

In the Senate of the United States,

April 15, 2010.

Resolved, That the bill from the House of Representatives (H.R. 4851) entitled “An Act to provide a temporary extension of certain programs, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Continuing Extension*
3 *Act of 2010”.*

4 ***SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PRO-***
5 ***VISIONS.***

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

9 *(A) by striking “April 5, 2010” each place it ap-*
10 *pears and inserting “June 2, 2010”;*

1 (B) in the heading for subsection (b)(2), by strik-
2 ing “APRIL 5, 2010” and inserting “JUNE 2, 2010”; and
3 (C) in subsection (b)(3), by striking “September
4 4, 2010” and inserting “November 6, 2010”.

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

9 (A) in paragraph (1)(B), by striking “April 5,
10 2010” and inserting “June 2, 2010”;

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

13 (C) in paragraph (3), by striking “October 5,
14 2010” and inserting “December 7, 2010”.

15 (3) Section 2005 of the Assistance for Unemployed
16 Workers and Struggling Families Act, as contained in Pub-
17 lic Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is
18 amended—

19 (A) by striking “April 5, 2010” each place it ap-
20 pears and inserting “June 2, 2010”; and

21 (B) in subsection (c), by striking “September 4,
22 2010” and inserting “November 6, 2010”.

23 (4) Section 5 of the Unemployment Compensation Ex-
24 tension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304

1 *note) is amended by striking “September 4, 2010” and in-*
2 *serting “November 6, 2010”.*

3 **(b) FUNDING.**—*Section 4004(e)(1) of the Supplemental*
4 *Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C.*
5 *3304 note) is amended—*

6 **(1)** *in subparagraph (C), by striking “and” at*
7 *the end;*

8 **(2)** *by inserting after subparagraph (D) the fol-*
9 *lowing new subparagraph:*

10 **“(E)** *the amendments made by section*
11 *2(a)(1) of the Continuing Extension Act of 2010;*
12 *and”.*

13 **(c) EFFECTIVE DATE.**—*The amendments made by this*
14 *section shall take effect as if included in the enactment of*
15 *the Temporary Extension Act of 2010 (Public Law 111–*
16 *144).*

17 **SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM AS-**
18 **SISTANCE FOR COBRA BENEFITS.**

19 **(a) EXTENSION OF ELIGIBILITY PERIOD.**—*Subsection*
20 *(a)(3)(A) of section 3001 of division B of the American Re-*
21 *covery and Reinvestment Act of 2009 (Public Law 111–5),*
22 *as amended by section 3(a) of the Temporary Extension Act*
23 *of 2010 (Public Law 111–144), is amended by striking*
24 *“March 31, 2010” and inserting “May 31, 2010”.*

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

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

17 **(c) EFFECTIVE DATE.**—The amendments made by this
18 section shall take effect as if included in the provisions of
19 section 3001 of division B of the American Recovery and
20 Reinvestment Act of 2009.

21 **SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT**
22 **UPDATE.**

23 Paragraph (10) of section 1848(d) of the Social Secu-
24 rity Act, as added by section 1011(a) of the Department
25 of Defense Appropriations Act, 2010 (Public Law 111–118)

1 *and as amended by section 5 of the Temporary Extension*
2 *Act of 2010 (Public Law 111–144), is amended—*

3 *(1) in subparagraph (A), by striking “March 31,*
4 *2010” and inserting “May 31, 2010”; and*

5 *(2) in subparagraph (B), by striking “April 1,*
6 *2010” and inserting “June 1, 2010”.*

7 **SEC. 5. EHR CLARIFICATION.**

8 *(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—*

9 *(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the*
10 *Social Security Act (42 U.S.C. 1395w–4(o)(1)(C)(ii))*
11 *is amended by striking “setting (whether inpatient or*
12 *outpatient)” and inserting “inpatient or emergency*
13 *room setting”.*

14 *(2) MEDICAID.—Section 1903(t)(3)(D) of the So-*
15 *cial Security Act (42 U.S.C. 1396b(t)(3)(D)) is*
16 *amended by striking “setting (whether inpatient or*
17 *outpatient)” and inserting “inpatient or emergency*
18 *room setting”.*

19 *(b) EFFECTIVE DATE.—The amendments made by sub-*
20 *section (a) shall be effective as if included in the enactment*
21 *of the HITECH Act (included in the American Recovery*
22 *and Reinvestment Act of 2009 (Public Law 111–5)).*

23 *(c) IMPLEMENTATION.—Notwithstanding any other*
24 *provision of law, the Secretary of Health and Human Serv-*

1 *ices may implement the amendments made by this section*
2 *by program instruction or otherwise.*

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

4 *Section 1012 of the Department of Defense Appropria-*
5 *tions Act, 2010 (Public Law 111–118), as amended by sec-*
6 *tion 7 of the Temporary Extension Act of 2010 (Public Law*
7 *111–144), is amended by striking “March 31, 2010” and*
8 *inserting “May 31, 2010”.*

9 **SEC. 7. EXTENSION OF NATIONAL FLOOD INSURANCE PRO-**
10 **GRAM.**

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

17 *(b) EFFECTIVE DATE.—The amendments made by sub-*
18 *section (a) shall be considered to have taken effect on Feb-*
19 *ruary 28, 2010.*

20 **SEC. 8. COMPENSATION AND RATIFICATION OF AUTHORITY**
21 **RELATED TO LAPSE IN HIGHWAY PROGRAMS.**

22 *(a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any*
23 *Federal employees furloughed as a result of the lapse in ex-*
24 *penditure authority from the Highway Trust Fund after*
25 *11:59 p.m. on February 28, 2010, through March 2, 2010,*

1 *shall be compensated for the period of that lapse at their*
2 *standard rates of compensation, as determined under poli-*
3 *cies established by the Secretary of Transportation.*

4 (b) *RATIFICATION OF ESSENTIAL ACTIONS.*—*All ac-*
5 *tions taken by Federal employees, contractors, and grantees*
6 *for the purposes of maintaining the essential level of Gov-*
7 *ernment operations, services, and activities to protect life*
8 *and property and to bring about orderly termination of*
9 *Government functions during the lapse in expenditure au-*
10 *thority from the Highway Trust Fund after 11:59 p.m. on*
11 *February 28, 2010, through March 2, 2010, are hereby rati-*
12 *fied and approved if otherwise in accord with the provisions*
13 *of the Continuing Appropriations Resolution, 2010 (divi-*
14 *sion B of Public Law 111–68).*

15 (c) *FUNDING.*—*Funds used by the Secretary to com-*
16 *pensate employees described in subsection (a) shall be de-*
17 *rived from funds previously authorized out of the Highway*
18 *Trust Fund and made available or limited to the Depart-*
19 *ment of Transportation by the Consolidated Appropriations*
20 *Act, 2010 (Public Law 111–117) and shall be subject to the*
21 *obligation limitations established in such Act.*

22 (d) *EXPENDITURES FROM HIGHWAY TRUST FUND.*—
23 *To permit expenditures from the Highway Trust Fund to*
24 *effectuate the purposes of this section, this section shall be*
25 *deemed to be a section of the Continuing Appropriations*

1 *Resolution, 2010 (division B of Public Law 111–68), as in*
2 *effect on the date of the enactment of the last amendment*
3 *to such Resolution.*

4 **SEC. 9. SATELLITE TELEVISION EXTENSION.**

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

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

9 (A) *in subsection (c)(1)(E), by striking*
10 *“April 30, 2010” and inserting “May 31, 2010”;*
11 *and*

12 (B) *in subsection (e), by striking “April 30,*
13 *2010” and inserting “May 31, 2010”.*

14 (2) *TERMINATION OF LICENSE.—Section*
15 *1003(a)(2)(A) of Public Law 111–118 is amended by*
16 *striking “April 30, 2010”, and inserting “May 31,*
17 *2010”.*

18 (b) *AMENDMENTS TO COMMUNICATIONS ACT OF*
19 *1934.—Section 325(b) of the Communications Act of 1934*
20 *(47 U.S.C. 325(b)) is amended—*

21 (1) *in paragraph (2)(C), by striking “April 30,*
22 *2010” and inserting “May 31, 2010”; and*

23 (2) *in paragraph (3)(C), by striking “May 1,*
24 *2010” each place it appears in clauses (ii) and (iii)*
25 *and inserting “June 1, 2010”.*

1 **SEC. 10. EXTENSION OF SMALL BUSINESS LOAN GUAR-**
2 **ANTEE PROGRAM.**

3 (a) *APPROPRIATION.*—*There is appropriated, out of*
4 *any funds in the Treasury not otherwise appropriated,*
5 *\$80,000,000, for an additional amount for “Small Business*
6 *Administration—Business Loans Program Account”, to re-*
7 *main available until expended, for the cost of fee reductions*
8 *and eliminations under section 501 of division A of the*
9 *American Recovery and Reinvestment Act of 2009 (Public*
10 *Law 111–5; 123 Stat. 151) and loan guarantees under sec-*
11 *tion 502 of division A of the American Recovery and Rein-*
12 *vestment Act of 2009 (Public Law 111–5; 123 Stat. 152),*
13 *as amended by this section: Provided, That such costs shall*
14 *be as defined in section 502 of the Congressional Budget*
15 *Act of 1974.*

16 (b) *EXTENSION OF SUNSET DATE.*—*Section 502(f) of*
17 *division A of the American Recovery and Reinvestment Act*
18 *of 2009 (Public Law 111–5; 123 Stat. 153) is amended by*
19 *striking “April 30, 2010” and inserting “May 31, 2010”.*

20 **SEC. 11. SENSE OF THE SENATE REGARDING A VALUE**
21 **ADDED TAX.**

22 *It is the sense of the Senate that the Value Added Tax*
23 *is a massive tax increase that will cripple families on fixed*
24 *income and only further push back America’s economic re-*
25 *covery and the Senate opposes a Value Added Tax.*

1 **SEC. 12. DETERMINATION OF BUDGETARY EFFECTS.**

2 (a) *IN GENERAL.*—*The budgetary effects of this Act,*
3 *for the purpose of complying with the Statutory Pay-As-*
4 *You-Go Act of 2010, shall be determined by reference to the*
5 *latest statement titled “Budgetary Effects of PAYGO Legis-*
6 *lation” for this Act, submitted for printing in the Congres-*
7 *sional Record by the Chairman of the Senate Budget Com-*
8 *mittee, provided that such statement has been submitted*
9 *prior to the vote on passage.*

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

17 (c) *EMERGENCY DESIGNATION FOR STATUTORY*
18 *PAYGO.*—*This Act, with the exception of section 4, is des-*
19 *ignated as an emergency requirement pursuant to section*
20 *4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public*
21 *Law 111–139; 2 U.S.C. 933(g)).*

Attest:

Secretary.

11TH CONGRESS
2^D SESSION

H.R. 4851

AMENDMENT