

**AMENDMENT TO THE AMENDMENT TO H.R. 5297,**  
**AS REPORTED**  
**OFFERED BY M S. VELAZQUEZ**

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           (17) PRIME RATE.—The term “prime rate”  
2       means the bank prime rate published in the Federal  
3       Reserve Statistical Release on selected interest rates  
4       (daily or weekly), and commonly referred to as the  
5       H.15 release (or any successor publication).

6           (18) SMALL BUSINESS.—The term “small busi-  
7       ness” has the meaning given the term “small busi-  
8       ness concern” under section 3 of the Small Business  
9       Act (15 U.S.C. 632).

10          (19) SMALL BUSINESS LENDING COMPANY.—  
11       The term “small business lending company” has the  
12       meaning given such term under section 3(r)(1) of  
13       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 quarters immediately preceding the enactment of this title”.

Page 17, after line 9, insert the following new subparagraph:

1                   (I) INCENTIVES CONTINGENT ON AN IN-  
2                   CREASE IN THE NUMBER OF LOANS MADE.—  
3                   For any quarter during the first 4½-year pe-  
4                   riod following the date on which an eligible in-  
5                   stitution receives a capital investment under the  
6                   Program, other than the first such quarter, in  
7                   which the institution’s change in the amount of  
8                   small business lending relative to the baseline is  
9                   positive, if the number of loans made by the in-  
10                  stitution does not increase by 2.5 percent for  
11                  each 2.5 percent increase of small business  
12                  lending, then the rate at which dividends and  
13                  interest shall be payable during the following  
14                  quarter on preferred stock or other financial in-  
15                  struments issued to the Treasury by the eligible  
16                  institution shall be—

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

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

3 (J) ALTERNATIVE COMPUTATION.—An eli-  
4 gible institution may choose to compute their  
5 small business lending amount by computing  
6 the amount of small business lending, as if the  
7 definition of such term did not require that the  
8 loans comprising such lending be made to small  
9 business. Any eligible institution choosing to  
10 compute their small business lending in this  
11 manner shall certify that all lending included by  
12 the institution for purposes of computing the  
13 increase in lending under this paragraph was  
14 made to small businesses.

Page 19, after line 4, insert the following new para-  
graphs:

15 (10) INTEREST RATE OF LOANS.—The max-  
16 imum interest rate for any loan made by an eligible  
17 institution using funds received under the Program  
18 shall be equal to the greater of—

19 (A) the rate that is 2.25 percent above the  
20 prime rate; or

21 (B) 8 percent.

