, other than work footwear and other than slip-on footwear, but including such footwear with a heel over 15 mm in height as measured from the bottom of the sole or sole components (including any mid-soles but excluding any inner soles) which when measured at the ball of the foot have a combined thickness less than 13.5 mm, the foregoing valued not over \$20/pair (provided for in subheading 6403.91.90)	Free	No change	No change	On or before 12/31/2012
9902.64.45	Footwear for youths and boys, other than house slippers and work footwear (provided for in subheading 6403.99.60)	Free	No change	No change	On or before 12/31/2012
9902.64.46	House slippers for persons other than men, youths and boys, the foregoing valued not over \$2.50/pair (provided for in subheading 6403.99.75)	Free	No change	No change	On or before 12/31/2012
9902.64.47	Footwear valued over \$2.50/pair (other than footwear for men, youths and boys, and footwear for women), the foregoing not to include house slippers and work footwear (provided for in subheading 6403.99.90)	Free	No change	No change	On or before 12/31/2012
9902.64.48	Sports footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, with outer soles of rubber or plastics and uppers of textile materials: Of a type described in subheading 6404.11.20, 6404.11.40, 6404.11.50, 6404.11.60 or 6404.11.70	Free	No change	No change	On or before 12/31/2012
9902.64.49	Of a type described in subheadings 6404.11.80 and 6404.11.90, covering the ankle	Free	No change	No change	On or before 12/31/2012
9902.64.50	Of a type described in subheadings 6404.11.80 and 6404.11.90, other than tennis shoes, basketball shoes, gym shoes, training shoes and the like for men or women	Free	No change	No change	On or before 12/31/2012
9902.64.51	Footwear with outer soles of rubber or plastics and uppers of textile materials, having uppers of which over 50 percent of the external surface area is leather (provided for in subheading 6404.19.15)	Free	No change	No change	On or before 12/31/2012
9902.64.52	Footwear with outer soles of rubber or plastics and uppers of textile materials, designed to be used in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather, valued over \$20/pair, the foregoing if designed for men or women having a height which does not exceed 20.32 cm or if designed for other persons the height of which does not exceed 17.72 cm (provided for in subheading 6404.19.20); all the foregoing not to include vulcanized footwear and footwear with waterproof molded bottoms (including bottoms comprising an outer sole and all or part of the upper), where protection against water is imparted by the use of a coated or laminated textile fabric	Free	No change	No change	On or before 12/31/2012

9902.64.53	Footwear with outer soles of rubber or plastics and uppers of textile materials (provided for in subheading 6404.19.25, 6404.19.30, 6404.19.35, 6404.19.40, 6404.19.50, 6404.19.60, 6404.19.70, 6404.19.80, 6404.19.90, 6404.20.20, 6404.20.40 or 6404.20.60)	Free	No change	No change	On or before 12/31/2012
9902.64.54	Footwear with uppers of leather or composition leather: For men (provided for in subheading 6405.10.00)	8.5%	No change	No change	On or before 12/31/2012
9902.64.55	Other than tennis shoes, basketball shoes, gym shoes, training shoes and the like for women (provided for in subheading 6405.10.00)	Free	No change	No change	On or before 12/31/2012
9902.64.56	Footwear with uppers of textile materials, other than with soles and uppers of wool felt (provided for in subheading 6405.20.30 or 6405.20.90)	Free	No change	No change	On or before 12/31/2012
9902.64.57	Footwear of a type described in subheading 6405.90.90	Free	No change	No change	On or before 12/31/2012

SEC. 05. HAITI RELIEF ENHANCEMENT.

Section 213A of the Caribbean Basic Economic Recovery Act (19 U.S.C. 2703a) is amended—

(1) by redesignating subsections (g) through (h) as (i) through (j), respectively; and

(2) by inserting the following after subsection (f):

“(g) SPECIAL RULE FOR FOOTWEAR.—

“(1) IN GENERAL.—Footwear that is the product or manufacture of Haiti and is imported directly from Haiti into the customs territory of the United States shall be accorded tariff treatment identical to the tariff treatment that is accorded under the Dominican Republic-Central American-United States Free Trade Agreement, as implemented by the United States, to footwear described in the same 8-digit subheading of the Harmonized Tariff Schedule of the United States.

“(2) REQUIREMENT.—Footwear qualifies for the treatment provided for under paragraph (1) if it satisfies the applicable rule of origin set out in Article 4.1 of the Dominican Republic-Central American-United States Free Trade Agreement.”.

SA 3424. Mrs. HAGAN (for herself, Mr. BURR, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. . CERTAIN CEILING FANS.

(a) IN GENERAL.—Heading 9902.84.14 of the Harmonized Tariff Schedule of the United States is amended by striking “12/31/2009” and inserting “12/31/2012”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2010.

SA 3425. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. 602. CONTINUATION OF SOLE COMMUNITY HOSPITAL TREATMENT FOR CERTAIN HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(5)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(D)) is amended by adding at the end the following new clause:

“(vi) In the case of a hospital that is classified as a sole community hospital and is located within a State that has implemented a rate-setting program for regulation of hospital payments (in this clause referred to as the ‘existing hospital’), any relocation on or after January 1, 2010, of the facility of another hospital that is in operation as of such date to a site that is within 25 road miles of the existing hospital shall not be taken into account for purposes of determining whether the existing hospital shall continue to qualify for classification as a sole community hospital.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to hospitals for cost reporting periods beginning on or after January 1, 2010.

SA 3426. Mr. REID (for Mr. LEVIN) proposed an amendment to the resolution S. Res. 372, designating March 2010 as “National Autoimmune Diseases Awareness Month” and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research; as follows:

In paragraph (3) of the resolving clause, strike “Federal”.

SA 3427. Mr. MCCAIN (for himself and Mr. GRAHAM) proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . PROTECTING MEDICARE.

Section 310(g) of the Congressional Budget Act of 1974 (2 U.S.C. 641(g)) is amended by inserting before the period the following: “or to the medicare program established by title XVIII of such Act”.

SA 3428. Mr. ROCKEFELLER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend

the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, insert the following:

SEC. —. NEW MARKETS TAX CREDIT ALLOWABLE AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4) is amended—

(1) by redesignating clauses (v) through (viii) as clauses (vi) through (ix), respectively, and

(2) by inserting after clause (iv) the following new clause:

“(v) the credit determined under section 45D to the extent that such credit is attributable to a qualified equity investment which is designated as such under subsection (b)(1)(C) of such section after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to credits determined under section 45D of the Internal Revenue Code of 1986 in taxable years ending after the date of the enactment of this Act, and to carrybacks of such credits.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 4, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 4, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during