

In addition, to his accomplishments in athletics, Captain Pace excelled in academics. He was at the top of his class in High School. He initially attended Brigham Young University, before being called to a mission for the Church of Jesus Christ of Latter-day Saints in Cordoba, Argentina. After his mission, he was accepted to the United States Military Academy at West Point.

At West Point, Captain Pace continued to set the example by not only graduating with a major in nuclear engineering, but continuing his love of athletics by playing varsity basketball, sprint football, and was a member of West Point's intercollegiate handball team. In fact, Captain Pace was named the most valuable player when West Point's Handball Team won the Division II National Championship.

Upon graduating West Point, at the same time as his brother, Rick, Captain Pace chose aviation and became a OH-58 Kiowa Warrior helicopter pilot and a platoon leader. He then served two back-to-back deployments, for a total of 20 months, in Iraq.

When he returned in 2009, Captain Pace was assigned to Fort Huachuca, AZ. There he completed the Captain's Career Course and intelligence training. After completing his studies, he was assigned to Fort Bragg, where he became the commander of Fox Troop, 1st Squadron, 17th Cavalry Regiment, 82nd Airborne Division. It was in this leadership role, when his helicopter was shot down while engaging the enemy in Ghazni Province, Afghanistan.

I was also quite taken by the comments of Captain Pace's teammates, fellow servicemembers, and friends who stated he always motivated them, not only to do their best, but to be their best, even when no one else was watching.

Captain Scott Patrick Pace was an outstanding young man. He was among the best our Nation has to offer. I know I am joined by the entire Senate in extending our heartfelt condolences to Captain Pace's family. Elaine and I will always keep them in our prayers.

WILDFIRE SUPPRESSION AIRCRAFT TRANSFER ACT OF 2012

Mr. MCCAIN. Mr. President, as Members depart Capitol Hill for August recess, wildfires will be raging across much of the Nation perhaps in their home States. Over 1.3 million acres have burned this summer, and historic drought conditions will continue to fan the flames. Last year, my home State of Arizona experienced the largest wildfire in State history, the Wallow Fire, which consumed over 500,000 acres. This year has been particularly distressing for States like Colorado, where the Waldo Canyon Fire near Colorado Springs forced the evacuation of thousands of residents, destroyed more than 350 homes, threatened the U.S. Air Force Academy, and became the

most expensive fire in that State's history. Currently, there are 29 large uncontained wildfire burning across the Nation, according to the National Interagency Fire Center.

Wildfires like these underscore the urgent need to start modernizing our antiquated Forest Service airtanker fleet. Airtankers are a vital tool capable of rapidly altering the paths of major fires and providing immediate protection to ground personnel. Many of the core aircraft operated by the Forest Service are Korean-era DC-3s and P-2Vs that are rapidly failing. Just last month, a P-2V built in 1962 crashed in Utah, tragically killing the pilot and co-pilot. These are but a few examples in long list of terrible accidents where worn out aircraft are being operated far beyond their intended service lives, the perfect recipe for future accidents.

That is why Senator BILL NELSON, Senator DIANNE FEINSTEIN, Senator MIKE JOHANNES, and I have introduced S. 3441, the Wildfire Suppression Aircraft Transfer Act of 2012. Our bill would transfer fourteen excess C-27J aircraft from the U.S. Air Force to the Forest Service to help recapitalize their airtanker fleet. These are nearly new aircraft that will greatly enhance the mission flexibility and lifespan of the Forest Service fleet. This legislation is supported by the Forest Service as well as certain stakeholder groups like the International Association of Fire Chiefs.

My colleagues and I attempted to pass this legislation before the Senate adjourned for August recess. Regrettably, there are several members with an interest in keeping these aircraft operating who objected to our bill, even though the Pentagon wants to retire them. This is disappointing because our legislation would not interfere with the Congressional prerogative to approve or reject the Department of Defense force structure plan for Fiscal Year 2013. Clearly, there are differing opinions over divesting the C-27J, and I respect the right of Senators who want to address that issue in the context of the National Defense Authorization Act. Our legislation is intended as a post-divestment authority to ensure that the C-27J is put to good use fighting wildfires instead of being mothballed. Over the August recess, I hope to work with the Members who have objected to S. 3441 because I believe these platforms can be utilized to save lives and property.

THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Mr. KERRY. Mr. President, I want to say a few words about the Convention on the Rights of Persons with Disabilities.

I am pleased to report that the Foreign Relations Committee approved this Treaty on July 26, the 22nd anniversary of the Americans with Disabilities Act. I am also pleased that, like the ADA, the Disabilities Convention has strong bipartisan backing.

This treaty is personal to so many of us. I am deeply grateful to our committee members for their thoughtful input on the treaty and the resolution of advice consent, and to Senator MCCAIN and former Majority Leader Dole, who are as deeply committed to this cause as Senator Kennedy was to the original Americans with Disabilities Act.

Passing this treaty isn't just the right thing to do. It is also the smart thing to do. It will extend essential protections to millions of disabled Americans, including our disabled service men and women and veterans, when they travel, study, work, and live abroad. In addition to enshrining the principles of the ADA on the international level, the convention will provide us with a critical tool as we advocate for the adoption of its standards globally standards to which all of us should aspire. By joining, we put ourselves in a stronger position to advance the goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for individuals with disabilities.

The Disabilities Convention is a reflection of our values as a nation. It is who we are from the Civil Rights Act to the Voting Rights Act to the ADA. We saw how America responded to horrifying civil rights images—our country met collectively to right a wrong at home and break the back of Jim Crow. Now is the time to step up and meet collectively to help make it right for the millions of Americans with disabilities when they are overseas and for the hundreds of millions of disabled individuals throughout the world.

This is one of those moments the Senate was intended to live up to—and it calls on all of us to provide leadership and find the common ground. The winners of this treaty will not be defined by party or ideology. The winners will be the American people.

I look forward to working with my colleagues on both sides of the aisle to ensure that the Senate approves the Disabilities Convention during the 112th Congress.

NOMINATIONS

Mr. GRASSLEY. Mr. President, a few weeks ago the president of the ABA—purportedly nonpartisan organization—wrote a letter to the majority and Republican leaders regarding nominations and the Leahy-Thurmond rule. I noticed that my good friend the chairman of the Judiciary Committee entered a copy of that letter in the RECORD.

That letter failed to mention quite a few pertinent facts. The Republican leader and I sent the ABA a letter which highlighted some of those facts. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE REPUBLICAN LEADER,
U.S. SENATE,
Washington, DC, June 25, 2012.

Mr. WILLIAM T. (BILL) ROBINSON III,
President, American Bar Association, 321 North
Clark Street, Chicago, IL.

DEAR MR. ROBINSON: We were surprised to receive your letter of June 20, 2012 urging, for the first time, confirmation of particular circuit court nominees despite the existence of the Leahy-Thurmond Rule. By any objective measure—overall circuit court vacancy rate, vacancies on the respective circuit courts, or judicial emergency designation—our appellate courts are doing, at least as well, and in most respects much better, now than when our democratic colleagues invoked the Rule both times during the last administration. Given this exceptionally fair treatment of President Obama's judicial nominees, it is curious that your organization would choose now to urge the Senate not to follow its practice of suspending the processing of circuit court nominations in the months preceding a presidential election. This unprecedented action raises questions about the American Bar Association's objectivity and neutrality.

While the circuit court vacancy rate in June 2008 was the same as it is now, there were twice as many judicial emergencies in the circuit courts at that time. The Fourth Circuit Court of Appeals, in fact, was in crisis. Fully one-fourth of its seats were empty, even though the prior administration had nominated outstanding individuals to fill them. Despite the crisis facing the Fourth Circuit in June of 2008, our democratic colleagues refused to process any of President George W. Bush's four, well qualified nominees.

For instance, the Senate twice had unanimously confirmed Judge Robert Conrad to the important positions of United States Attorney and federal district court judge. By this time in June of 2008, his nomination to the Fourth Circuit had been pending for 344 days. Our democratic colleagues refused to process his nomination, notwithstanding support from home state senators, a unanimous well qualified rating from your organization, and—in contradistinction to any of the three nominees mentioned in your letter—the Administrative Office of the U.S. Courts had declared the vacancy to which he was nominated to be a judicial emergency.

Senate democrats refused to process three other qualified nominees to the Fourth Circuit. Steve Matthews had support from home state senators, and by this time in 2008, had been pending for 293 days. Judge Glen Conrad had been confirmed to the district court in 2003 by the unanimous vote of 89-0. Both home state senators, one republican and one democrat, strongly supported his nomination. Rod Rosenstein, the then and current U.S. Attorney for Maryland, also would have filled a judicial emergency on the Fourth Circuit. Nonetheless, democrat home state Senators blocked his nomination—incredibly—for the reason that he was doing a “good job” as U.S. Attorney and “that’s where [they] need him.”

Our democratic colleagues’ record with respect to these nominees was so abysmal that even the Washington Post editorial board called them to task, writing, “[T]he Senate should act in good faith to fill vacancies—not as a favor to the president but out of respect for the residents, businesses, defendants and victims of crime in the region the 4th Circuit covers.” The ABA, by contrast, said nothing when Senate democrats invoked the Leahy-Thurmond Rule and stopped processing circuit court nominations in June of 2008. These outstanding nominees, along with others like Peter Keisler—who by this date in June of 2008 had been bottled up in

committee for an astonishing 727 days—did not merit any special consideration by the ABA in the months preceding the last presidential election.

The situation on our circuit courts was equally dismal in June of 2004 when President Bush was concluding his first term in office. The overall vacancy rate on our circuit courts was much higher than it is now. And the Sixth Circuit, like the Fourth Circuit in 2008, was in crisis, with fully one-fourth of its seats empty, even though the prior administration had nominated qualified individuals to fill those vacancies as well. And as in 2008, the ABA said nothing when our democratic colleagues cited the Leahy-Thurmond Rule—this time to justify filibustering several circuit court nominees in the months preceding the 2004 presidential election.

The ABA presents itself to the public as a non-partisan, professional organization. However, it has chosen to advocate for this Administration's circuit court nominees in the few remaining months before this presidential election, when it chose not to do so before either of the last two presidential elections despite much more compelling circumstances. This sort of selective advocacy is precisely why so many people question the ABA's professed neutrality.

We will continue to work with the senate majority to process judicial nominations, consistent with the practices of the Senate—practices strongly defended by our Democratic colleagues during the previous administration and about which the ABA said nothing. Indeed, the Senate will vote on another judicial nomination tomorrow. If confirmed, that will be the 151st lower court confirmation already for this Administration, in addition to two Supreme Court nominations—a confirmation total far greater than what was achieved under comparable circumstances during the last administration. We hope that in the future the ABA will take a balanced approach to assessing the judicial confirmation process in the Senate.

Sincerely,

MITCH MCCONNELL,
Republican Leader,
U.S. Senate.
CHUCK GRASSLEY,
Ranking Member, Ju-
diciary Committee
U.S. Senate.

RECOGNIZING THE SISTERS OF ST. JOSEPH OF BRENTWOOD, NY

Mr. SCHUMER. Mr. President, We rise today to honor three great American heroes and their devoted organization. In Long Island, NY there are three American nuns that have been working to ease the burden of the poor and the sick and educate our youth for the past 80 years.

Sister Francis Gerard Kress, Sister Edward Joseph Murphy and Sister Alice Francis Young are all nuns with the Sisters of St. Joseph of Brentwood, NY and have given this order and their community over 80 years of service.

Mrs. GILLIBRAND. The Sisters of St. Joseph first came to the United States to Carondelet, MO in 1836, and established a school dedicated to the education of deaf children. Mother Austin Kean, accompanied by Sister Baptista Hanson and Sister Theodosia Hegeman, came to Brooklyn in 1856 to found what is now, the Sisters of St. Joseph of

Brentwood, NY. The goal of the Sisters of St. Joseph continues to be to foster love, unity and reconciliation among all people and with this earth. For over 150 years, the Sisters of St. Joseph of Brentwood, NY have been faithful in their vision to serve the world and its people. Since the creation of the Sisters of St. Joseph of Brentwood order in 1856, there has been over 2,500 Sisters to serve, and currently there are 588 serving or in retirement throughout the United States.

There is not enough time in this Congress to fully describe the work and accomplishments of the Sisters of St. Joseph. But I would like to highlight some of the work of these three remarkable nuns.

Sister Alice Francis Young joined the Convent of the Sisters of St. Joseph in 1932, and since then has proven to be a pioneer and integral force in early childhood education. Sister Young's career milestones include helping to start the first Head Start program in New York, working as a master teacher at St. Joseph's College in Brooklyn for 20 years, and being a professor of child study at St. Joseph's for over 40 years. She has helped educate thousands of children and given them the ability to reach their potential.

Sister Francis Gerard Kress has been a Sister of St. Josephs for 80 years, working on community activism and being a champion for health care and environmental protection. In September 1982, Sister Kress testified before the U.S. House of Representatives Subcommittee on Water Resources and in doing so shed light on her work around the environmental dangers that existed near Newton Creek in Williamsburg, Brooklyn, NY. Her work has since helped to protect a community from these dangers and enlighten the Nation to the importance of the Clean Water Act.

Sister Edward Joseph Murphy is 99 years old and joined the Order of the Sisters of St. Joseph in 1932. She spent her life educating at the primary and secondary levels, helping children throughout this Nation improve their lives through education and community service, as well as help new arrivals to this Nation with English by way of her Orders' English as a Second Language programs. Sister Murphy also spent over 20 years caring for the community and residents of Merrick, Long Island, NY by visiting homes, nursing homes and hospitals, bringing food and toys, and assisting in times of crisis.

For the past 80 years, Sister Francis Gerard Kress, Sister Edward Joseph Murphy and Sister Alice Francis Young have dedicated their lives for the betterment of others in New York, the United States and around the world. We are humbled to have the opportunity to recognize the life and service of these amazing women and everlasting mark they left on so many.

Mr. SCHUMER. Mr. President, we would like the United States Senate to