

Suspend the Rules and Pass the Bill, H.R. 4851, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

111TH CONGRESS
2^D SESSION

H. R. 4851

To provide a temporary extension of certain programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2010

Mr. LEVIN (for himself, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. CONYERS, and Mr. OBERSTAR) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on the Budget, Education and Labor, Energy and Commerce, Financial Services, the Judiciary, Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide a temporary extension of certain programs, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Continuing Extension
5 Act of 2010”.

1 **SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PRO-**
2 **VISIONS.**

3 (a) IN GENERAL.—(1) Section 4007 of the Supple-
4 mental Appropriations Act, 2008 (Public Law 110–252;
5 26 U.S.C. 3304 note) is amended—

6 (A) by striking “April 5, 2010” each place it
7 appears and inserting “May 5, 2010”;

8 (B) in the heading for subsection (b)(2), by
9 striking “APRIL 5, 2010” and inserting “MAY 5,
10 2010”; and

11 (C) in subsection (b)(3), by striking “Sep-
12 tember 4, 2010” and inserting “October 2, 2010”.

13 (2) Section 2002(e) of the Assistance for Unemployed
14 Workers and Struggling Families Act, as contained in
15 Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438),
16 is amended—

17 (A) in paragraph (1)(B), by striking “April 5,
18 2010” and inserting “May 5, 2010”;

19 (B) in the heading for paragraph (2), by strik-
20 ing “APRIL 5, 2010” and inserting “MAY 5, 2010”;
21 and

22 (C) in paragraph (3), by striking “October 5,
23 2010” and inserting “November 5, 2010”.

24 (3) Section 2005 of the Assistance for Unemployed
25 Workers and Struggling Families Act, as contained in

1 Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444),
2 is amended—

3 (A) by striking “April 5, 2010” each place it
4 appears and inserting “May 5, 2010”; and

5 (B) in subsection (c), by striking “September 4,
6 2010” and inserting “October 2, 2010”.

7 (4) Section 5 of the Unemployment Compensation
8 Extension Act of 2008 (Public Law 110–449; 26 U.S.C.
9 3304 note) is amended by striking “September 4, 2010”
10 and inserting “October 2, 2010”.

11 (b) FUNDING.—Section 4004(e)(1) of the Supple-
12 mental Appropriations Act, 2008 (Public Law 110–252;
13 26 U.S.C. 3304 note) is amended—

14 (1) in subparagraph (C), by striking “and” at
15 the end;

16 (2) by inserting after subparagraph (D) the fol-
17 lowing new subparagraph:

18 “(E) the amendments made by section
19 2(a)(1) of the Continuing Extension Act of
20 2010; and”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect as if included in the amend-
23 ments made by section 2 of the Temporary Extension Act
24 of 2010 (Public Law 111-144).

1 **SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM AS-**
2 **SISTANCE FOR COBRA BENEFITS.**

3 Subsection (a)(3)(A) of section 3001 of division B of
4 the American Recovery and Reinvestment Act of 2009
5 (Public Law 111–5), as amended by section 3(a) of the
6 Temporary Extension Act of 2010 (Public Law 111-144),
7 is amended by striking “March 31, 2010” and inserting
8 “April 30, 2010”.

9 **SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT**
10 **UPDATE.**

11 Paragraph (10) of section 1848(d) of the Social Secu-
12 rity Act, as added by section 1011(a) of the Department
13 of Defense Appropriations Act, 2010 (Public Law 111–
14 118) and as amended by section 5 of the Temporary Ex-
15 tension Act of 2010 (Public Law 111-144), is amended—

16 (1) in subparagraph (A), by striking “March
17 31, 2010” and inserting “April 30, 2010”; and

18 (2) in subparagraph (B), by striking “April 1,
19 2010” and inserting “May 1, 2010”.

20 **SEC. 5. EXTENSION OF MEDICARE THERAPY CAPS EXCEP-**
21 **TIONS PROCESS.**

22 Section 1833(g)(5) of the Social Security Act (42
23 U.S.C. 1395l(g)(5)), as amended by section 6 of the Tem-
24 porary Extension Act of 2010 (Public Law 111-144), is
25 amended by striking “March 31, 2009” and inserting
26 “April 30, 2010”.

1 **SEC. 6. EHR CLARIFICATION.**

2 (a) **QUALIFICATION FOR CLINIC-BASED PHYSI-**
3 **CIANs.—**

4 (1) **MEDICARE.**—Section 1848(o)(1)(C)(ii) of
5 the Social Security Act (42 U.S.C. 1395w–
6 4(o)(1)(C)(ii)) is amended by striking “setting
7 (whether inpatient or outpatient)” and inserting “in-
8 patient or emergency room setting”.

9 (2) **MEDICAID.**—Section 1903(t)(3)(D) of the
10 Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is
11 amended by striking “setting (whether inpatient or
12 outpatient)” and inserting “inpatient or emergency
13 room setting”.

14 (b) **EFFECTIVE DATE.**—The amendments made by
15 subsection (a) shall be effective as if included in the enact-
16 ment of the HITECH Act (included in the American Re-
17 covery and Reinvestment Act of 2009 (Public Law 111–
18 5)).

19 (c) **IMPLEMENTATION.**—Notwithstanding any other
20 provision of law, the Secretary of Health and Human
21 Services may implement the amendments made by this
22 section by program instruction or otherwise.

23 **SEC. 7. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.**

24 Section 1012 of the Department of Defense Appro-
25 priations Act, 2010 (Public Law 111–118), as amended
26 by section 7 of the Temporary Extension Act of 2010

1 (Public Law 111-144), is amended by striking “March 31,
2 2010” and inserting “April 30, 2010”.

3 **SEC. 8. EXTENSION OF NATIONAL FLOOD INSURANCE PRO-**
4 **GRAM.**

5 (a) **EXTENSION.**—Section 129 of the Continuing Ap-
6 propriations Resolution, 2010 (Public Law 111–68), as
7 amended by section 8 of Public Law 111–144, is amended
8 by striking “by substituting” and all that follows through
9 the period at the end and inserting “by substituting April
10 30, 2010, for the date specified in each such section.”.

11 (b) **EFFECTIVE DATE.**—The amendments made by
12 subsection (a) shall be considered to have taken effect on
13 February 28, 2010.

14 **SEC. 9. SATELLITE TELEVISION EXTENSION.**

15 (a) **AMENDMENTS TO SECTION 119 OF TITLE 17,**
16 **UNITED STATES CODE.**—

17 (1) **IN GENERAL.**—Section 119 of title 17,
18 United States Code, is amended—

19 (A) in subsection (c)(1)(E), by striking
20 “March 28, 2010” and inserting “April 30,
21 2010”; and

22 (B) in subsection (e), by striking “March
23 28, 2010” and inserting “April 30, 2010”.

24 (2) **TERMINATION OF LICENSE.**—Section
25 1003(a)(2)(A) of Public Law 111–118 is amended

1 by striking “March 28, 2010”, and inserting “April
2 30, 2010”.

3 (b) AMENDMENTS TO COMMUNICATIONS ACT OF
4 1934.—Section 325(b) of the Communications Act of
5 1934 (47 U.S.C. 325(b)) is amended—

6 (1) in paragraph (2)(C), by striking “March 28,
7 2010” and inserting “April 30, 2010”; and

8 (2) in paragraph (3)(C), by striking “March 29,
9 2010” each place it appears in clauses (ii) and (iii)
10 and inserting “May 1, 2010”.

11 **SEC. 10. COMPENSATION AND RATIFICATION OF AUTHOR-**
12 **ITY RELATED TO LAPSE IN HIGHWAY PRO-**
13 **GRAMS.**

14 (a) COMPENSATION FOR FEDERAL EMPLOYEES.—
15 Any Federal employees furloughed as a result of the lapse
16 in expenditure authority from the Highway Trust Fund
17 after 11:59 p.m. on February 28, 2010, through March
18 2, 2010, shall be compensated for the period of that lapse
19 at their standard rates of compensation, as determined
20 under policies established by the Secretary of Transpor-
21 tation.

22 (b) RATIFICATION OF ESSENTIAL ACTIONS.—All ac-
23 tions taken by Federal employees, contractors, and grant-
24 ees for the purposes of maintaining the essential level of
25 Government operations, services, and activities to protect

1 life and property and to bring about orderly termination
2 of Government functions during the lapse in expenditure
3 authority from the Highway Trust Fund after 11:59 p.m.
4 on February 28, 2010, through March 2, 2010, are hereby
5 ratified and approved if otherwise in accord with the provi-
6 sions of the Continuing Appropriations Resolution, 2010
7 (division B of Public Law 111–68).

8 (c) FUNDING.—Funds used by the Secretary to com-
9 pensate employees described in subsection (a) shall be de-
10 rived from funds previously authorized out of the Highway
11 Trust Fund and made available or limited to the Depart-
12 ment of Transportation by the Consolidated Appropria-
13 tions Act, 2010 (Public Law 111–117) and shall be sub-
14 ject to the obligation limitations established in such Act.

15 (d) EXPENDITURES FROM HIGHWAY TRUST
16 FUND.—To permit expenditures from the Highway Trust
17 Fund to effectuate the purposes of this section, this sec-
18 tion shall be deemed to be a section of the Continuing Ap-
19 propriations Resolution, 2010 (division B of Public Law
20 111–68), as in effect on the date of the enactment of the
21 last amendment to such Resolution.

22 **SEC. 11. DETERMINATION OF BUDGETARY EFFECTS.**

23 (a) IN GENERAL.—The budgetary effects of this Act,
24 for the purpose of complying with the Statutory Pay-As-
25 You-Go-Act of 2010, shall be determined by reference to

1 the latest statement titled “Budgetary Effects of PAYGO
2 Legislation” for this Act, submitted for printing in the
3 Congressional Record by the Chairman of the Committee
4 on the Budget of the House of Representatives, provided
5 that such statement has been submitted prior to the vote
6 on passage.

7 (b) EMERGENCY DESIGNATION FOR CONGRESSIONAL
8 ENFORCEMENT.—This Act, with the exception of section
9 4, is designated as an emergency for purposes of pay-as-
10 you-go principles. In the Senate, this Act is designated
11 as an emergency requirement pursuant to section 403(a)
12 of S. Con. Res. 13 (111th Congress), the concurrent reso-
13 lution on the budget for fiscal year 2010.

14 (c) EMERGENCY DESIGNATION FOR STATUTORY
15 PAYGO.—This Act, with the exception of section 4, is
16 designated as an emergency requirement pursuant to sec-
17 tion 4(g) of the Statutory Pay-As-You-Go Act of 2010
18 (Public Law 111–139; 2 U.S.C. 933(g)).