

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### TAX EXTENDERS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4213, which the clerk the report.

The assistant legislative clerk read as follows:

A bill (H.R. 4213), to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

##### Pending:

Baucus amendment No. 3336, in the nature of a substitute.

Baucus (for Webb-Boxer) modified amendment No. 3342 to (amendment No. 3336), to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses.

Feingold-Coburn amendment No. 3368 (to amendment No. 3336), to provide for the rescission of unused transportation earmarks and to establish a general reporting requirement for any unused earmarks.

McCain-Graham amendment No. 3427 (to amendment No. 3336), to prohibit the use of reconciliation to consider changes in Medicare.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I make a point of order, en bloc, that the pending amendments Nos. 3342, 3368, and 3427 are not germane postcloture.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. The point of order is well taken?

The ACTING PRESIDENT pro tempore. The amendments all propose new subject matter. The amendments are nongermane and the point of order is well taken.

Mr. REID. The amendments fall; is that right?

The ACTING PRESIDENT pro tempore. The amendments fall; that is correct.

Mr. LEVIN. Mr. President, the Senate can take an important step today in alleviating the incredible strains this continuing economic crisis is having on thousands of families in my State, and millions of families across America. In approving the American Workers, State, and Business Relief Act of 2010, we can end what has been an agonizing procession of will-we-or-

won't-we votes on extending unemployment benefits and COBRA insurance subsidies for those who have lost their jobs. And we can ensure that, by extending enhanced Federal payments to State Medicaid programs, crucial health coverage and other vital State services are not cut.

Those who doubt the wisdom of extending unemployment and COBRA benefits until the end of this year should hear the phone calls and read the letters that have come into my office over the past few weeks. As the Congress has debated, and delayed, on the question of whether to pass another short-term extension, these Americans, left jobless by a crisis not of their own making, wondered if the economic lifeline that keeps food on their tables and shelter over their heads would be severed. By approving this legislation, we will ensure that these families are not left in limbo by delays in Congress. Giving them some measure of certainty, at a time when the economic crisis has turned so much upside-down, is the right thing to do. What's more, continuing these benefits is one of the most important steps we can take to nurture the fragile recovery of our economy. These payments benefit not just families coping with unemployment, but provide an immediate stimulus to local economies that have been devastated by the recession.

Likewise, the decision to extend enhanced Federal Medicaid assistance percentages, or FMAP, funding to States, boosts the entire economy while helping those in the greatest need. Michigan and other States have made clear that without this extension, we would leave giant holes in their budget. In the absence of enhanced funding, the steps the States would have to take balance their budgets could mean devastating cuts to vital programs that serve the victims of this crisis. Such cuts would also dampen the recovery, removing a pillar that has kept economic activity from collapsing during the crisis. Extending these payments gives States, and the citizens they serve, much-needed certainty.

This legislation also would continue tax provisions that can provide additional support to economic recovery and job creation. In extending the research and development tax credit and other measures, we give our businesses another tool they can use as they seek to regain ground, begin growing again and start putting people back to work. I urge my colleagues to join me in voting for this important legislation.

Mr. LEAHY. Mr. President, today, the Senate is passing the Satellite Television Extension and Localism Act, STELA. This legislation modernizes and extends important provisions of the Satellite Home Viewer Act, which contains statutory copyright licenses and Communications Act authorizations that allow for the retransmission of broadcast television signals by satellite and cable providers.

Ensuring that Americans have access to broadcast television content is important, and it is particularly relevant for consumers in rural areas who might not otherwise be able to receive these signals over the air. The legislation that the Senate is passing today will ensure that nobody will be left in the dark for the foreseeable future.

The Satellite Home Viewer Act provides cable and satellite companies with statutory licenses to allow them to retransmit the content of broadcast television stations. It also contains important authorizations in the Communications Act that facilitate these retransmissions. Broadcast television plays a critical role in cities and towns across the country, and remains the primary way in which consumers are able to access local content such as news, weather, and sports.

Cable and satellite providers help to expand the footprint of broadcast stations by allowing them to reach viewers who are unable to receive signals over the air. Vermont is an example of how cable and satellite companies can provide service to consumers in rural areas who might not otherwise receive these signals.

Vermonters will see improved service when this legislation is enacted. As the act has been reauthorized over the years, I have worked to improve the service that Vermonters receive from cable and satellite companies. Residents in southern Vermont have seen improvements. Windham and Bennington Counties are not considered part of the Burlington television market that encompasses the rest of the State, and for many years those residents were unable to receive Vermont broadcast stations by satellite. Congress changed this in 2004, and DirecTV has been providing these Vermonters with access to Vermont stations ever since.

I am also pleased that under this legislation, DISH Network will be able to provide their subscribers in southern Vermont with the same service. As soon as the DISH Network uses this authority, virtually everyone in the State will be able to access the news and information that is truly important to Vermonters, whether it is the debate over relicensing the Vermont Yankee nuclear power plant in Vernon or the UVM basketball team's quest to make the NCAA Tournament.

One other important way that STELA will preserve and improve existing service for consumers is by correcting a flaw in the statutory copyright license for the cable industry. An unintended result of current law is that the cable license requires the cable industry to pay copyright holders for signals that many of their subscribers do not actually receive. This is often referred to as the phantom signal problem. The effect of this anomaly in the law is that Comcast is required to pay copyright royalties based on their subscriber base across the northeast for the Canadian television content

that is only provided to subscribers in Burlington, VT.

The bill that the Senate is passing today corrects this flaw by giving the cable industry the flexibility to continue to provide signals that are tailored to local interests—signals that might otherwise have been pulled from cable lineups. This will benefit industry and consumers. For instance, subscribers in Burlington will still be able to receive programming such as “Hockey Night in Canada,” which has been a tradition, without fear that Comcast will have to remove the channel or raise prices because it is being charged royalties based on subscribers in Boston.

In addition, the legislation will expand consumer access to their States’ public television programming and low-power, community-oriented stations that will promote media diversity.

This bill is the product of many hours of hard work and compromise among four committees in both Houses of Congress. No single Member or committee chairman would have written it in this exact way, but the final language represents a fair compromise on important issues. I would have preferred that the language approved by the Senate Judiciary Committee last year with respect to multicast signals be included in this legislation. However, under the bill the Senate passed today, multicast signals will be treated differently than primary broadcast signals for a short period of time, even if they are broadcasting an additional network. In Vermont, WFFF is the local Fox affiliate, but it carries the CW Network on a multicast signal. This is programming that is otherwise unavailable to Vermonters. There should be no distinction in this case between a primary signal and a multicast signal. I appreciate the difficult nature of the issue, however, and believe that the compromise that was struck in STELA is a fair one.

The final bill language also provides a pathway to lift a court-ordered injunction that currently prevents DISH Network from using the distant signal license, in exchange for DISH launching service in all 210 television markets across the country. Providing service to all 210 markets is a goal that I have long believed ought to be achieved. I believe the language included in the Senate Judiciary Committee-passed bill provided better incentives for launching additional markets without lifting a court-ordered injunction. As a matter of policy, lifting a court-ordered injunction based on copyright infringement is something I generally do not support, but others insisted upon it and it is part of the compromise embodied in STELA.

This is a good bill that will preserve and improve the service that consumers across the country are accustomed to receiving. I am pleased that the Senate has adopted this legislation. I look forward to its prompt consider-

ation and adoption by the House and the President signing it into law.

Mr. REID. What is the question before the Senate?

#### AMENDMENT NO. 3336, AS AMENDED

The ACTING PRESIDENT pro tempore. The question is on the Baucus substitute, No. 3336, as amended.

The question is on agreeing to the amendment.

The substitute amendment (No. 3336), as amended, was agreed to.

#### CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 4213, the Tax Extenders Act of 2009.

Harry Reid, Max Baucus, Richard Durbin, Roland W. Burris, Kent Conrad, Benjamin L. Cardin, Patrick J. Leahy, John D. Rockefeller, IV, Robert Menendez, Daniel K. Inouye, Robert P. Casey, Jr., Jon Tester, Bill Nelson, Charles E. Schumer, Kay R. Hagan, Sheldon Whitehouse, Tom Harkin.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on H.R. 4213, an act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, shall be brought to a close.

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 66, nays 33, as follows:

#### [Rollcall Vote No. 47 Leg.]

##### YEAS—66

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Franken	Murray
Begich	Gillibrand	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Bond	Inouye	Reid
Boxer	Isakson	Rockefeller
Brown (MA)	Johnson	Sanders
Brown (OH)	Kaufman	Schumer
Burris	Kerry	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Chambliss	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden

##### NAYS—33

Alexander	Brownback	Coburn
Barrasso	Bunning	Corker
Bennett	Burr	Cornyn

Crapo	Hutchison	Nelson (NE)
DeMint	Inhofe	Risch
Ensign	Johanns	Roberts
Enzi	Kyl	Sessions
Graham	LeMieux	Shelby
Grassley	Lugar	Thune
Gregg	McCain	Vitter
Hatch	McConnell	Wicker

#### NOT VOTING—1

Byrd

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 66, the nays are 33. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The ACTING PRESIDENT pro tempore. Under the previous order, all time is yielded back.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill pass?

Mr. LEVIN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 36, as follows:

#### [Rollcall Vote No. 48 Leg.]

##### YEAS—62

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Bond	Kaufman	Schumer
Boxer	Kerry	Shaheen
Brown (OH)	Klobuchar	Snowe
Burris	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Collins	Lieberman	Vitter
Conrad	Lincoln	Voinovich
Dodd	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feingold	Murkowski	Wyden
Feinstein	Murray	

##### NAYS—36

Alexander	Crapo	Kyl
Barrasso	DeMint	LeMieux
Bennett	Ensign	Lugar
Brown (MA)	Enzi	McCain
Brownback	Graham	McConnell
Bunning	Grassley	Nelson (NE)
Burr	Gregg	Risch
Chambliss	Hatch	Roberts
Coburn	Hutchison	Sessions
Cochran	Inhofe	Shelby
Corker	Isakson	Thune
Cornyn	Johanns	Wicker

#### NOT VOTING—2

Byrd McCaskill

The bill (H.R. 4213) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. TESTER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

#### MORNING BUSINESS

Mr. TESTER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF MICHAEL PUNKE

Mr. TESTER. Mr. President, I rise today to urge the immediate confirmation of Michael Punke to be the U.S. Ambassador to the World Trade Organization.

The United States has been without an ambassador for more than 6 months because one Republican Senator has been holding up his nomination for no good reason. This is another example of standing in the way of doing what is right for our country.

Michael Punke is well qualified. He is ready to serve. He happens to be from Montana. Michael's qualifications are as follows: Michael received his undergraduate degree in international affairs from George Washington University. He then attended Cornell Law School where he earned his juris doctorate with a specialization in international legal affairs. He also served as editor in chief of the Cornell International Law Journal.

For 14 years Michael served in government and private practice in Washington, DC. From 1991 to 1992 he acted as international trade counsel to Senator MAX BAUCUS, then-chairman of the Finance Committee's International Trade Subcommittee.

Michael has been fully vetted. He received strong bipartisan support in his Senate Finance Committee hearings, and the Finance Committee unanimously approved his appointment. Let me repeat that. Michael Punke passed out of the Finance Committee with the support of all the Senators on that committee. That means all the Democrats and all the Republicans supported his nomination, including the junior Senator from Kentucky, who continues to hold up his nomination. The reason Senator BUNNING is giving for his hold? He wants Canada to repeal parts of the antismoking law that they passed in the Canadian Parliament. I don't think that holds water.

This job is too important to remain open because one Senator has a flimsy policy beef with a foreign country. Common sense has to prevail.

Expanding U.S. exports will help rebuild our economy by creating jobs. Michael Punke is an important part of

that goal. Michael will be responsible for promoting and securing U.S. trade interests abroad to create jobs for America's farmers, workers, and businesses right here at home. Our trading partners use his absence as an excuse to stall progress on serious negotiations. Standing in the way is hurting America's businesses and workers who are affected by these very important negotiations.

Michael could be working right now to create jobs for American farmers, workers, and businesses. But, instead, some issue about tobacco in another country is keeping us from moving forward. That is not right.

That is why a broad coalition of America's farmers and businesses have been calling for quick approval of Michael Punke by the Senate. A coalition of 42 food and agriculture groups wrote Senator REID and Senator MCCONNELL last January to call for Michael's quick confirmation saying:

U.S. food and agriculture exports are under assault in many markets with trading partners erecting even more barriers in recent months . . . The longer the delay in confirming Mr. Punke, the more likely that the U.S. loses exports and jobs.

So if we act today to confirm Michael Punke, the Senate will have done something right now to help create jobs in America. Holding up Michael Punke does just the opposite. For all these reasons—oh, and may I add this guy is one quality individual—I would request we confirm Michael Punke in the Senate, we do it as soon as possible, and confirm him to the position of U.S. ambassador to the World Trade Organization.

#### BIG SANDY PIONEERS

Mr. TESTER. Mr. President, I rise to share some news from my hometown of Big Sandy, MT. It is a town of just over 700 folks. That means in Montana, it is a Class C town. In Montana, Class C basketball isn't just a tradition, it is a way of life. For a lot of Montanans, the entire year revolves around that basketball season.

Last week, Coach Roy Lackner led his boys—the Big Sandy Pioneers—to the Class C basketball tournament. They fought their way to the championship game on Saturday night and they played another outstanding Class C team in the Power Pirates.

It was one of those games folks will be talking about for years. After a last-second foul, with less than a second on the clock, senior forward Corbin Pearson broke the 49-to-49 tie by sinking both free throws. I was 6 years old the last time Big Sandy boys won a State championship. That was 47 years ago.

So I rise in honor of Coach Lackner, assistant coach Gregg King, and the Big Sandy boys basketball team, including Corbin Pearson, Zac Leader, Blake Brumwell, Taylor Ophus, Colter Darlington, Trevor Lackner, Jeff Zeiger, Scott Drga, Dallas Briese, Kaden Beck, Matt Gullickson, and C.J. Hansen.

I am sharing this good news not just because these young men are from my hometown—although I am very proud of that—I am sharing this news because we can all use a reminder that hard work, working together, and teamwork pays off. Coach Lackner says winning a State championship was a matter of perseverance. It is. The Big Sandy Pioneers persevered. They worked hard as a team. They won their championship, and I congratulate them on that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 36, H.R. 1586, and that once the bill is reported, I be recognized to offer a substitute amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients.

#### AMENDMENT NO. 3452

(Purpose: In the nature of a substitute.)

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 3452.

Mr. ROCKEFELLER. I ask unanimous consent that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. ROCKEFELLER. Mr. President, I am very happy to be here this afternoon with the most excellent ranking member of the Commerce Committee, Senator KAY BAILEY HUTCHISON of Texas, to lay down our Transportation bill, and in so doing we say that our transportation system is at a crossroads, and not a comfortable one.

For decades, the Federal Aviation Administration has done an excellent job of operating the world's most complex airline system. Nobody else comes close. The system has served us very well. Not only is it the safest airspace system in the world, it is a critical component of the national economy. I cannot overstate the importance of a