

106TH CONGRESS  
1ST SESSION

# H. R. 2615

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IN THE SENATE OF THE UNITED STATES

AUGUST 3, 1999

Received; read twice and referred to the Committee on Small Business

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## AN ACT

To amend the Small Business Act to make improvements to the general business loan program, 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. LEVELS OF PARTICIPATION.**

2 Section 7(a)(2)(A) of the Small Business Act (15  
3 U.S.C. 636(a)(2)(A)) is amended—

4 (1) in paragraph (i) by striking “\$100,000”  
5 and inserting “\$150,000”; and

6 (2) in paragraph (ii) by striking “\$100,000”  
7 and inserting “\$150,000”.

8 **SEC. 2. LOAN AMOUNTS.**

9 Section 7(a)(3)(A) of the Small Business Act (15  
10 U.S.C. 636(a)(3)(A)) is amended by striking “\$750,000,”  
11 and inserting, “\$1,000,000 (or if the gross loan amount  
12 would exceed \$2,000,000),”.

13 **SEC. 3. INTEREST ON DEFAULTED LOANS.**

14 Subparagraph (B) of section 7(a)(4) of the Small  
15 Business Act (15 U.S.C. 636(a)(4)) is amended by adding  
16 at the end the following:

17 “(iii) APPLICABILITY.—Clauses (i)  
18 and (ii) shall not apply to loans made on  
19 or after October 1, 1999.”.

20 **SEC. 4. PREPAYMENT OF LOANS.**

21 (a) IN GENERAL.—Section 7(a)(4) of the Small Busi-  
22 ness Act (15 U.S.C. 636(a)(4)) is amended—

23 (1) by striking “(4) INTEREST RATES AND  
24 FEES.—” and inserting “(4) INTEREST RATES AND  
25 PREPAYMENT CHARGES.—”; and

26 (2) by adding at the end the following:

1 “(C) PREPAYMENT CHARGES.—

2 “(i) IN GENERAL.—A borrower who  
3 prepays any loan guaranteed under this  
4 subsection shall remit to the Administra-  
5 tion a subsidy recoupment fee calculated in  
6 accordance with clause (ii) if—

7 “(I) the loan is for a term of not  
8 less than 15 years;

9 “(II) the prepayment is vol-  
10 untary;

11 “(III) the amount of prepayment  
12 in any calendar year is more than 25  
13 percent of the outstanding balance of  
14 the loan; and

15 “(IV) the prepayment is made  
16 within the first 3 years after disburse-  
17 ment of the loan proceeds.

18 “(ii) SUBSIDY RECOUPMENT FEE.—  
19 The subsidy recoupment fee charged under  
20 clause (i) shall be—

21 “(I) 5 percent of the amount of  
22 prepayment, if the borrower prepays  
23 during the first year after disburse-  
24 ment;

1 “(II) 3 percent of the amount of  
 2 prepayment, if the borrower prepays  
 3 during the second year after disburse-  
 4 ment; and

5 “(III) 1 percent of the amount of  
 6 prepayment, if the borrower prepays  
 7 during the third year after disburse-  
 8 ment.”.

9 **SEC. 5. GUARANTEE FEES.**

10 Section 7(a)(18)(B) of the Small Business Act (15  
 11 U.S.C. 636(a)(18)(B)) is amended to read as follows:

12 “(B) EXCEPTION FOR CERTAIN LOANS.—

13 “(i) IN GENERAL.—Notwithstanding  
 14 subparagraph (A), if the total deferred  
 15 participation share of a loan guaranteed  
 16 under this subsection is less than or equal  
 17 to \$120,000, the guarantee fee collected  
 18 under subparagraph (A) shall be in an  
 19 amount equal to 2 percent of the total de-  
 20 ferred participation share of the loan.

21 “(ii) RETENTION OF FEES.—Lenders  
 22 participating in the programs established  
 23 under this subsection may retain not more  
 24 than 25 percent of the fee collected in ac-  
 25 cordance with this subparagraph with re-

1                   spect to any loan not exceeding \$150,000  
2                   in gross loan amount.”.

3 **SEC. 6. LEASE TERMS.**

4       Section 7(a) of the Small Business Act (15 U.S.C.  
5 636(a)) is further amended by adding at the end the fol-  
6 lowing:

7               “(28) LEASING.—In addition to such other  
8       lease arrangements as may be authorized by the Ad-  
9       ministration, a borrower may permanently lease to  
10      one or more tenants not more than 20 percent of  
11      any property constructed with the proceeds of a loan  
12      guaranteed under this subsection, if the borrower  
13      permanently occupies and uses not less than 60 per-  
14      cent of the total business space in the property.”.

      Passed the House of Representatives August 2,  
1999.

Attest:

JEFF TRANDAHL,

*Clerk.*

By MARTHA C. MORRISON,

*Deputy Clerk.*