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AN ACT

To improve the access to capital programs of the Small
Business Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Small Business Lending Improvements Act of 2007”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—7(A) PROGRAM

- Sec. 101. Authority for fee contributions.
- Sec. 102. Rural Lending Outreach Program.
- Sec. 103. Community Express program made permanent.
- Sec. 104. Medical Professionals in Designated Shortage Areas Program.
- Sec. 105. Increased Veteran Participation Program.
- Sec. 106. Alternative size standard.
- Sec. 107. Support to regional offices.

TITLE II—CERTIFIED DEVELOPMENT COMPANY ECONOMIC
DEVELOPMENT LOAN PROGRAM

- Sec. 201. Certified Development Company Economic Development Loan Program.
- Sec. 202. Definitions.
- Sec. 203. Eligibility of development companies to be designated as certified development companies.
- Sec. 204. Definition of rural areas.
- Sec. 205. Businesses in low-income areas.
- Sec. 206. Combinations of certain goals.
- Sec. 207. Refinancing.
- Sec. 208. Additional equity injections.
- Sec. 209. Loan liquidations.
- Sec. 210. Closing costs.
- Sec. 211. Maximum Certified Development Company and 7(a) loan eligibility.
- Sec. 212. Eligibility for energy efficiency projects.
- Sec. 213. Loans for plant projects used for energy-efficient purposes.
- Sec. 214. Extension of period during which loss reserves of premier certified lenders determined on the basis of outstanding balance of debentures.
- Sec. 215. Extension of alternative loss reserve pilot program for certain premier certified lenders.

6 **TITLE I—7(A) PROGRAM**

7 **SEC. 101. AUTHORITY FOR FEE CONTRIBUTIONS.**

8 Section 7(a) of the Small Business Act (15 U.S.C.
9 636(a)) is amended—

1 (1) in paragraph (18)(A) by striking “shall col-
2 lect” and inserting “shall assess and collect”;

3 (2) in paragraph (18) by adding at the end the
4 following:

5 “(C) OFFSET.—The Administrator may,
6 as provided in paragraph (32), offset fees as-
7 sessed and collected under subparagraph (A).”;

8 (3) in paragraph (23) by striking subparagraph
9 (C) and adding at the end the following:

10 “(C) OFFSET.—The Administrator may,
11 as provided in paragraph (32), offset fees as-
12 sessed and collected under subparagraph (A).”;

13 and

14 (4) by adding at the end the following:

15 “(32) FREE CONTRIBUTIONS.—

16 “(A) IN GENERAL.—To the extent that
17 amounts are made available to the Adminis-
18 trator for the purpose of fee contributions, the
19 Administrator shall—

20 “(i) first consider contributing to fees
21 paid by small business borrowers under
22 clauses (i) through (iii) of paragraph
23 (18)(A), to the maximum extent possible;
24 and

1 “(ii) then consider contributing to fees
2 paid by small business lenders under para-
3 graph (23)(A).

4 “(B) QUARTERLY ADJUSTMENT.—Each
5 fee contribution under subparagraph (A) shall
6 be effective for one fiscal quarter and shall be
7 adjusted as necessary for each fiscal quarter
8 thereafter to ensure that the amounts under
9 subparagraph (A) are fully used. The fee con-
10 tribution for a fiscal quarter shall be based on
11 the loans that the Administrator projects will be
12 made during that fiscal quarter, given the pro-
13 gram level authorized by law for that fiscal year
14 and any other factors that the Administrator
15 considers appropriate.”.

16 **SEC. 102. RURAL LENDING OUTREACH PROGRAM.**

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

- 19 (1) by striking paragraph (25)(C); and
20 (2) by adding at the end the following:

21 “(33) RURAL LENDING OUTREACH PROGRAM.—
22 The Administrator shall carry out a rural lending
23 outreach program to provide up to an 85 percent
24 guaranty for loans of \$250,000 or less. The program
25 shall be carried out only through lenders located in

1 rural areas (as ‘rural’ is defined in section 501(f) of
2 the Small Business Investment Act of 1958) or, in
3 the case of a small business concern located in a
4 rural area that does not have a lender located within
5 30 miles of the principal place of business, through
6 any lender that is enrolled in, and administers, the
7 7(a) loan program that the small business concern
8 chooses. For a loan made through the program, the
9 following shall apply:

10 “(A) The Administrator shall approve or
11 disapprove the loan within 36 hours.

12 “(B) The program shall use abbreviated
13 application and documentation requirements.

14 “(C) Minimum credit standards, as the
15 Administrator considers necessary to limit the
16 rate of default on loans made under the pro-
17 gram, shall apply.”.

18 **SEC. 103. COMMUNITY EXPRESS PROGRAM MADE PERMA-**
19 **NENT.**

20 (a) **IN GENERAL.**—Section 7(a) of the Small Busi-
21 ness Act (15 U.S.C. 636(a)) is amended by adding at the
22 end the following:

23 “(34) **COMMUNITY EXPRESS PROGRAM.**—The
24 Administrator shall carry out a Community Express
25 Program for loans of \$250,000 or less. For a loan

1 made under this paragraph, the following shall
2 apply:

3 “(A) The loan shall be made to a business
4 concern—

5 “(i) the majority ownership interest of
6 which is directly held by individuals who
7 are women, members of qualified Indian
8 tribes, socially or economically disadvan-
9 tagged individuals (as defined by the Ad-
10 ministrators), or veterans of the Armed
11 Forces or members of the reserve compo-
12 nents of the Armed Forces; or

13 “(ii) that is located in a low- or mod-
14 erate-income area, as defined by the Ad-
15 ministrators.

16 “(B) The loan shall comply with the collat-
17 eral policy of the Administration, except that, if
18 the amount of the loan is less than or equal to
19 \$25,000, the Administration shall not require
20 the lender to take collateral.

21 “(C) The loan shall include terms requir-
22 ing the lender to ensure that technical assist-
23 ance is provided to the borrower, through the
24 lender or a third-party provider.

1 “(D) The Administration shall approve or
2 disapprove the loan within 36 hours.”.

3 (b) NOTICE AND COMMENT.—The program required
4 by section 7(a)(34) of the Small Business Act, as added
5 by subsection (a), shall be established after the oppor-
6 tunity for notice and comment and not later than 180 days
7 after the date of the enactment of this Act.

8 **SEC. 104. MEDICAL PROFESSIONALS IN DESIGNATED**
9 **SHORTAGE AREAS PROGRAM.**

10 (a) IN GENERAL.—Section 7(a) of the Small Busi-
11 ness Act (15 U.S.C. 636(a)) is amended by adding at the
12 end the following:

13 “(35) MEDICAL PROFESSIONALS IN DES-
14 IGNATED SHORTAGE AREAS PROGRAM.—The Admin-
15 istrator shall carry out a Medical Professionals in
16 Designated Shortage Areas Program. For a loan
17 made under this paragraph, the following shall
18 apply:

19 “(A) The loan shall be made to a business
20 concern that provides properly licensed medical,
21 dental, or psychiatric services to the public.

22 “(B) The loan shall be for the purpose of
23 opening a business concern in a health profes-
24 sional shortage area (as defined in section 332

1 of the Public Health Service Act (42 U.S.C.
2 254e)).

3 “(C) The loan shall include the participa-
4 tion by the Administration equal to 90 percent
5 of the balance of the financing outstanding at
6 the time of disbursement.

7 “(D) The fees on the loan under para-
8 graphs (18) and (23) shall be reduced by half.”.

9 (b) NOTICE AND COMMENT.—The program required
10 by section 7(a)(35) of the Small Business Act, as added
11 by subsection (a), shall be established after the oppor-
12 tunity for notice and comment and not later than 180 days
13 after the date of the enactment of this Act.

14 **SEC. 105. INCREASED VETERAN PARTICIPATION PROGRAM.**

15 (a) IN GENERAL.—Section 7(a) of the Small Busi-
16 ness Act (15 U.S.C. 636(a)) is amended by adding at the
17 end the following:

18 “(36) INCREASED VETERAN PARTICIPATION
19 PROGRAM.—The Administrator shall carry out an
20 Increased Veteran Participation Program. For a
21 loan made under this paragraph, the following shall
22 apply:

23 “(A) The loan shall be made to a business
24 concern the majority ownership interest of
25 which is directly held by individuals who are

1 veterans of the Armed Forces or members of
2 the reserve components of the Armed Forces.

3 “(B) The loan shall include the participa-
4 tion by the Administration equal to 90 percent
5 of the balance of the financing outstanding at
6 the time of disbursement.

7 “(C) The fees on the loan under para-
8 graphs (18) and (23) shall not apply.”.

9 (b) NOTICE AND COMMENT.—The program required
10 by section 7(a)(36) of the Small Business Act, as added
11 by subsection (a), shall be established after the oppor-
12 tunity for notice and comment and not later than 180 days
13 after the date of the enactment of this Act.

14 **SEC. 106. ALTERNATIVE SIZE STANDARD.**

15 (a) IN GENERAL.—Section 3(a) of the Small Busi-
16 ness Act (15 U.S.C. 632(a)) is amended by adding at the
17 end the following:

18 “(5) In addition to any other size standard
19 under this subsection, the Administrator shall estab-
20 lish, and permit a lender making a loan under sec-
21 tion 7(a) and a lender making a loan under the de-
22 velopment company loan program to use, an alter-
23 native size standard. The alternative size standard
24 shall be based on factors including maximum tan-
25 gible net worth and average net income.”.

1 (b) APPLICABILITY.—Until the Administrator estab-
2 lishes, under section 3(a)(5) of the Small Business Act
3 (as added by subsection (a)), an alternative size standard
4 in the case of a lender making a loan under section 7(a)
5 of that Act, the alternative size standard in section
6 121.301(b) of title 13, Code of Federal Regulations, shall
7 apply to such a case.

8 **SEC. 107. SUPPORT TO REGIONAL OFFICES.**

9 Section 7(a) of the Small Business Act (15 U.S.C.
10 636(a)) is amended by adding at the end the following:

11 “(37) SUPPORT TO REGIONAL OFFICES.—The
12 Administrator shall carry out a program, within an
13 element of the Administration already in existence
14 as of the date of the enactment of the , to provide
15 support to regional offices of the Administration in
16 assisting small lenders who do not participate in the
17 preferred lender program to participate in the 7(a)
18 program.”.

1 **TITLE II—CERTIFIED DEVELOP-**
2 **MENT COMPANY ECONOMIC**
3 **DEVELOPMENT LOAN PRO-**
4 **GRAM**

5 **SEC. 201. CERTIFIED DEVELOPMENT COMPANY ECONOMIC**
6 **DEVELOPMENT LOAN PROGRAM.**

7 Section 504 of the Small Business Investment Act
8 of 1958 (15 U.S.C. 697a) is amended—

9 (1) by redesignating subsections (a) and (b) as
10 subsections (b) and (c); and

11 (2) by inserting before subsection (b) (as so re-
12 designated) the following:

13 “(a) The program to provide financing to small busi-
14 nesses by guarantees of loans under this Act which are
15 funded by debentures guaranteed by the Administration
16 may be known as the ‘Certified Development Company
17 Economic Development Loan Program’.”.

18 **SEC. 202. DEFINITIONS.**

19 Section 103(6) of the Small Business Investment Act
20 of 1958 (15 U.S.C. 662(6)) is amended to read as follows:

21 “(6) the term ‘development company’ means an
22 entity incorporated under State law with the author-
23 ity to promote and assist the growth and develop-
24 ment of small-business concerns in the areas in
25 which it is authorized to operate by the Administra-

1 tion, and the term ‘certified development company’
2 means a development company which the Adminis-
3 tration has determined meets the criteria of section
4 506;”.

5 **SEC. 203. ELIGIBILITY OF DEVELOPMENT COMPANIES TO**
6 **BE DESIGNATED AS CERTIFIED DEVELOP-**
7 **MENT COMPANIES.**

8 Section 506 of the Small Business Investment Act
9 of 1958 (15 U.S.C. 697e) is amended to read as follows:

10 **“SEC. 506. CERTIFIED DEVELOPMENT COMPANIES.**

11 “(a) **AUTHORITY TO ISSUE DEBENTURES.**—A devel-
12 opment company may issue debentures pursuant to this
13 Act if the Administration certifies that the company meets
14 the following criteria:

15 “(1) **SIZE.**—The development company is re-
16 quired to be a small concern with fewer than 500
17 employees and not under the control of any entity
18 which does not meet the Administration’s size stand-
19 ards as a small business, except that any develop-
20 ment company which was certified by the Adminis-
21 tration prior to December 31, 2005 may continue to
22 issue debentures.

23 “(2) **PURPOSE.**—The primary purpose of the
24 development company is to benefit the community by

1 fostering economic development to create and pre-
2 serve jobs and stimulate private investment.

3 “(3) PRIMARY FUNCTION.—The primary func-
4 tion of the development company is to accomplish its
5 purpose by providing long term financing to small
6 businesses by the utilization of the Certified Devel-
7 opment Company Economic Development Loan Pro-
8 gram. It may also provide or support such other
9 local economic development activities to assist the
10 community.

11 “(4) NON-PROFIT STATUS.—The development
12 company is a non-profit corporation, except that a
13 development company certified by the Administra-
14 tion prior to January 1, 1987, may retain its status
15 as a for-profit corporation.

16 “(5) GOOD STANDING.—The development com-
17 pany is in good standing in its State of incorpora-
18 tion and in any other State in which it conducts
19 business, and is in compliance with all laws, includ-
20 ing taxation requirements, in its State of incorpora-
21 tion and in any other State in which it conducts
22 business.

23 “(6) MEMBERSHIP.—The development company
24 has at least 25 members (or stockholders if the cor-
25 poration is a for-profit entity), none of whom may

1 own or control more than 10 percent of the com-
2 pany's voting membership, consisting of representa-
3 tion from each of the following groups (none of
4 which are in a position to control the development
5 company):

6 “(A) Government organizations that are
7 responsible for economic development.

8 “(B) Financial institutions that provide
9 commercial long term fixed asset financing.

10 “(C) Community organizations that are
11 dedicated to economic development.

12 “(D) Businesses.

13 “(7) BOARD OF DIRECTORS.—The development
14 company has a board of directors that—

15 “(A) is elected from the membership by
16 the members;

17 “(B) represents at least three of the four
18 groups enumerated in subsection (a)(6) and no
19 group is in a position to control the company;
20 and

21 “(C) meets on a regular basis to make pol-
22 icy decisions for such company.

23 “(8) PROFESSIONAL MANAGEMENT AND
24 STAFF.—The development company has full-time
25 professional management, including a chief executive

1 officer to manage daily operations, and a full-time
2 professional staff qualified to market the Certified
3 Development Company Economic Development Loan
4 Program and handle all aspects of loan approval and
5 servicing, including liquidation, if appropriate. The
6 development company is required to be independ-
7 ently managed and operated to pursue its economic
8 development mission and to employ its chief execu-
9 tive officer directly, with the following exceptions:

10 “(A) A development company may be an
11 affiliate of another local non-profit service cor-
12 poration (specifically excluding another develop-
13 ment company) whose mission is to support
14 economic development in the area in which the
15 development company operates. In such a case:

16 “(i) The development company may
17 satisfy the requirement for full-time pro-
18 fessional staff by contracting with a local
19 non-profit service corporation (or one of its
20 non-profit affiliates), or a governmental or
21 quasi-governmental agency, to provide the
22 required staffing.

23 “(ii) The development company and
24 the local non-profit service corporation may
25 have partially common boards of directors.

1 “(B) A development company in a rural
2 area (as defined in section 501(f)) shall be
3 deemed to have satisfied the requirements of a
4 full-time professional staff and professional
5 management ability if it contracts with another
6 certified development company which has such
7 staff and management ability and which is lo-
8 cated in the same general area to provide such
9 services.

10 “(C) A development company that has
11 been certified by the Administration as of De-
12 cember 31, 2005, and that has contracted with
13 a for-profit company to provide services as of
14 such date may continue to do so.

15 “(b) AREA OF OPERATIONS.—The Administration
16 shall specify the area in which an applicant is certified
17 to provide assistance to small businesses under this title,
18 which may not initially exceed its State of incorporation
19 unless it proposes to operate in a local economic area
20 which is required to include part of its State of incorpora-
21 tion and may include adjacent areas within several States.
22 After a development company has demonstrated its ability
23 to provide assistance in its area of operations, it may re-
24 quest the Administration to be allowed to operate in one

1 or more additional States as a multi-state certified devel-
2 opment company if it satisfies the following criteria:

3 “(1) Each additional State is contiguous to the
4 State of incorporation, except the States of Alaska
5 and Hawaii shall be deemed to be contiguous to any
6 State abutting the Pacific ocean.

7 “(2) It demonstrates its proficiency in making
8 and servicing loans under the Certified Development
9 Company Economic Development Loan Program
10 by—

11 “(A) requesting and receiving designation
12 as an accredited lender under section 507 or a
13 premier certified lender under section 508; and

14 “(B) meeting or exceeding performance
15 standards established by the Administration.

16 “(3) The development company adds to the
17 membership of its State of incorporation additional
18 membership from each additional State and the
19 added membership meets the requirements of sub-
20 section (a)(6).

21 “(4) The development company adds at least
22 one member to its board of directors in the State of
23 incorporation, providing that added member was se-
24 lected by the membership of the development com-
25 pany.

1 “(5) The company meets such other criteria or
2 complies with such conditions as the Administration
3 deems appropriate.

4 “(c) PROCESSING OF EXPANSION APPLICATIONS.—
5 The Administration shall respond to the request of a cer-
6 tified development company for certification as a multi-
7 state company on an expedited basis within 30 days of
8 receipt of a completed application if the application dem-
9 onstrates that the development company meets the re-
10 quirements of subsection (b)(1) through (b)(4).

11 “(d) USE OF FUNDS LIMITED TO STATE WHERE
12 GENERATED.—Any funds generated by a development
13 company from making loans under the Certified Develop-
14 ment Company Economic Development Loan Program
15 which remain after payment of staff, operating and over-
16 head expenses shall be retained by the development com-
17 pany as a reserve for future operations, for expanding its
18 area of operations in a local economic area as authorized
19 by the Administration, or for investment in other local eco-
20 nomic development activity in the State from which the
21 funds were generated.

22 “(e) ETHICAL REQUIREMENTS.—

23 “(1) IN GENERAL.—Certified development com-
24 panies, their officers, employees and other staff,
25 shall at all times act ethically and avoid activities

1 which constitute a conflict of interest or appear to
2 constitute a conflict of interest. No one may serve as
3 an officer, director or chief executive officer of more
4 than one certified development company.

5 “(2) PROHIBITED CONFLICT IN PROJECT
6 LOANS.—As part of a project under the Certified
7 Development Company Economic Development Loan
8 Program, no certified development company may
9 recommend or approve a guarantee of a debenture
10 by the Administration that is collateralized by a sec-
11 ond lien position on the property being constructed
12 or acquired and also provide, or be affiliated with a
13 corporation or other entity, for-profit or non-profit,
14 which provides, financing collateralized by a first
15 lien on the same property. A business development
16 company that was participating as a first mortgage
17 lender, either directly or through an affiliate, for the
18 Certified Development Company Economic Develop-
19 ment Loan Program in either fiscal years 2004 or
20 2005 may continue to do so.

21 “(3) OTHER ECONOMIC DEVELOPMENT ACTIVI-
22 TIES.—Operation of multiple programs to assist
23 small business concerns in order for a certified de-
24 velopment company to carry out its economic devel-
25 opment mission shall not be deemed a conflict of in-

1 terest, but notwithstanding any other provision of
2 law, no development company may accept funding
3 from any source, including but not limited to any de-
4 partment or agency of the United States Govern-
5 ment—

6 “(A) if such funding includes any condi-
7 tions, priorities or restrictions upon the types of
8 small businesses to which they may provide fi-
9 nancial assistance under this title; or

10 “(B) if it includes any conditions or im-
11 poses any requirements, directly or indirectly,
12 upon any recipient of assistance under this title
13 unless the department or agency also provides
14 all of the financial assistance to be delivered by
15 the development company to the small business
16 and such conditions, priorities or restrictions
17 are limited solely to the financial assistance so
18 provided.”.

19 **SEC. 204. DEFINITION OF RURAL AREAS.**

20 Section 501 of the Small Business Investment Act
21 of 1958 (15 U.S.C. 695) is amended by adding at the end
22 the following new subsection:

23 “(f) As used in subsection (d)(3)(D), the term ‘rural’
24 shall include any area other than—

1 “(1) a city or town that has a population great-
2 er than 50,000 inhabitants; and

3 “(2) the urbanized area contiguous and adja-
4 cent to such a city or town.”.

5 **SEC. 205. BUSINESSES IN LOW-INCOME AREAS.**

6 Section 501(d)(3) of the Small Business Investment
7 Act of 1958 (15 U.S.C. 695(d)(3)) is amended by insert-
8 ing after “business district revitalization” the following:
9 “or expansion of businesses in low-income communities
10 that would be eligible for new market tax credit invest-
11 ments under section 45D of the Internal Revenue Code
12 of 1986 (26 U.S.C. 45D)”.

13 **SEC. 206. COMBINATIONS OF CERTAIN GOALS.**

14 Section 501(e) of the Small Business Investment Act
15 of 1958 (15 U.S.C. 695(e)) is amended by adding at the
16 end the following:

17 “(7) A small business concern that is uncondi-
18 tionally owned by more than one individual, or a cor-
19 poration whose stock is owned by more than one in-
20 dividual, is deemed to achieve a public policy goal
21 under subsection (d)(3) if a combined ownership
22 share of at least 51 percent is held by individuals
23 who are in one of the groups listed as public policy
24 goals specified in subsection (d)(3)(C) or
25 (d)(3)(E).”.

1 **SEC. 207. REFINANCING.**

2 Section 502 of the Small Business Investment Act
3 of 1958 (15 U.S.C. 696) is amended by adding at the end
4 the following:

5 “(7) PERMISSIBLE DEBT REFINANCING.—Any
6 financing approved under this title may also include
7 a limited amount of debt refinancing for debt that
8 was not previously guaranteed by the Administra-
9 tion. If the project involves expansion of a small
10 business which has existing indebtedness
11 collateralized by fixed assets, any amount of existing
12 indebtedness that does not exceed one-half of the
13 project cost of the expansion may be refinanced and
14 added to the expansion cost, providing—

15 “(A) the proceeds of the indebtedness were
16 used to acquire land, including a building situ-
17 ated thereon, to construct a building thereon or
18 to purchase equipment;

19 “(B) the borrower has been current on all
20 payments due on the existing debt for at least
21 the past year; and

22 “(C) the financing under the Certified De-
23 velopment Company Economic Development
24 Loan Program will provide better terms or rate
25 of interest than now exists on the debt.”.

1 **SEC. 208. ADDITIONAL EQUITY INJECTIONS.**

2 Clause (ii) of section 502(3)(B) of the Small Business
3 Investment Act of 1958 (15 U.S.C. 696(3)(B)) is amend-
4 ed to read as follows:

5 “(ii) FUNDING FROM INSTITU-
6 TIONS.—

7 “(I) If a small business concern
8 provides the minimum contribution re-
9 quired under paragraph (C), not less
10 than 50 percent of the total cost of
11 any project financed pursuant to
12 clauses (i), (ii), or (iii) of subpara-
13 graph (C) shall come from the institu-
14 tions described in subclauses (I), (II),
15 and (III) of clause (i).

16 “(II) If a small business concern
17 provides more than the minimum con-
18 tribution required under paragraph
19 (C), any excess contribution may be
20 used to reduce the amount required
21 from the institutions described in sub-
22 clauses (I), (II), and (III) of clause (i)
23 except that the amount from such in-
24 stitutions may not be reduced to an
25 amount less than the amount of the
26 loan made by the Administration.”.

1 **SEC. 209. LOAN LIQUIDATIONS.**

2 Section 510 of the Small Business Investment Act
3 of 1958 (15 U.S.C. 697g) is amended—

4 (1) by redesignating subsection (e) as sub-
5 section (g); and

6 (2) by inserting after subsection (d) the fol-
7 lowing:

8 “(e) PARTICIPATION.—

9 “(1) MANDATORY.—Any certified development
10 company which elects not to apply for authority to
11 foreclose and liquidate defaulted loans under this
12 section or which the Administration determines to be
13 ineligible for such authority shall contract with a
14 qualified third-party to perform foreclosure and liq-
15 uidation of defaulted loans in its portfolio. The con-
16 tract shall be contingent upon approval by the Ad-
17 ministration with respect to the qualifications of the
18 contractor and the terms and conditions of liquida-
19 tion activities.

20 “(2) COMMENCEMENT.—The provisions of this
21 subsection shall not require any development com-
22 pany to liquidate defaulted loans until the Adminis-
23 tration has adopted and implemented a program to
24 compensate and reimburse development companies
25 as provided under subsection (f).

26 “(f) COMPENSATION AND REIMBURSEMENT.—

1 “(1) REIMBURSEMENT OF EXPENSES.—The
2 Administration shall reimburse each certified devel-
3 opment company for all expenses paid by such com-
4 pany as part of the foreclosure and liquidation ac-
5 tivities if the expenses—

6 “(A) were approved in advance by the Ad-
7 ministration either specifically or generally; or

8 “(B) were incurred by the company on an
9 emergency basis without Administration prior
10 approval but which were reasonable and appro-
11 priate.

12 “(2) COMPENSATION FOR RESULTS.—The Ad-
13 ministration shall develop a schedule to compensate
14 and provide an incentive to qualified State or local
15 development companies which foreclose and liquidate
16 defaulted loans. The schedule shall be based on a
17 percentage of the net amount recovered but shall not
18 exceed a maximum amount. The schedule shall not
19 apply to any foreclosure which is conducted pursu-
20 ant to a contract between a development company
21 and a qualified third-party to perform the fore-
22 closure and liquidation.”.

1 **SEC. 210. CLOSING COSTS.**

2 Paragraph (4) of section 503(b) of the Small Busi-
3 ness Investment Act of 1958 (15 U.S.C. 697(b)) is amend-
4 ed to read as follows:

5 “(4) the aggregate amount of such debenture
6 does not exceed the amount of loans to be made
7 from the proceeds of such debenture plus, at the
8 election of the borrower under the Certified Develop-
9 ment Company Economic Development Loan Pro-
10 gram, other amounts attributable to the administra-
11 tive and closing costs of such loans, except for the
12 borrower’s attorney fees;”.

13 **SEC. 211. MAXIMUM CERTIFIED DEVELOPMENT COMPANY**
14 **AND 7(A) LOAN ELIGIBILITY.**

15 Section 502(2) of the Small Business Investment Act
16 of 1958 (15 U.S.C. 696(2)) is amended by adding at the
17 end the following:

18 “(C) COMBINATION FINANCING.—Financ-
19 ing under this title may be provided to a bor-
20 rower in the maximum amount provided in this
21 subsection, plus a loan guarantee under section
22 7(a) of the Small Business Act may also be pro-
23 vided to the same borrower in the maximum
24 provided in section 7(a)(3)(A) of such Act.”.

1 **SEC. 212. ELIGIBILITY FOR ENERGY EFFICIENCY**
2 **PROJECTS.**

3 Section 501(d)(3) of the Small Business Investment
4 Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

5 (1) in subparagraph (G) by striking “or” at the
6 end;

7 (2) in subparagraph (H) by striking the period
8 at the end and inserting a comma; and

9 (3) by inserting after subparagraph (H) the fol-
10 lowing:

11 “(I) reduction of energy consumption by at
12 least 10 percent, or

13 “(J) increased use of sustainable design or
14 low-impact design to produce buildings that re-
15 duce the use of non-renewable resources, mini-
16 mize environmental impact, and relate people
17 with the natural environment.”.

18 **SEC. 213. LOANS FOR PLANT PROJECTS USED FOR ENERGY-**
19 **EFFICIENT PURPOSES.**

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

22 (1) in clause (ii) by striking “and” at the end;

23 (2) in clause (iii) by striking the period at the
24 end and inserting “; and”; and

25 (3) by adding at the end the following:

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AN ACT

To improve the access to capital programs of the Small Business Administration, and for other purposes.

MAY 1, 2007

Read the second time and placed on the calendar