

111TH CONGRESS  
2D SESSION

# S. 3173

To fully offset the cost of the extension of unemployment benefits and other  
Federal aid.

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IN THE SENATE OF THE UNITED STATES

MARCH 25, 2010

Mr. COBURN introduced the following bill; which was read twice and referred  
to the Committee on Finance

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## A BILL

To fully offset the cost of the extension of unemployment  
benefits and other Federal aid.

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. RESCISSION OF UNSPENT AND UNCOMMITTED**

4 **FEDERAL FUNDS.**

5 (a) IN GENERAL.—Notwithstanding any other provi-  
6 sion of law, of all available unobligated Federal funds,  
7 \$9,200,000,000 in discretionary, unexpired funds are re-  
8 scinded.

1 (b) IMPLEMENTATION.—Not later than 60 days after  
2 the date of enactment of this Act, the Director of the Of-  
3 fice of Management and Budget shall—

4 (1) identify the accounts and amounts rescinded  
5 to implement subsection (a); and

6 (2) submit a report to the Secretary of the  
7 Treasury and Congress of the accounts and amounts  
8 identified under paragraph (1) for rescission.

9 **SEC. 2. SHORT TITLE.**

10 This Act may be cited as the “Continuing Extension  
11 Act of 2010”.

12 **SEC. 3. EXTENSION OF UNEMPLOYMENT INSURANCE PRO-**  
13 **VISIONS.**

14 (a) IN GENERAL.—(1) Section 4007 of the Supple-  
15 mental Appropriations Act, 2008 (Public Law 110–252;  
16 26 U.S.C. 3304 note) is amended—

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

19 (B) in the heading for subsection (b)(2), by  
20 striking “APRIL 5, 2010” and inserting “MAY 5,  
21 2010”; and

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

24 (2) Section 2002(e) 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. 438),  
2 is amended—

3 (A) in paragraph (1)(B), by striking “April 5,  
4 2010” and inserting “May 5, 2010”;

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

8 (C) in paragraph (3), by striking “October 5,  
9 2010” and inserting “November 5, 2010”.

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

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

16 (B) in subsection (c), by striking “September 4,  
17 2010” and inserting “October 2, 2010”.

18 (4) Section 5 of the Unemployment Compensation  
19 Extension Act of 2008 (Public Law 110–449; 26 U.S.C.  
20 3304 note) is amended by striking “September 4, 2010”  
21 and inserting “October 2, 2010”.

22 (b) FUNDING.—Section 4004(e)(1) of the Supple-  
23 mental Appropriations Act, 2008 (Public Law 110–252;  
24 26 U.S.C. 3304 note) is amended—

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

3           (2) by inserting after subparagraph (D) the fol-  
4           lowing new subparagraph:

5                   “(E) the amendments made by section  
6           2(a)(1) of the Continuing Extension Act of  
7           2010; and”.

8           (c) EFFECTIVE DATE.—The amendments made by  
9           this section shall take effect as if included in the amend-  
10          ments made by section 2 of the Temporary Extension Act  
11          of 2010 (Public Law 111–144).

12   **SEC. 4. EXTENSION AND IMPROVEMENT OF PREMIUM AS-**  
13                   **SISTANCE FOR COBRA BENEFITS.**

14          Subsection (a)(3)(A) of section 3001 of division B of  
15          the American Recovery and Reinvestment Act of 2009  
16          (Public Law 111–5), as amended by section 3(a) of the  
17          Temporary Extension Act of 2010 (Public Law 111–144),  
18          is amended by striking “March 31, 2010” and inserting  
19          “April 30, 2010”.

20   **SEC. 5. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT**  
21                   **UPDATE.**

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

1 118) and as amended by section 5 of the Temporary Ex-  
2 tension Act of 2010 (Public Law 111–144), is amended—

3 (1) in subparagraph (A), by striking “March  
4 31, 2010” and inserting “April 30, 2010”; and

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

7 **SEC. 6. EXTENSION OF MEDICARE THERAPY CAPS EXCEP-**  
8 **TIONS PROCESS.**

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

14 **SEC. 7. EHR CLARIFICATION.**

15 (a) **QUALIFICATION FOR CLINIC-BASED PHYSI-**  
16 **CIANS.—**

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

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

1 outpatient)” and inserting “inpatient or emergency  
2 room setting”.

3 (b) **EFFECTIVE DATE.**—The amendments made by  
4 subsection (a) shall be effective as if included in the enact-  
5 ment of the HITECH Act (included in the American Re-  
6 covery and Reinvestment Act of 2009 (Public Law 111–  
7 5)).

8 (c) **IMPLEMENTATION.**—Notwithstanding any other  
9 provision of law, the Secretary of Health and Human  
10 Services may implement the amendments made by this  
11 section by program instruction or otherwise.

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

13 Section 1012 of the Department of Defense Appro-  
14 priations Act, 2010 (Public Law 111–118), as amended  
15 by section 7 of the Temporary Extension Act of 2010  
16 (Public Law 111–144), is amended by striking “March 31,  
17 2010” and inserting “April 30, 2010”.

18 **SEC. 9. EXTENSION OF NATIONAL FLOOD INSURANCE PRO-**

19 **GRAM.**

20 (a) **EXTENSION.**—Section 129 of the Continuing Ap-  
21 propriations Resolution, 2010 (Public Law 111–68), as  
22 amended by section 8 of Public Law 111–144, is amended  
23 by striking “by substituting” and all that follows through  
24 the period at the end and inserting “by substituting April  
25 30, 2010, for the date specified in each such section.”.

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

4 **SEC. 10. 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 “March 28, 2010” and inserting “April 30,  
11 2010”; and

12 (B) in subsection (e), by striking “March  
13 28, 2010” and inserting “April 30, 2010”.

14 (2) TERMINATION OF LICENSE.—Section  
15 1003(a)(2)(A) of Public Law 111–118 is amended  
16 by striking “March 28, 2010”, and inserting “April  
17 30, 2010”.

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

21 (1) in paragraph (2)(C), by striking “March 28,  
22 2010” and inserting “April 30, 2010”; and

23 (2) in paragraph (3)(C), by striking “March 29,  
24 2010” each place it appears in clauses (ii) and (iii)  
25 and inserting “May 1, 2010”.

1 **SEC. 11. COMPENSATION AND RATIFICATION OF AUTHOR-**  
2 **ITY RELATED TO LAPSE IN HIGHWAY PRO-**  
3 **GRAMS.**

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

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

23 (c) **FUNDING.—**Funds used by the Secretary to com-  
24 pensate employees described in subsection (a) shall be de-  
25 rived from funds previously authorized out of the Highway  
26 Trust Fund and made available or limited to the Depart-

1 ment of Transportation by the Consolidated Appropria-  
2 tions Act, 2010 (Public Law 111–117) and shall be sub-  
3 ject to the obligation limitations established in such Act.

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

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

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

21 (b) EMERGENCY DESIGNATION FOR CONGRESSIONAL  
22 ENFORCEMENT.—This Act, with the exception of section  
23 4, is designated as an emergency for purposes of pay-as-  
24 you-go principles. In the Senate, this Act is designated  
25 as an emergency requirement pursuant to section 403(a)

1 of S. Con. Res. 13 (111th Congress), the concurrent reso-  
2 lution on the budget for fiscal year 2010.

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

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