

Calendar No. 333

111TH CONGRESS
2^D SESSION**S. 3153**

To provide a fully offset temporary extension of certain programs so as not to increase the deficit, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 23 (legislative day, MARCH 19), 2010

Mr. GRASSLEY introduced the following bill; which was read the first time

MARCH 23, 2010

Read the second time and placed on the calendar

A BILL

To provide a fully offset temporary extension of certain programs so as not to increase the deficit, 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. EHR CLARIFICATION.**

21 (a) QUALIFICATION FOR CLINIC-BASED PHYSI-
 22 CIANS.—

23 (1) MEDICARE.—Section 1848(o)(1)(C)(ii) of
 24 the Social Security Act (42 U.S.C. 1395w–
 25 4(o)(1)(C)(ii)) is amended by striking “setting

1 (whether inpatient or outpatient)” and inserting “in-
 2 patient or emergency room setting”.

3 (2) MEDICAID.—Section 1903(t)(3)(D) of the
 4 Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is
 5 amended by striking “setting (whether inpatient or
 6 outpatient)” and inserting “inpatient or emergency
 7 room setting”.

8 (b) EFFECTIVE DATE.—The amendments made by
 9 subsection (a) shall be effective as if included in the enact-
 10 ment of the HITECH Act (included in the American Re-
 11 covery and Reinvestment Act of 2009 (Public Law 111–
 12 5)).

13 (c) IMPLEMENTATION.—Notwithstanding any other
 14 provision of law, the Secretary of Health and Human
 15 Services may implement the amendments made by this
 16 section by program instruction or otherwise.

17 **SEC. 6. ELIMINATION OF A SWEETHEART DEAL THAT IN-**
 18 **CREASES MEDICARE REIMBURSEMENT JUST**
 19 **FOR FRONTIER STATES.**

20 Effective as if included in the enactment of the Pa-
 21 tient Protection and Affordable Care Act, section 10324
 22 of such Act (and the amendments made by such section)
 23 is repealed.

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

2 Section 1012 of the Department of Defense Appro-
 3 priations Act, 2010 (Public Law 111–118), as amended
 4 by section 7 of the Temporary Extension Act of 2010
 5 (Public Law 111–144), is amended by striking “March 31,
 6 2010” and inserting “April 30, 2010”.

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

9 (a) EXTENSION.—Section 129 of the Continuing Ap-
 10 propriations Resolution, 2010 (Public Law 111–68), as
 11 amended by section 8 of Public Law 111–144, is amended
 12 by striking “by substituting” and all that follows through
 13 the period at the end and inserting “by substituting April
 14 30, 2010, for the date specified in each such section.”.

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

18 **SEC. 9. SATELLITE TELEVISION EXTENSION.**

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

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

23 (A) in subsection (c)(1)(E), by striking
 24 “March 28, 2010” and inserting “April 30,
 25 2010”; and

1 (B) in subsection (e), by striking “March
2 28, 2010” and inserting “April 30, 2010”.

3 (2) TERMINATION OF LICENSE.—Section
4 1003(a)(2)(A) of Public Law 111–118 is amended
5 by striking “March 28, 2010”, and inserting “April
6 30, 2010”.

7 (b) AMENDMENTS TO COMMUNICATIONS ACT OF
8 1934.—Section 325(b) of the Communications Act of
9 1934 (47 U.S.C. 325(b)) is amended—

10 (1) in paragraph (2)(C), by striking “March 28,
11 2010” and inserting “April 30, 2010”; and

12 (2) in paragraph (3)(C), by striking “March 29,
13 2010” each place it appears in clauses (ii) and (iii)
14 and inserting “May 1, 2010”.

15 **SEC. 10. COMPENSATION AND RATIFICATION OF AUTHOR-**
16 **ITY RELATED TO LAPSE IN HIGHWAY PRO-**
17 **GRAMS.**

18 (a) COMPENSATION FOR FEDERAL EMPLOYEES.—
19 Any Federal employees furloughed as a result of the lapse
20 in expenditure authority from the Highway Trust Fund
21 after 11:59 p.m. on February 28, 2010, through March
22 2, 2010, shall be compensated for the period of that lapse
23 at their standard rates of compensation, as determined
24 under policies established by the Secretary of Transpor-
25 tation.

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

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

19 (d) EXPENDITURES FROM HIGHWAY TRUST
20 FUND.—To permit expenditures from the Highway Trust
21 Fund to effectuate the purposes of this section, this sec-
22 tion shall be deemed to be a section of the Continuing Ap-
23 propriations Resolution, 2010 (division B of Public Law
24 111–68), as in effect on the date of the enactment of the
25 last amendment to such Resolution.

1 **SEC. 11. USE OF STIMULUS FUNDS TO OFFSET SPENDING.**

2 The unobligated balance of each amount appro-
3 priated or made available under the American Recovery
4 and Reinvestment Act of 2009 (Public Law 111–5) (other
5 than under title X of division A of such Act) is rescinded
6 pro rata such that the aggregate amount of such rescis-
7 sions equals \$9,200,000,000 in order to offset the net in-
8 crease in spending resulting from the provisions of, and
9 amendments made by, sections 2 through 10. The Direc-
10 tor of the Office of Management and Budget shall report
11 to each congressional committee the amounts so rescinded
12 within the jurisdiction of such committee.

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