

**AMENDMENT TO THE AMENDMENT TO H.R. 5297,**  
**AS REPORTED**  
**OFFERED BY MR. Nye**

Page 3, line 5, strike "and".

Page 3, line 12, strike the period and insert "; and".

Page 3, after line 12, insert the following new subparagraph:

1           (D) with respect to an eligible institution  
2           for which no report exists that is described  
3           under subparagraph (A), (B), or (C), such  
4           other report or set of information as the Sec-  
5           retary, in consultation with the Administrator  
6           of the Small Business Administration, may pre-  
7           scribe.

Page 4, line 25, strike "and".

Page 5, line 3, strike the period and insert "; and".

Page 5, after line 3, insert the following new subparagraph:

8           (D) any small business lending company  
9           that has total assets of equal to or less than  
10          \$10,000,000,000.

Page 6, line 1, after “report,” insert the following:  
“where each loan comprising such lending is made to a  
small business and is one”.

Page 6, after line 25 insert the following new paragraphs:

1           (1) SMALL BUSINESS.—The term “small busi-  
2       ness” has the meaning given the term “small busi-  
3       ness concern” under section 3 of the Small Business  
4       Act (15 U.S.C. 632).

5           (2) SMALL BUSINESS LENDING COMPANY.—The  
6       term “small business lending company” has the  
7       meaning given such term under section 3(r)(1) of  
8       the Small Business Act (15 U.S.C. 632(r)(1)).

Page 12, beginning on line 19, strike “the amount  
of small business lending reported by the eligible institu-  
tion in its call report for the last quarter in calendar year  
2009 or the average amount of small business lending re-  
ported by the eligible institution in all call reports for cal-  
endar year 2009, whichever is lower” and insert “the av-  
erage amount of small business lending reported by the  
eligible institution in its call reports for the 4 full quar-  
ters immediately preceding the enactment of this title”.

Page 17, after line 9, insert the following new sub-  
paragraph:

(I) INCENTIVES CONTINGENT ON AN INCREASE IN THE NUMBER OF LOANS MADE.—

For any quarter during the first 4½-year period following the date on which an eligible institution receives a capital investment under the Program, other than the first such quarter, in which the institution's change in the amount of small business lending relative to the baseline is positive, if the number of loans made by the institution does not increase by 2.5 percent for each 2.5 percent increase of small business lending, then the rate at which dividends and interest shall be payable during the following quarter on preferred stock or other financial instruments issued to the Treasury by the eligible institution shall be—

(i) 5 percent, if such quarter is within the 2-year period following the date on which the eligible institution receives the capital investment under the Program; or

(ii) 7 percent, if such quarter is after such 2-year period.

(J) ALTERNATIVE COMPUTATION.—An eligible institution may choose to compute their small business lending amount by computing

1 the amount of small business lending, as if the  
2 definition of such term did not require that the  
3 loans comprising such lending be made to small  
4 business. Any eligible institution choosing to  
5 compute their small business lending in this  
6 manner shall certify that all lending included by  
7 the institution for purposes of computing the  
8 increase in lending under this paragraph was  
9 made to small businesses.

