

A second feature of the NPR was to artificially take off the table some necessary options like replacement of nuclear components to make them more reliable and safe. This is leading by example that other nuclear powers aren't following and we shouldn't be doing if we want to ensure that our weapons will do what we want them to do.

The Administration's next step was signing the NEW START treaty, with significant reductions to our deployed warheads and delivery vehicles and potential limitations on missile defense. But Russia was going to reduce its numbers with or without the treaty—so we should not conclude their acts were because we led by example. And it remains to be seen whether what we gave up will be worth the ostensible "reset" in our relations.

And, after NEW START, there is another arms control treaty. Let me quote Assistant Secretary of State Rose Gottemoeller in a speech titled "The Long Road from Prague": "The second major arms control objective of the Obama Administration is the ratification of the Comprehensive Nuclear Test-Ban Treaty (CTBT). There is no step that we could take that would more effectively restore our moral leadership and improve our ability to reenergize the international non-proliferation consensus than to ratify the CTBT."

Is it true we have acted badly and must atone to restore our moral leadership? Here's what we've done in disarmament already: the U.S. has reduced its nuclear weapons stockpile by 75 percent since the end of the Cold War and 90 percent since the height of the Cold War (this doesn't even include the NEW START figures). The U.S. has not conducted a nuclear weapons test since 1992. It has not designed a new warhead since the 80s nor has it built one since the 1990s. We have pulled back almost all of our tactical nuclear weapons, and in the new NPR, we will retire our sea launched cruise missile.

And what has this "leadership" gotten us? Has it impressed Iran and North Korea? Has it kept Russia and China and France and Great Britain and India and Pakistan from modernizing (and in some cases growing) their nuclear weapons stockpiles?

Russia is, in fact, deploying a new multi-purpose attack submarine that can launch long range cruise missiles with nuclear warheads against land targets at a range of 5,000 kilometers . . . just barely missing the threshold to be considered a strategic weapon under the New START treaty. Of course, a tactical nuclear weapon has a strategic effect if it is detonated above a U.S. or allied city.

Will Pakistan or North Korea ratify the CTBT just because the U.S. does? Not likely. In fact, both nations continued their nuclear weapons tests after the U.S. unilaterally stopped testing and even after the U.S. signed the CTBT.

Have these steps motivated our allies to be more helpful in dealing with real threats like Iran and North Korea and with nuclear terrorism? If we ratify CTBT, would Great Britain suddenly have a new motivation to help us more on Iran? If we cut more nuclear weapons from our stockpile would France now be willing to cut back on its force de frappe?

Was Russia willing to discuss its tactical nuclear weapons as part of the current START treaty? Russia's President has said that "possessing nuclear weapons is crucial to pursuing independent policies and to safeguarding sovereignty." In fact, Russia appears to be as difficult as ever, announcing that it will build a nuclear reactor in Syria on the same day that the U.S. announced it will begin nuclear cooperation with Russia.

Has all of our work toward disarmament impressed Turkey to play a constructive or obstructive role in reining in Iran?

The recent Nuclear Security Summit saw no meaningful new commitments because of our newfound moral leadership. In fact the most the Administration could say for it is 47 nations signed a non-binding communiqué.

And with regard to the Non Proliferation Treaty review conference, which is underway as we speak in New York, will our moral leadership bring us any benefit there? It is not encouraging to see the conference devolve into a discussion of Israel's nuclear weapons program as opposed to Iran's.

When countries have cut back their nuclear weapons programs, it was for other reasons, namely, their own security interests or economic requirements. Nations, with the exception of the U.S. it seems, take actions that they perceive to be in their best interests. They do not change their national security posture merely because of U.S. disarmament. They may even observe these steps as weakness and opt to double down on their aggressive outlaw actions as a result.

For example, Russia agreed to the limits in the new START treaty, but, as I noted, that was only because it was already going down to those levels, not because of some U.S. moral leadership.

Nor did South Africa abandon its nuclear weapons program because of our leadership—it was because of the fall of the apartheid regime.

Did Libya end its program because we opted not to go ahead with RNEP or RRW? No, Libya saw 160,000 U.S. troops in Iraq enforcing UN Security Council Resolutions on nuclear proliferation and feared it would be next.

These same interests, security and commercial, also dictate nations' actions with regard to the nuclear terrorism and proliferation issues. For example, Russia says that an Iran with nuclear weapons is a threat. And it will go along with some sanctions, e.g., sanctions that raise the global price of energy, of which Russia is the world's leading exporter—but it won't go along with sanctions cutting off Iran's flow of weapons, which Russia sells in great quantity.

And even a European country like Germany would like the U.S. to remove from that country the tactical nuclear weapons we deploy there for the defense of NATO, but, at the same time, is actually growing its economic links to Iran—and it appears willing only to impose sanctions agreed to by the U.N. and the E.U.

Bottom line: there is no evidence our moral leadership in arms control and disarmament will convince countries to set aside their calculations of the impact of nuclear proliferation and nuclear terrorism on their national security, and help us address these threats.

The Administration's security agenda is based on the notion of the U.S. making substantive changes to our national security posture in the hopes of persuading others to act, frequently contrary to their economic or security interests.

But this good faith assumption that others will reciprocate is not supported by any evidence—it is certainly not informed by any past experience. Before big changes are made to our security posture, the President owes it to the American people to explain exactly how the changes will improve our security. It cannot just be a matter of change and hope. Too much is at stake.

I also think the American people will be quite surprised to learn that their nation lost its moral leadership somewhere and that concessions to their security are now necessary to reestablish it.

As a complete aside, the most recent example of the Obama Administration's thinking in this regard is the Assistant Secretary of State for Democracy and Human Rights' comparison of the immigration law passed by my state of Arizona to the systematic policy of abuse and repression by the "People's Republic of China."

As you can tell by now, I am not much impressed with the notion that we can achieve important U.S. security goals by leadership which stresses concession by the U.S. Rather than change and hope, I adhere to the philosophy of President Reagan epitomized in the words "peace through strength."

A strong America is the best guarantor of a peaceful world that has ever been known. And there is nothing immoral about strength that keeps the peace.

NOMINATION OF ELENA KAGAN

Mr. LEAHY. Mr. President, earlier today I announced that the Senate Judiciary Committee will hold its confirmation hearing on the nomination of Solicitor General Elena Kagan to be Associate Justice on the U.S. Supreme Court beginning June 28.

I have reached out to Senator SESSIONS, the committee's ranking Republican, to discuss the scheduling of this hearing, and we were finally able to meet yesterday. We worked cooperatively to send a bipartisan questionnaire to the nominee last week. We joined together to send a letter yesterday to the Clinton Library asking for files from Solicitor General Kagan's work in the White House during the Clinton administration. I will continue to consult with Senator SESSIONS to ensure that we hold a fair hearing.

This is a reasonable schedule that is in line with past practice. The hearing on the nomination of Justice Kennedy was held just 33 days after his designation. The hearing on the nomination of Justice Ginsburg was held 36 days after her nomination. And the hearing on the nomination of Justice Rehnquist to be Chief Justice was held 42 days after his nomination. When John Roberts was first nominated to succeed Justice O'Connor, I agreed with the Republican Chairman to proceed 49 days after his designation even though he had not yet even received his answer to the committee's questionnaire. After Hurricane Katrina, the death of Chief Justice Rehnquist, and the withdrawal of that initial nomination and his nomination, instead, to be Chief Justice, the committee proceeded just days after his nomination and only 55 days from his earlier designation. Of course, last year we proceeded with the hearing on the nomination of Justice Sotomayor 48 days after she was designated. Senate Republicans said that hearing was fair and was conducted fairly. This year, I am scheduling the hearing to start 49 days after Elena Kagan's nomination.

There is no reason to unduly delay consideration of this year's nomination. Justice Stevens announced on April 9 that he would be leaving the Court. He wrote that he would resign effective the day after the Supreme

Court concludes its summer session at the end of June. He noted that “it would be in the best interests of the Court to have [his] successor appointed and confirmed well in advance of the commencement of the Court’s next Term,” and I wholeheartedly agree with Justice Stevens. That is in the best interests of the Court and the country.

Since Justice Stevens’ announcement in early April, there has been a good deal of work done in preparation. The President announced his choice a month later, on May 10. During that month, much was written and said about the eventual nominee who was identified from the outset as a leading candidate for nomination. When the President made it official, Senate Republicans were quick to react. Indeed, one Senate Republican announced on the very day that the President announced his selection that the Senator opposed Solicitor General Kagan’s nomination and would be voting against confirmation. Extreme right-wing interest groups and commentators have been savaging her since before the nomination was announced, and that has not subsided. The misstatements and harsh characterizations make proceeding sooner rather than later all the more important. Solicitor General Kagan deserves the earliest opportunity to respond to these attacks and to set the record straight. The American people deserve a process that is fair and thorough but not needlessly prolonged. In selecting this hearing date, I am trying to be fair to all concerned.

I also want to conclude the process without unnecessary delay so that Solicitor General Kagan might participate fully in the deliberations of the Supreme Court in selecting cases and preparing for its new term. I want to complete Senate consideration, as Justice Stevens suggested, so that the new Justice is confirmed well in advance of the commencement of the Supreme Court’s next term, so that she may organize her chambers, select her clerks, and fully participate in the work of the Court.

This schedule is also in keeping with the time line Senator McCONNELL recommended in 2005, when President Bush made his first nomination to the Supreme Court and Senator McCONNELL, then the Republican whip and now the Senate Republican leader, said that the Senate should consider and confirm the President’s Supreme Court nomination within 60 to 70 days. We worked hard to achieve that. The final Senate vote on Chief Justice Roberts’ nomination was 72 days after he was designated. Justice Sotomayor was likewise confirmed 72 days after she was named. Seventy-two days after the nomination of Elena Kagan will be July 21.

Unlike the late July nomination of John Roberts, this nomination by President Obama was announced on May 10. Unlike the resignation of Jus-

tice O’Connor, which was not announced until July, the retirement of Justice Stevens was made official on April 9. So in this instance the vacancy arose almost 3 months earlier than in 2005. After bipartisan consultation, President Obama made his nomination more than 2 months earlier than President Bush did in 2005.

One of the Republican criticisms of this nomination is that Solicitor General Kagan has not been a judge and does not have years of opinions to be considered. That should make Senators’ preparation for the hearing less labor intensive than that for Justice Sotomayor. In addition, we thoroughly reviewed and considered her record just last year when the Senate, by a bipartisan majority vote, confirmed her nomination to serve as the Solicitor General of the United States, often called the “Tenth Justice.”

To delay the confirmation hearing until July, as some have suggested, would mean extending the preparation time from 49 to 63 days. But Republicans complain that there is less to review, nothing like the thousands of opinions they complained about last year. Accordingly, we could actually proceed more quickly to the hearing. This last weekend, Republican Senators said that Solicitor General Kagan’s answers at the hearing were going to be the key. If that is true and they will approach the hearing with open minds and listen to her answers to their questions, we should not needlessly delay getting to those questions and answers.

The hearing is the opportunity for all Senators on the Judiciary Committee, both Republicans and Democrats, to ask questions, raise concerns, and evaluate the nomination. It seems to me that Republican Senators are ready to ask questions now. At last week’s consideration of the nomination of Goodwin Liu to the Ninth Circuit, much of the discussion from Republican Senators seemed, instead, to be about the Kagan nomination to the Supreme Court. The Republican Senators say that they want to ask her about her actions as the dean of Harvard Law School and about her judicial philosophy. It does not take 2 months to prepare to ask those questions. They have already raised them. They will surely be prepared to ask them by late June. This is a schedule that I think is both fair and adequate—fair to the nominee and adequate for us to prepare for the hearing and Senate consideration. There is no reason to indulge in needless and unreasonable delay.

We already have received Solicitor General Kagan’s response to the committee’s questionnaire. Senator SESSIONS and I have sent a letter to the National Archives requesting documents related to Elena Kagan’s service in the Clinton administration and there should be no cause for concerns that we will have these records before the committee in light of the White House Counsel’s request over the week-

end for the release of thousands of pages of records from that time. We will be prepared to proceed to a hearing on June 28, almost 6 weeks from today.

The purpose of the hearing is to allow Senators to ask questions and raise their concerns. It is also the time the American people can see the nominee, consider her thoughtfulness, her temperament, and evaluate her character. I am disappointed that some Republican Senators have already declared that they will vote no on Solicitor General Kagan’s nomination and have made that announcement before giving the nominee a fair chance to be heard. It is incumbent on us to allow the nominee an opportunity to be considered fairly and allow her to respond to false criticism of her record and her character. Those who are critical and have doubts should support the promptest possible hearing. That is where questions can be asked and answered. That is why we hold hearings.

President Obama handled the selection process with the care that the American people expect and deserve and met with Senators from both sides of the aisle. I suggested that he nominate someone outside the judicial monastery, whose experiences were not limited to those in the rarified air of the Federal appellate courts. The Supreme Court’s decisions have a fundamental impact on Americans’ everyday lives. One need look no further than the Lilly Ledbetter and Diana Levine cases to understand how just one vote can determine the Court’s decision and impact the lives and freedoms of countless Americans. One need look no further than the Citizens United decision to know that the decisions of the Supreme Court can drown out the voices of individual Americans in favor of wealthy corporate interests. I believe that Solicitor General Kagan understands that our courthouse doors must remain open to hard-working Americans.

President Obama is to be commended for having consulted with Senators from both sides of the aisle. Now the Senate must fulfill its responsibility. The nominee has returned the Judiciary Committee questionnaire and will be completing her meetings with Senators on the Judiciary Committee very soon. I hope that all Senators now will work with me to move forward to consider this nomination in a fair and timely manner.

COMMENDING PRIME MINISTER KOSOR OF CROATIA

Mr. BEGICH. Mr. President, today I honor Madame Jadranka Kosor, the Prime Minister of Croatia, on the occasion of her visit to Washington, DC. I congratulate her on becoming the first female Prime Minister of Croatia. Additionally, I commend Croatia for its promotion of genuine cooperation in southeast Europe fostering strong relations, stability and prosperity with her