

There is reason to suspect otherwise. Mr. Rivera was a well known community leader. He was the founder and director of the Casa de la Cultura in San Isidro, a member of the departmental board of the FMLN party, and the director of the Association of Friends of San Isidro Cabaas. He had been a defender of the environment, and he was outspoken in his opposition to industrial mining by the Canadian mining company Pacific Rim in San Isidro. In addition, I am informed that during the January 2009 municipal elections, Mr. Rivera and other leaders denounced suspected electoral fraud in his municipality. As a result of his activism, Mr. Rivera was the target of threats and accusations and someone reportedly tried to run over him with a car. In addition, the brutal manner in which he was tortured and killed suggests that this was a premeditated crime that may have been intended as a warning to other community activists.

Crimes like this are all too common in El Salvador today, and they concern not only the Salvadoran people but those of us who follow developments in that country. Rarely are competent investigations performed, and almost never is anyone convicted and punished. Impunity is the norm.

I urge the Attorney General to conduct a thorough, transparent, and credible investigation to ensure that not only those who tortured and killed Mr. Rivera are brought to justice, but anyone who may have ordered such a heinous crime is also prosecuted and punished. Democracy is fragile in El Salvador and it cannot survive without a functioning justice system and responsible judicial authorities who have the people's confidence.

I have strongly supported assistance for El Salvador. In the supplemental appropriations bill we have been debating this week, I included \$25,000,000 for El Salvador to help rebuild schools, roads, and other infrastructure that was damaged or destroyed during Hurricane Ida last November. Some 150 Salvadorans lost their lives in that disaster. Those funds were not requested by the President in the supplemental bill. I included them because I felt we should help El Salvador rebuild.

But I also feel strongly about justice in El Salvador, whose people suffered from years of civil war during the 1980s. Human rights defenders, journalists, and community activists are increasingly threatened and killed. How the Rivera case is resolved will be a measure of whether the Government of El Salvador is serious about defending the rights of its citizens who courageously speak out against injustice, and upholding the rule of law.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The committee amendment in the nature of a substitute, as amended, is agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment, as amended, 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 PRESIDING OFFICER. The question is, Shall the bill, as amended, pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: The Senator from Georgia (Mr. CHAMBLISS), the Senator from Louisiana (Mr. VITTER), and the Senator from Texas (Mrs. HUTCHISON).

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

The result was announced—yeas 67, nays 28, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—67

Akaka	Durbin	Mikulski
Alexander	Feinstein	Murkowski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bennett	Inouye	Reed
Bingaman	Johanns	Reid
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Shaheen
Burr	Kohl	Snowe
Byrd	Landrieu	Specter
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	LeMieux	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Warner
Collins	Lugar	Webb
Conrad	McConnell	Whitehouse
Dodd	Menendez	
Dorgan	Merkley	

NAYS—28

Barrasso	Enzi	Risch
Brownback	Feingold	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Coburn	Gregg	Thune
Corker	Hatch	Voinovich
Cornyn	Inhofe	Wicker
Crapo	Isakson	Wyden
DeMint	Kyl	
Ensign	McCain	

NOT VOTING—5

Chambliss	Lincoln	Vitter
Hutchison	McCaskill	

The bill (H.R. 4899), as amended, was passed.

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

Mr. INOUE. 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. Without objection, the title amendment is agreed to.

Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints the following conferees.

The Presiding Officer (Mr. WARNER) appointed Mr. INOUE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. TESTER, Mr. SPECTER, Mr. COCHRAN, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALEXANDER, Ms. COLLINS, Mr. VOINOVICH, and Ms. MURKOWSKI conferees on the part of the Senate.

UNANIMOUS CONSENT REQUEST—  
H.R. 4853

Mr. GRASSLEY. As the majority struggles in an attempt to pass another massive deficit spending bill through Congress, biodiesel plants in Iowa and 42 other States continue to lay off workers because the Democratic-controlled Congress has not extended the biodiesel tax credit. This is a simple and noncontroversial tax extension that will likely reinstate more than 20,000 jobs nationwide and about 2,000 jobs in my State of Iowa alone.

These jobs have fallen victim to a tactic used by the Democratic leadership to hold this popular and noncontroversial tax provision hostage to out-of-control deficit spending here in Washington.

This past February I worked out a bipartisan compromise with Chairman BAUCUS to extend the expired tax provisions, including the biodiesel tax credit. However, the Senate majority leader decided to put partisanship ahead of job security for thousands of workers, and that compromise did not move ahead.

So I am here again to try to put thousands of Americans back to work producing a very clean and renewable fuel. Therefore, I ask unanimous consent to proceed to H.R. 4853; that my substitute, which contains a 1-year extension of the biodiesel and renewable diesel tax credits for all of the year 2010, be agreed to, and the bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, reserving the right to object, and it is not with great pleasure, I object to the request offered by my good friend from

Iowa. This provision he is seeking unanimous consent about is one of the provisions in the larger tax extenders bill that the House is working on and attempting to pass tonight. They are laboring mightily but so far have not been able to pass the extenders job legislation that would contain the provision mentioned by the Senator from Iowa. This is the tax credit for biodiesel and renewable diesel. It has created jobs. It is a good provision.

I might say to my friend, the jobs are now lost because it expired. It expired the end of last year. We will extend this provision. We should extend it and we will extend it. We are not able to extend it tonight by itself. Why? Because many other Senators have specific provisions in the job extenders legislation that are particularly applicable to their States.

One I am particularly interested in is the property tax deduction, irrespective of whether the taxpayer itemized his or her deductions.

There will be a time, when we get back after the recess, to try to get these provisions passed so jobs are created. But we have to do it together as a package. We can't do it singly, separately, tonight. I want to tell my good friend from Iowa I will work with him when we get back after the recess. For the time being I feel obliged to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

#### UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. HARKIN. Mr. President, on the Executive Calendar, I ask unanimous consent the Senate proceed to executive session to consider en bloc Executive Calendar Nos. 427, 493, 494, 688, 500, 501, 521, 556, 581, 588, 589, and a number of others that the minority, I am sure, is aware of, and it includes all nominations on the Secretary's desk in the Air Force, Army, Foreign Service, Marine Corps and Navy—these are military people waiting to get their increases in rank. They have all been cleared and they need to be cleared so they can get their increases in rank—that the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc, that no further motions be in order, that any statements relating to the nominations be printed in the RECORD, that the President be immediately notified of the Senate's action and the Senate resume legislative session.

These are nominees, as I said. First of all, they are military people waiting for their increase in rank. But it is also people such as Brian Hayes, a member of the NLRB; Mark Pearce, member of the NLRB, et cetera, et cetera.

Craig Becker, member of the NLRB; Anthony Coscia, Amtrak board of directors; Mark Rosekind, member of the

NTSB. Here is David Lopez, general counsel of the EEOC. Here is Michael Punke, Deputy U.S. Trade Representative; Islam Siddiqui, Chief Ag Negotiator for the U.S. Trade Representative; Jeffrey Moreland, director of Amtrak; Carolyn Radelet, Deputy Director of the Peace Corps; Lana Pollack, Commissioner of U.S. International Joint Commission for the U.S. and Canada. And there are a number of others. I will not go through them all. They are a number of people who need to be in place to make our government work and run. That is who we are trying to ask unanimous consent that we can get them confirmed.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The Republican leader.

Mr. McCONNELL. Mr. President, I would say to my good friend from Iowa, the majority leader and I have been working on a package of nominations. Unfortunately, we are snagged over one particular nomination which has already been defeated by the Senate, and that was the nomination of Craig Becker to be on the NLRB. The President then recessed Mr. Becker and recessed a Democratic nomination to the NLRB but not a Republican nominee to the NLRB. There is a fundamental lack of equity and fairness involved, and that has been a significant hindrance in coming to a consent agreement.

Obviously, before we leave we will clear the military nominations. Those are really not in dispute. But typically what happens here before a recess, the majority leader and I get together and we try to work out as many of these as we can. To just clear the whole calendar involves, in addition, clearing judges who just got out of committee this week. We have a way that we sequence those who have been acceptable to both sides.

In short, I have not seen every single name on the list of the Senator from Iowa, but it is simply not the way we are going to go forward, certainly not this evening.

Accordingly, I would now ask unanimous consent that the Senate proceed to executive session to consider en bloc the following list of nominations that I will send to the desk. This is a list of approximately 60 nominations from the Executive Calendar.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Iowa.

Mr. HARKIN. I say to my friend from Kentucky, fairness and equity? OK. Let's talk about fairness and equity. Let's talk about this. Mr. Becker was brought up in our committee last fall, along with Mark Pearce and Mr. Brian Hayes. They all went through our committee—bipartisan. Mr. ENZI, the ranking Republican on our committee, voted for that, and so did the Senator from Alaska, Ms. MURKOWSKI.

The names were then forwarded to the Senate. They came to the Senate, and the leadership on the Republican side decided to filibuster—decided to filibuster. We had an agreement to move this package forward on the National Labor Relations Board.

Fairness and equity? Since 1985, we have never had a hearing for a member to be on the National Labor Relations Board who wasn't nominated for Chair because when the Republicans were in power, they would have their people, we would have ours, we would agree, and they would go through. That is what we did last fall with Mr. Becker and Mr. Pearce and Mr. Hayes. And I thought things were fine. That is the way we have always done things. We agreed. We came out on the floor. And then the Republican leadership decided to filibuster—decided to filibuster.

Well, what happened then was that at the end of the year—I want to set the record straight here—what happens is at the end of the last session, there is always a unanimous consent to carry over the calendar, the Executive Calendar, from one session to the next.

One Senator, the Senator from Arizona, Mr. MCCAIN, objected to Mr. Becker. Under the rules of the Senate, then Mr. Becker had to go back to the White House and get renominated and sent back to the Senate.

The Republicans asked for a hearing on Mr. Becker. Now, mind you, we have never had a hearing on one of these people since 1985. As the chair of the relevant committee, I did not have to have a hearing. But I decided, Mr. Becker has nothing to hide. He is willing to confront and answer all questions in open session. So I agreed to have a hearing.

I could have had a hearing on Mr. Hayes, also, the Republican, but I said: No, we do not have to do that.

So I had a hearing. We brought Mr. Becker before the committee, in open session, to answer any questions anyone asked him. If I am not mistaken, I think only three people showed up to ask him questions. But what they did is they submitted questions in writing. The Republicans submitted 440 written questions to Mr. Becker, almost twice what they did for Justice Sotomayor going on the Supreme Court. There were 440 written questions, and Mr. Becker obliged and answered all of those questions. Well, the Republicans still objected—still objected.

Now the minority leader says he failed a vote in the Senate. That is not