

**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 (1) IN GENERAL.—Clause (i) of section
2 451(i)(4)(B) is amended to read as follows:

3 “(i) who the Federal Energy Regu-
4 latory Commission determines in its au-
5 thorization of the transaction under section
6 203 of the Federal Power Act (16 U.S.C.
7 824b) or by declaratory order—

8 “(I) is not itself a market partici-
9 pant as determined by the Commis-
10 sion, and also is not controlled by any
11 such market participant, or

12 “(II) to be independent from
13 market participants or to be an inde-
14 pendent transmission company within
15 the meaning of such Commission’s

1 rules applicable to independent trans-
2 mission providers, and”.

Page 31, after line 11, insert the following:

3 (c) TEMPORARY COORDINATION WITH HOPE AND
4 LIFETIME LEARNING CREDITS.—In the case of any tax-
5 payer for any taxable year beginning in 2010, no deduc-
6 tion shall be allowed under section 222 of the Internal
7 Revenue Code of 1986 if—

8 (1) the taxpayer’s net Federal income tax re-
9 duction which would be attributable to such deduc-
10 tion for such taxable year, is less than

11 (2) the credit which would be allowed to the
12 taxpayer for such taxable year under section 25A of
13 such Code (determined without regard to sections
14 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:

15 “(VI) EXCEPTION FOR CERTAIN
16 REDEMPTIONS.—The following shall
17 not be taken into account under sub-
18 clause (I):

19 “(aa) Redemptions of securi-
20 ties which, at the time of re-

1 demption, are not listed on an es-
2 tablished securities market and—
3 “(AA) are made pursu-
4 ant to a pension plan that is
5 qualified under section 401
6 of the Internal Revenue
7 Code of 1986 or a share-
8 holder-approved program, or
9 “(BB) are made on ac-
10 count of an employee’s ter-
11 mination of employment
12 with the plan sponsor, or the
13 death or disability of a
14 shareholder.
15 “(bb) Redemptions of secu-
16 rities which are not, immediately
17 after issuance, listed on an estab-
18 lished securities market and are,
19 or had previously been—
20 “(AA) held, directly or
21 indirectly, by, or for the ben-
22 efit of, the Federal Govern-
23 ment or a Federal reserve
24 bank, or

1 “(BB) held by a na-
2 tional government (or a gov-
3 ernment-related entity of
4 such a government) or an
5 employee benefit plan if
6 such shares are substantially
7 identical to shares described
8 in subitem (AA).

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

9 “(VI) EXCEPTION FOR CERTAIN
10 REDEMPTIONS.—The following shall
11 not be taken into account under sub-
12 clause (I):

13 “(aa) Redemptions of securi-
14 ties which, at the time of re-
15 demption, are not listed on an es-
16 tablished securities market and—

17 “(AA) are made pursu-
18 ant to a pension plan that is
19 qualified under section 401
20 or a shareholder-approved
21 program, or

22 “(BB) are made on ac-
23 count of an employee’s ter-

1 mination of employment
2 with the plan sponsor, or the
3 death or disability of a
4 shareholder.

5 “(bb) Redemptions of secu-
6 rities which are not, immediately
7 after issuance, listed on an estab-
8 lished securities market and are,
9 or had previously been—

10 “(AA) held, directly or
11 indirectly, by, or for the ben-
12 efit of, the Federal Govern-
13 ment or a Federal reserve
14 bank, or

15 “(BB) held by a na-
16 tional government (or a gov-
17 ernment-related entity of
18 such a government) or an
19 employee benefit plan if
20 such shares are substantially
21 identical to shares described
22 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:

1 (c) SPECIAL RULE FOR COMPLIANCE WITH SUB-
2 TITLE.—Until 12 months after final regulations are issued
3 by the Secretary of Labor pursuant to the amendments
4 made by this subtitle, a service provider or plan adminis-
5 trator shall be treated as having complied with such
6 amendments if such service provider or plan administrator
7 complies with a reasonable good faith interpretation of
8 such amendments.

Page 249, line 19, strike “with” and insert “with-in”.

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:

1 (B) in the heading for paragraph (2), by strik-
2 ing “JUNE 2, 2010” and inserting “NOVEMBER 30,
3 2010”; and

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

Page 294, line 11, strike “January 1, 2011” and in-
sert “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:

4 (c) CONDITIONS FOR RECEIVING EMERGENCY UNEM-
5 PLOYMENT COMPENSATION.—Section 4001(d)(2) of the
6 Supplemental Appropriations Act, 2008 (Public Law 110–
7 252; 26 U.S.C. 3304 note) is amended, in the matter pre-
8 ceding subparagraph (A), by inserting before “shall
9 apply” the following: “(including terms and conditions re-
10 lating to availability for work, active search for work, and
11 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:

1 (B) in paragraph (2), by inserting “of such
2 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:

3 **SEC. 523. PHYSICIAN PAYMENT UPDATE.**

4 Section 1848(d) of the Social Security Act (42 U.S.C.
5 1395w-4(d)) is amended—

6 (1) in paragraph (10), in the heading, by strik-
7 ing “PORTION” and inserting “THE FIRST 5 MONTHS
8 ”; and

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

11 “(11) UPDATE FOR THE LAST 7 MONTHS OF
12 2010.—

1 “(A) IN GENERAL.—Subject to paragraphs
2 (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of
3 the update to the single conversion factor estab-
4 lished in paragraph (1)(C) that would otherwise
5 apply for 2010 for the period beginning on
6 June 1, 2010, and ending on December 31,
7 2010, the update to the single conversion factor
8 shall be 2.2 percent.

9 “(B) NO EFFECT ON COMPUTATION OF
10 CONVERSION FACTOR FOR 2011 AND SUBSE-
11 QUENT YEARS.—The conversion factor under
12 this subsection shall be computed under para-
13 graph (1)(A) for 2011 and subsequent years as
14 if subparagraph (A) had never applied.

15 “(12) UPDATE FOR 2011.—

16 “(A) IN GENERAL.—Subject to paragraphs
17 (7)(B), (8)(B), (9)(B), (10)(B), and (11)(B), in
18 lieu of the update to the single conversion fac-
19 tor established in paragraph (1)(C) that would
20 otherwise apply for 2011, the update to the sin-
21 gle conversion factor shall be 1.0 percent.

22 “(B) NO EFFECT ON COMPUTATION OF
23 CONVERSION FACTOR FOR 2012 AND SUBSE-
24 QUENT YEARS.—The conversion factor under
25 this subsection shall be computed under para-

1 graph (1)(A) for 2012 and subsequent years as
2 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 (3) PROVISION OF GRANTS.—

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

9 (B) ADMINISTRATIVE COSTS.—State Sec-
10 retary of Agriculture may not use more than
11 five percent of the funds provided for costs as-
12 sociated with the administration of the grants
13 provided in paragraph (1).

14 (C) ADMINISTRATION OF GRANTS.—State
15 Secretary of Agriculture may enter into a con-
16 tract with the Department of Agriculture to ad-
17 minister the grants provided in paragraph (1).

18 (D) TIMING.—Not later than 90 days after
19 the date of enactment of this Act, the Secretary

1 shall make grants to States to provide assist-
2 ance under this subsection.

3 (E) MAXIMUM GRANT.—The maximum
4 amount of a grant made to a State for counties
5 described in paragraph (1)(B) may not exceed
6 \$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:

7 (d) SAVINGS CLAUSE.—

8 (1) IN GENERAL.—For fiscal year 2010 and for
9 the period beginning on October 1, 2010, and ending
10 on December 31, 2010, the amount of funds appor-
11 tioned to each State under section 411(d) of the
12 Surface Transportation Extension Act of 2010
13 (Public Law 111–147) that is determined by the
14 amount that the State received or was authorized to
15 receive for fiscal year 2009 to carry out the projects
16 of national and regional significance program and
17 national corridor infrastructure improvement pro-
18 gram shall be the greater of—

19 (A) the amount that the State was author-
20 ized to receive under section 411(d) of the Sur-

1 face Transportation Extension Act of 2010 with
2 respect to each such program according to the
3 provisions of that Act, as in effect on the day
4 before the date of enactment of this Act; or

5 (B) the amount that the State is author-
6 ized to receive under section 411(d) of the Sur-
7 face Transportation Extension Act of 2010 with
8 respect to each such program pursuant to the
9 provisions of that Act, as amended by the
10 amendments made by this section.

11 (2) OBLIGATION AUTHORITY.—For fiscal year
12 2010, the amount of obligation authority distributed
13 to each State shall be the greater of—

14 (A) the amount that the State was author-
15 ized to receive pursuant to section 120(a)(4)(A)
16 (as it pertains to the Appalachian Development
17 Highway System program) of title I of division
18 A of the Consolidated Appropriations Act, 2010
19 (Public Law 111–117) and sections
20 120(a)(4)(B) and 120(a)(6) of such title, as of
21 the day before the date of enactment of this
22 Act; or

23 (B) the amount that the State is author-
24 ized to receive pursuant to section 120(a)(4)(A)
25 (as it pertains to the Appalachian Development

1 Highway System program) of title I of division
2 A of the Consolidated Appropriations Act, 2010
3 (Public Law 111–117) and sections
4 120(a)(4)(B) and 120(a)(6) of such title, as of
5 the date of enactment of this Act.

6 (3) AUTHORIZATION OF APPROPRIATIONS.—
7 There is authorized to be appropriated out of the
8 Highway Trust Fund (other than the Mass Transit
9 Account) such sums as may be necessary to carry
10 out this subsection.

11 (4) INCREASE IN OBLIGATION LIMITATION.—
12 The limitation under the heading “Federal-aid High-
13 ways (Limitation on Obligations) (Highway Trust
14 Fund)” in Public Law 111–117 is increased by such
15 sums as may be necessary to carry out this sub-
16 section.

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

22 (6) AMOUNTS.—The dollar amount specified in
23 section 105(d)(1) of title 23, United States Code,
24 the dollar amount specified in section 120(a)(4)(B)
25 of title I of division A of the Consolidated Appro-

1 priations Act, 2010 (Public Law 111–117), and the
2 dollar amount specified in section 120(b)(10) of
3 such title shall each be increased as necessary to
4 carry out this subsection.

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

