

REV # 56

AMENDMENT TO THE AMENDMENT TO H.R. 5297,

AS REPORTED

OFFERED BY MS. BEAN OF ILLINOIS

MS. DAHLKEMPER,

MR. ELLSWORTH, MR. LIANSKI,

MS. HALVORSON, MR. MICHAUD,

Add at the end of the bill the following:

MR. MOORE (KS),

MR. QUIGLEY,

MR. MURPHY (NY),

MR. KLEIN,

MR. HOLDEN,

MR. PETERS,

MS. MARKEY, MR. WELCH,

MR. HODES,

MR. HILL

1 TITLE IV—SMALL BUSINESS
2 ASSET INVESTMENT AND
3 MODERNIZATION

4 SEC. 401. SHORT TITLE.

5 This title may be cited as the “Small Business Asset
6 Investment and Modernization (AIM) Act of 2010”.

7 SEC. 402. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.

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

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

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

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

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

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

1 **SEC. 403. LOW-INTEREST REFINANCING UNDER THE LOCAL**
2 **DEVELOPMENT BUSINESS LOAN PROGRAM.**

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

6 “(8) TEMPORARY AUTHORITY FOR DEBT REFI-
7 NANCING OF COMMERCIAL REAL ESTATE.—

8 “(A) IN GENERAL.—During the period be-
9 ginning on the date of enactment of this para-
10 graph and ending on September 30, 2012, not-
11 withstanding paragraph (7), the Administrator
12 may approve, for financing under this title, the
13 refinancing of indebtedness that is secured by a
14 lien on commercial real estate or equipment of
15 a small business concern under such terms and
16 conditions as the Administrator determines ap-
17 propriate, except at a minimum such terms and
18 conditions shall include the following:

19 “(i) The existing indebtedness is ma-
20 turing not more than one year after the
21 loan approval date.

22 “(ii) The proceeds of the existing in-
23 debtedness were used to acquire land, in-
24 cluding a building situated thereon, to con-
25 struct a building thereon, or to purchase
26 equipment.

1 “(iii) The small business concern has
2 been current on all payments due on the
3 existing indebtedness for a period begin-
4 ning on a date that is not less than 1 year
5 before the date of refinancing and ending
6 on the date of refinancing.

7 “(iv) At the time of refinancing, the
8 lien shall be assigned or released in a man-
9 ner that ensures that the financing under
10 this title is in the same lien position as the
11 existing indebtedness.

12 “(v) The existing indebtedness was in-
13 curred for the benefit of the small business
14 concern.

15 “(vi) The financing under this title
16 will be used only for refinancing existing
17 indebtedness or costs relating to such refi-
18 nancing.

19 “(vii) The amount being refinanced
20 may not exceed 90 percent of the ap-
21 praised value of the commercial real estate
22 or equipment on the date of refinancing or
23 100 percent of the outstanding principal
24 amount of the existing indebtedness,

1 whichever is less, plus allowable closing
2 costs as determined by the Administrator.

3 “(viii) Notwithstanding any other pro-
4 vision of this title, for a refinancing under
5 this paragraph—

6 “(I) not less than 50 percent of
7 the appraised value of the commercial
8 real estate or equipment on the date
9 of refinancing shall come from the in-
10 stitutions described in subclauses (I),
11 (II) or (III) of paragraph (3)(B)(i):
12 *Provided*, That if the indebtedness
13 being refinanced pursuant to this
14 paragraph is held by such an institu-
15 tion, or an affiliate thereof, that is
16 providing funds for the refinancing,
17 the institution shall contribute not
18 less than 70 percent of such appraised
19 value of the commercial real estate or
20 equipment; and

21 “(II) the remaining funds needed
22 for the refinancing (including closing
23 costs) shall come from the develop-
24 ment company.

1 “(ix) In addition to the other fees im-
2 posed under this title, the Administrator
3 shall assess, collect, and retain such annual
4 fees in amounts necessary to reduce to
5 zero the cost (as that term is defined in
6 section 502 of the Federal Credit Reform
7 Act of 1990) to the Administrator of mak-
8 ing guarantees under the authority of sec-
9 tion 503(a) with respect to refinancings
10 under this paragraph.

11 “(x) The temporary fee elimination
12 authorized under section 501(b) of the
13 American Recovery and Reinvestment Act
14 of 2009, Pub. L. 111-5, shall not apply to
15 any refinancing made under this para-
16 graph.

17 “(xi) No fee reduction or elimination
18 applicable to loans under this title shall
19 apply to loans under this paragraph.

20 “(xii) No portion of the indebtedness
21 may be subject to a guarantee by a Fed-
22 eral agency.

23 “(xiii) The development company may
24 charge the small business concern a proc-
25 essing fee of up to 50 basis points more

1 than the amount that the Administrator
2 authorizes under section 120.971(a)(1) of
3 title 13, Code of Federal Regulations, as in
4 effect on January 1, 2010.

5 “(B) TOTAL AMOUNT OF LOANS.—The Ad-
6 ministrator may provide not more than a total
7 of \$7,500,000,000 of financing under this para-
8 graph for each fiscal year.

9 “(C) NONDELEGATION.—Notwithstanding
10 section 508(e) of this title, the Administrator
11 may not permit a premier certified lender to ap-
12 prove or disapprove an application for assist-
13 ance under this paragraph.

14 “(D) EMERGENCY RULEMAKING AUTHORITY.—
15

16 “(i) The Administrator shall—

17 “(I) not later than 90 days after
18 the date of enactment of the Small
19 Business Asset Investment and Mod-
20 ernization (AIM) Act of 2010, without
21 providing notice or opportunity for
22 comment, issue interim regulations
23 implementing this paragraph; and

24 “(II) not later than 180 days
25 after the date of enactment of the

1 Small Business Asset Investment and
2 Modernization (AIM) Act of 2010,
3 after providing notice and opportunity
4 for comment, issue final regulations
5 implementing this paragraph.
6 “(ii) The interim regulations issued
7 under clause (i)(I) shall cease to be effec-
8 tive on the date that the Administrator
9 issues final regulations under clause
10 (i)(II).”

