AMENDMENTS TO THE AMENDMENTS TO THE

SENATE AMENDMENT TO H.R. 4213

OFFERED BY MR. LEVIN OF MICHIGAN

[Page and line number references are to the Amendments to the Senate Amendment to H.R. 4213 posted on the website of the Committee on Rules on May 20, 2010]

Page 25, strike line 22 and all that follows through line 15 on page 26, and insert the following:

(1) In general.—Clause (i) of section 451(i)(4)(B) is amended to read as follows:

“(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) or by declaratory order—

“(I) is not itself a market participant as determined by the Commission, and also is not controlled by any such market participant, or

“(II) to be independent from market participants or to be an independent transmission company within the meaning of such Commission’s
rules applicable to independent transmission providers, and”.

Page 31, after line 11, insert the following:

(e) Temporary Coordination With Hope and Lifetime Learning Credits.—In the case of any taxpayer for any taxable year beginning in 2010, no deduction shall be allowed under section 222 of the Internal Revenue Code of 1986 if—

(1) the taxpayer’s net Federal income tax reduction which would be attributable to such deduction for such taxable year, is less than

(2) the credit which would be allowed to the taxpayer for such taxable year under section 25A of such Code (determined without regard to sections 25A(e) and 26 of such Code).

Page 82, strike line 10 and all that follows through line 7 on page 83 and insert the following:

“(VI) Exception for Certain Redemptions.—The following shall not be taken into account under subclause (I):

“(aa) Redemptions of securities which, at the time of re-
redemption, are not listed on an established securities market and—

“(AA) are made pursuant to a pension plan that is qualified under section 401 of the Internal Revenue Code of 1986 or a shareholder-approved program, or

“(BB) are made on account of an employee’s termination of employment with the plan sponsor, or the death or disability of a shareholder.

“(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

“(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or
“(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

Page 107, strike line 16 and all that follows through line 12 on page 108 and insert the following:

“(VI) Exception for certain redemptions.—The following shall not be taken into account under subclause (I):

“(aa) Redemptions of securities which, at the time of redemption, are not listed on an established securities market and—

“(AA) are made pursuant to a pension plan that is qualified under section 401 or a shareholder-approved program, or

“(BB) are made on account of an employee’s ter-
mination of employment with the plan sponsor, or the death or disability of a shareholder.

“(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

“(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or

“(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

Page 124, line 4, strike “40” and insert “20”.
Page 175, line 13, insert before the period the following: “or the plan’s allocable share of such costs for the preceding year”.

Page 189, line 10, strike “plan”.

Page 190, line 22, strike “subparagraph (C)(v)(III)” and insert “subparagraph (C)(vi)(III)”. 

Page 207, line 15, insert before the period the following: “or the plan’s allocable share of such costs for the preceding year”.

Page 221, line 4, strike “plan”.

Page 222, line 18, strike “subparagraph (A)(v)(III)” and insert “subparagraph (A)(vi)(III)”. 

Page 228, insert after line 24 the following:

(c) Special Rule for Compliance With Subtitle.—Until 12 months after final regulations are issued by the Secretary of Labor pursuant to the amendments made by this subtitle, a service provider or plan administrator shall be treated as having complied with such amendments if such service provider or plan administrator complies with a reasonable good faith interpretation of such amendments.
Page 249, line 19, strike “with” and insert “within”.

Page 274, line 3, insert “be” after “may”.

Page 289, line 21, insert “or any other reorganization specified by the Secretary” before “, in applying”.

Page 291, line 23, strike “32” and insert “34”.

Page 293, line 2, strike “30.5” and insert “36”.

Page 293, line 14, strike “December 31, 2010” and insert “November 30, 2010”.

Page 293, strike lines 15 through 17 and insert the following:

1  (B) in the heading for subsection (b)(2), by
2   striking “JUNE 2, 2010” and inserting “NOVEMBER
3   30, 2010”; and

Page 293, line 19, strike “May 31, 2011” and insert “April 30, 2011”.

Page 293, line 25, strike “December 31, 2010” and insert “November 30, 2010”.

Page 294, strike lines 1 through 3 and insert the following:
(B) in the heading for paragraph (2), by striking “JUNE 2, 2010” and inserting “NOVEMBER 30, 2010”; and

Page 294, line 5, strike “June 30, 2011” and insert “May 31, 2011”.

Page 294, line 11, strike “January 1, 2011” and insert “December 1, 2010”.

Page 294, line 13, strike “June 1, 2011” and insert “May 1, 2011”.

Page 294, line 17, strike “May 31, 2011” and insert “April 30, 2011”.

Page 295, after line 3, insert the following:

(c) CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before “shall apply” the following: “(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)”.

Page 295, line 4, strike “(c)” and insert “(d)”. 
Page 301, line 12, strike “household” and insert “family”.

Page 304, line 9, strike “December 31, 2010” and insert “November 30, 2010”.

Page 307, line 8, strike “(a) In General.—”.

Page 308, strike line 18 and all that follows through page 309, line 4, and insert the following:

(B) in paragraph (2), by inserting “of such Act” after “1923”; and

Page 309, strike lines 18 through 21.

Page 343, strike line 19 and all that follows through line 24 on page 359, and insert the following:

SEC. 523. PHYSICIAN PAYMENT UPDATE.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(1) in paragraph (10), in the heading, by striking “PORTION” and inserting “THE FIRST 5 MONTHS”;

(2) by adding at the end the following new paragraphs:

“(11) Update for the last 7 months of 2010.—
“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010 for the period beginning on June 1, 2010, and ending on December 31, 2010, the update to the single conversion factor shall be 2.2 percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2011 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2011 and subsequent years as if subparagraph (A) had never applied.

“(12) UPDATE FOR 2011.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), and (11)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2011, the update to the single conversion factor shall be 1.0 percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under para-
graph (1)(A) for 2012 and subsequent years as if subparagraph (A) had never applied.”.

Page 367, strike lines 16 through 20.

Page 374, strike line 19 and all that follows through line 8 on page 375 (all of paragraph (3)), and insert the following:

(3) **PROVISION OF GRANTS.—**

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties on a pro rata basis based on the value of specialty crop losses in those counties during the 2009 calendar year, as determined by the Secretary.

(B) ADMINISTRATIVE COSTS.—State Secretary of Agriculture may not use more than five percent of the funds provided for costs associated with the administration of the grants provided in paragraph (1).

(C) ADMINISTRATION OF GRANTS.—State Secretary of Agriculture may enter into a contract with the Department of Agriculture to administer the grants provided in paragraph (1).

(D) TIMING.—Not later than 90 days after the date of enactment of this Act, the Secretary
shall make grants to States to provide assistance under this subsection.

(E) MAXIMUM GRANT.—The maximum amount of a grant made to a State for counties described in paragraph (1)(B) may not exceed $40,000,000.

Page 396, line 25, strike “2010,” and insert “2010 (including any modifications agreed to by the parties and approved by the court under that agreement)”.

Page 414, after line 16, insert the following:

(d) SAVINGS CLAUSE.—

(1) IN GENERAL.—For fiscal year 2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010, the amount of funds apportioned to each State under section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111–147) that is determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out the projects of national and regional significance program and national corridor infrastructure improvement program shall be the greater of—

(A) the amount that the State was authorized to receive under section 411(d) of the Sur-
face Transportation Extension Act of 2010 with respect to each such program according to the provisions of that Act, as in effect on the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program pursuant to the provisions of that Act, as amended by the amendments made by this section.

(2) Obligation Authority.—For fiscal year 2010, the amount of obligation authority distributed to each State shall be the greater of—

(A) the amount that the State was authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development
Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the date of enactment of this Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this subsection.

(4) INCREASE IN OBLIGATION LIMITATION.—

The limitation under the heading “Federal-aid Highways (Limitation on Obligations) (Highway Trust Fund)” in Public Law 111–117 is increased by such sums as may be necessary to carry out this subsection.

(5) CONTRACT AUTHORITY.—Funds made available to carry out this subsection shall be available for obligation and administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(6) AMOUNTS.—The dollar amount specified in section 105(d)(1) of title 23, United States Code, the dollar amount specified in section 120(a)(4)(B) of title I of division A of the Consolidated Appro-
priations Act, 2010 (Public Law 111–117), and the
dollar amount specified in section 120(b)(10) of
such title shall each be increased as necessary to
carry out this subsection.

Page 433, strike the amendment to the title of the
bill.