

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.**

**H. R. 4851**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PRO-**  
7 **VISIONS.**

8 (a) IN GENERAL.—(1) Section 4007 of the Supple-  
9 mental Appropriations Act, 2008 (Public Law 110–252;  
10 26 U.S.C. 3304 note) is amended—

1 (A) by striking “April 5, 2010” each place it  
2 appears and inserting “June 2, 2010”;

3 (B) in the heading for subsection (b)(2), by  
4 striking “APRIL 5, 2010” and inserting “JUNE 2,  
5 2010”; and

6 (C) in subsection (b)(3), by striking “Sep-  
7 tember 4, 2010” and inserting “November 6, 2010”.

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

12 (A) in paragraph (1)(B), by striking “April 5,  
13 2010” and inserting “June 2, 2010”;

14 (B) in the heading for paragraph (2), by strik-  
15 ing “APRIL 5, 2010” and inserting “JUNE 2, 2010”;  
16 and

17 (C) in paragraph (3), by striking “October 5,  
18 2010” and inserting “December 7, 2010”.

19 (3) Section 2005 of the Assistance for Unemployed  
20 Workers and Struggling Families Act, as contained in  
21 Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444),  
22 is amended—

23 (A) by striking “April 5, 2010” each place it  
24 appears and inserting “June 2, 2010”; and

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

3 (4) Section 5 of the Unemployment Compensation  
4 Extension Act of 2008 (Public Law 110–449; 26 U.S.C.  
5 3304 note) is amended by striking “September 4, 2010”  
6 and inserting “November 6, 2010”.

7 (b) FUNDING.—Section 4004(e)(1) of the Supple-  
8 mental Appropriations Act, 2008 (Public Law 110–252;  
9 26 U.S.C. 3304 note) is amended—

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

12 (2) by inserting after subparagraph (D) the fol-  
13 lowing new subparagraph:

14 “(E) the amendments made by section  
15 101(a)(1) of the Continuing Extension Act of  
16 2010; and”.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall take effect as if included in the enact-  
19 ment of the Temporary Extension Act of 2010 (Public  
20 Law 111–144).

21 **SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM AS-**  
22 **SISTANCE FOR COBRA BENEFITS.**

23 (a) EXTENSION OF ELIGIBILITY PERIOD.—Sub-  
24 section (a)(3)(A) of section 3001 of division B of the  
25 American Recovery and Reinvestment Act of 2009 (Public

1 Law 111–5), as amended by section 3(a) of the Tem-  
2 porary Extension Act of 2010 (Public Law 111–144), is  
3 amended by striking “March 31, 2010” and inserting  
4 “May 31, 2010”.

5 (b) RULES RELATING TO 2010 EXTENSION.—Sub-  
6 section (a) of section 3001 of division B of the American  
7 Recovery and Reinvestment Act of 2009 (Public Law 111–  
8 5), as amended by section 3(b) of the Temporary Exten-  
9 sion Act of 2010 (Public Law 111–144), is amended by  
10 adding at the end the following:

11 “(18) RULES RELATED TO APRIL AND MAY 2010  
12 EXTENSION.—In the case of an individual who, with  
13 regard to coverage described in paragraph (10)(B),  
14 experiences a qualifying event related to a termi-  
15 nation of employment on or after April 1, 2010 and  
16 prior to the date of the enactment of this paragraph,  
17 rules similar to those in paragraphs (4)(A) and  
18 (7)(C) shall apply with respect to all continuation  
19 coverage, including State continuation coverage pro-  
20 grams.”.

21 (c) EFFECTIVE DATE.—The amendments made by  
22 this section shall take effect as if included in the provisions  
23 of section 3001 of division B of the American Recovery  
24 and Reinvestment Act of 2009.

1 **SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT**  
2 **UPDATE.**

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

8 (1) in subparagraph (A), by striking “March  
9 31, 2010” and inserting “May 31, 2010”; and

10 (2) in subparagraph (B), by striking “April 1,  
11 2010” and inserting “June 1, 2010”.

12 **SEC. 5. EHR CLARIFICATION.**

13 (a) **QUALIFICATION FOR CLINIC-BASED PHYSI-**  
14 **CIANS.—**

15 (1) **MEDICARE.—**Section 1848(o)(1)(C)(ii) of  
16 the Social Security Act (42 U.S.C. 1395w–  
17 4(o)(1)(C)(ii)) is amended by striking “setting  
18 (whether inpatient or outpatient)” and inserting “in-  
19 patient or emergency room setting”.

20 (2) **MEDICAID.—**Section 1903(t)(3)(D) of the  
21 Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is  
22 amended by striking “setting (whether inpatient or  
23 outpatient)” and inserting “inpatient or emergency  
24 room setting”.

25 (b) **EFFECTIVE DATE.—**The amendments made by  
26 subsection (a) shall be effective as if included in the enact-

1 ment of the HITECH Act (included in the American Re-  
2 covery and Reinvestment Act of 2009 (Public Law 111-  
3 5)).

4 (c) IMPLEMENTATION.—Notwithstanding any other  
5 provision of law, the Secretary of Health and Human  
6 Services may implement the amendments made by this  
7 section by program instruction or otherwise.

8 **SEC. 6. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.**

9 Section 1012 of the Department of Defense Appro-  
10 priations Act, 2010 (Public Law 111-118), as amended  
11 by section 7 of the Temporary Extension Act of 2010  
12 (Public Law 111-144), is amended by striking “March 31,  
13 2010” and inserting “May 31, 2010”.

14 **SEC. 7. EXTENSION OF NATIONAL FLOOD INSURANCE PRO-**  
15 **GRAM.**

16 (a) EXTENSION.—Section 129 of the Continuing Ap-  
17 propriations Resolution, 2010 (Public Law 111-68), as  
18 amended by section 8 of Public Law 111-144, is amended  
19 by striking “by substituting” and all that follows through  
20 the period at the end and inserting “by substituting May  
21 31, 2010, for the date specified in each such section.”.

22 (b) EFFECTIVE DATE.—The amendments made by  
23 subsection (a) shall be considered to have taken effect on  
24 February 28, 2010.

1 **SEC. 8. COMPENSATION AND RATIFICATION OF AUTHORITY**  
2 **RELATED TO LAPSE IN HIGHWAY PROGRAMS.**

3 (a) **COMPENSATION FOR FEDERAL EMPLOYEES.—**

4 Any Federal employees furloughed as a result of the lapse  
5 in expenditure authority from the Highway Trust Fund  
6 after 11:59 p.m. on February 28, 2010, through March  
7 2, 2010, shall be compensated for the period of that lapse  
8 at their standard rates of compensation, as determined  
9 under policies established by the Secretary of Transpor-  
10 tation.

11 (b) **RATIFICATION OF ESSENTIAL ACTIONS.—**All ac-

12 tions taken by Federal employees, contractors, and grant-  
13 ees for the purposes of maintaining the essential level of  
14 Government operations, services, and activities to protect  
15 life and property and to bring about orderly termination  
16 of Government functions during the lapse in expenditure  
17 authority from the Highway Trust Fund after 11:59 p.m.  
18 on February 28, 2010, through March 2, 2010, are hereby  
19 ratified and approved if otherwise in accord with the provi-  
20 sions of the Continuing Appropriations Resolution, 2010  
21 (division B of Public Law 111–68).

22 (c) **FUNDING.—**Funds used by the Secretary to com-

23 pensate employees described in subsection (a) shall be de-  
24 rived from funds previously authorized out of the Highway  
25 Trust Fund and made available or limited to the Depart-  
26 ment of Transportation by the Consolidated Appropria-

1 tions Act, 2010 (Public Law 111–117) and shall be sub-  
2 ject to the obligation limitations established in such Act.

3 (d) EXPENDITURES FROM HIGHWAY TRUST  
4 FUND.—To permit expenditures from the Highway Trust  
5 Fund to effectuate the purposes of this section, this sec-  
6 tion shall be deemed to be a section of the Continuing Ap-  
7 propriations Resolution, 2010 (division B of Public Law  
8 111–68), as in effect on the date of the enactment of the  
9 last amendment to such Resolution.

10 **SEC. 9. SATELLITE TELEVISION EXTENSION.**

11 (a) AMENDMENTS TO SECTION 119 OF TITLE 17,  
12 UNITED STATES CODE.—

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

15 (A) in subsection (c)(1)(E), by striking  
16 “April 30, 2010” and inserting “May 31,  
17 2010”; and

18 (B) in subsection (e), by striking “April  
19 30, 2010” and inserting “May 31, 2010”.

20 (2) TERMINATION OF LICENSE.—Section  
21 1003(a)(2)(A) of Public Law 111–118 is amended  
22 by striking “April 30, 2010”, and inserting “May  
23 31, 2010”.

1 (b) AMENDMENTS TO COMMUNICATIONS ACT OF  
2 1934.—Section 325(b) of the Communications Act of  
3 1934 (47 U.S.C. 325(b)) is amended—

4 (1) in paragraph (2)(C), by striking “April 30,  
5 2010” and inserting “May 31, 2010”; and

6 (2) in paragraph (3)(C), by striking “May 1,  
7 2010” each place it appears in clauses (ii) and (iii)  
8 and inserting “June 1, 2010”.

9 **SEC. 10. DETERMINATION OF BUDGETARY EFFECTS.**

10 (a) IN GENERAL.—The budgetary effects of this Act,  
11 for the purpose of complying with the Statutory Pay-As-  
12 You-Go Act of 2010, shall be determined by reference to  
13 the latest statement titled “Budgetary Effects of PAYGO  
14 Legislation” for this Act, submitted for printing in the  
15 Congressional Record by the Chairman of the Senate  
16 Budget Committee, provided that such statement has been  
17 submitted prior to the vote on passage.

18 (b) EMERGENCY DESIGNATION FOR CONGRESSIONAL  
19 ENFORCEMENT.—This Act, with the exception of section  
20 4, is designated as an emergency for purposes of pay-as-  
21 you-go principles. In the Senate, this Act is designated  
22 as an emergency requirement pursuant to section 403(a)  
23 of S. Con. Res. 13 (111th Congress), the concurrent reso-  
24 lution on the budget for fiscal year 2010.

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