106 of the Dirksen Senate Office Building.

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

IMPEACHMENT TRIAL COMMITTEE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr. be authorized to meet during the session of the Senate on August 4, at 1 p.m.

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

SUBCOMMITTEE ON OVERSIGHT AND THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Oversight and the Committee on Environment and Public Works be authorized to meet during the session of the Senate on August 4, 2010, at 10 a.m. in room 406 of the Dirksen Office Building.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Seapower and the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on August 4, 2010, at 10 a.m.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on August 4, 2010, at 2:30 p.m., to conduct a hearing entitled ''Social Security Disability Fraud: Case Studies in Federal Employees and Commercial Drivers Licenses.''

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

SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Terrorism and Homeland Security, be authorized to meet during the session of the Senate, on August 4, 2010, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Government Preparedness and Response to a Terrorist Attack Using Weapons of Mass Distruction.''

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

HELP HAITI ACT OF 2010

Ms. LANDRIEU. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 5283, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5283) to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

There being no objection, the Senate proceeded to consider the bill.

Ms. LANDRIEU. I ask unanimous consent the Gillibrand substitute amendment at the desk be agreed to, the bill, as amended, be read a third time, and that a budgetary pay-go statement be considered read and printed in the RECORD and that the bill be passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statement related to the bill be printed in the RECORD.

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

Mr. CONRAD. This is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 5283, as amended.

Total Budgetary Effects of H.R. 5283 for the 5-year Statutory PAYGO Scorecard: $0.

Total Budgetary Effects of H.R. 5283 for the 10-year Statutory PAYGO Scorecard: $0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act.

The table follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5283, THE HELP HAITI ACT OF 2010, WITH AN AMENDMENT (EAS10363) PROVIDED TO CBO ON AUGUST 3, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 5283 would make it easier for certain Haitian children adopted by U.S. citizens to obtain permanent U.S. residence. This legislation would affect a small number of children, and CBO estimates that would have no significant effect on direct spending by the Department of Homeland Security.

The amendment (No. 4587), in the nature of a substitute, was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as—

(1) the ''Help Haitian Adoptees Immediately to Integrate Act of 2010''; or

(2) the ''Help HAITI Act of 2010''.

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN HAITIAN ORPHANS.

(a) IN GENERAL.—The Secretary of Homeland Security may adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

(1) was inspected and granted parole into the United States pursuant to the humanitarian parole policy for certain Haitian orphans announced by the Secretary of Homeland Security on January 18, 2010, and suspended as to new applications on April 15, 2010;

(2) is physically present in the United States;

(3) is admissible to the United States as an immigrant, except as provided in subsection (c); and

(4) files an application for an adjustment of status under this section not later than 3 years after the date of the enactment of this Act.

(b) NUMERICAL LIMITATION.—The number of aliens who are granted the status of an alien lawfully admitted for permanent residence under this section shall not exceed 1400.

(c) GROUNDS OF INADMISSIBILITY.—Section 212(a)(7)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(A)) shall not apply to an alien seeking an adjustment of status under this section.

(d) VISA AVAILABILITY.—The Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for any alien granted the status of having been lawfully admitted for permanent residence under this section.

(e) ALIENS DEEMED TO MEET DEFINITION OF CHILD.—An unmarried alien described in subsection (a) who is under the age of 18 years shall be deemed to satisfy the requirements applicable to adopted children under section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) if—

(1) the alien obtained adjustment of status under this section; and

(2) a citizen of the United States adopted the alien prior to, on, or after the date of the decision granting such adjustment of status.

(f) NO IMMIGRATION BENEFITS FOR BIRTH PARENTS.—No birth parent of an alien who obtains adjustment of status under this section shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this section or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

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

The bill (H.R. 5283), as amended, was read the third time and passed.

GENERAL AND SPECIAL RISK INSURANCE FUNDS AVAILABILITY ACT OF 2010

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 5872, and the Senate

proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5872) to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development.

There being no objection, the Senate proceeded to consider the bill.

Ms. LANDRIEU. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statement be printed in the RECORD.

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

The bill (H.R. 5872) was ordered to a third reading, was read the third time, and passed.

INCREASING FLEXIBILITY OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 5981, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5981) to increase flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single family housing mortgage insurance, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. LANDRIEU. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statement related to the bill be printed in the RECORD.

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

The bill (H.R. 5981) was ordered to a third reading, was read the third time, and passed.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 100–458, Section 114(b)(2)(c), reappoints William F. Winter, of Mississippi, to the Board of Trustees of the John C. Stennis Center for Public Service Training and Development, for a term expiring 2012.

The Chair, on behalf of the Majority Leader pursuant to Public Law 100–458, Section 114(b)(2)(c), appoints the following individual to the Board of Trustees of the John C. Stennis Center for Public Service Training and Development, for a term expiring 2014: Mike Moore of Mississippi, vice William Cresswell.

Ms. LANDRIEU. Mr. President, I yield the floor.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to executive session.

NOMINATION OF ELENA KAGAN TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT—Continued

Mr. BROWNBACK. Mr. President, I rise to discuss the nomination of Solicitor General Elena Kagan to the U.S. Supreme Court. Just over a year ago, the Senate considered the nomination of Judge Sonia Sotomayor to the Supreme Court and today we continue the debate on Solicitor General Kagan's. Then, as now, I think it is fully appropriate for us to discuss the judicial philosophy of the nominees being put forward because of the increasing intrusion of the Supreme Court into very contentious issues within the society. If that is the case, then I think judicial philosophy needs to be discussed, and I think that is one that we need to consider in this nominee in Solicitor General Kagan.

The debate and discussion of Solicitor General Kagan's nomination followed a different path from the Sotomayor nomination, but it has led me to the same result: I have too many questions about the nominee's judicial philosophy to permit me to support the nomination to a lifetime appointment to the Supreme Court of the United States.

As I said last year, a nominee's judicial philosophy is a key concern at the heart of the Supreme Court confirmation process. For me, the question is whether a nominee to the Court supports an activist judicial philosophy that would invite the judiciary into all sorts of areas of American life where it has not intruded before, or whether they hold a more deferential view of the Constitution that would limit the role of the courts. It is really that view, of what is the appropriate role of the courts under the Constitution that I think is key, given the more activist role the Court has taken in this society in recent years.

As I noted during the Sotomayor debate, in my view, democracy is wounded when Justices on the high Court, who are unelected, invent constitutional rights and alter the balance of governmental powers in ways that find no support in the text, structure, or history of the Constitution. Unfortunately, in recent years the courts have assumed a more aggressive political role.

In last year's confirmation debate, we talked a lot about whether a nominee's life story and experiences should be a significant factor in assessing that nominee. Whatever the merits of that debate, Judge Sotomayor was nominated as a Federal judge with a judicial background that offered some clues as to her judicial philosophy. With this nominee, we have comparatively little of written record to evaluate.

Solicitor General Kagan has no previous experience on the bench. If confirmed, she would be the first Supreme Court Justice without prior experience on the bench in almost 40 years. In order to hire anyone for any job, an employer looks at an applicant's past employment history. That is true for private sector jobs and public sector jobs. It is true for the staffs we maintain in the Senate and it is certainly true for Supreme Court nominees. I think most Americans would agree that prior judicial experience would be a good thing for a nominee to the Supreme Court to have. It is not a prerequisite for confirmation. Certainly, we have had Justices in the past who did not have any prior judicial experience. But I would suggest that since Solicitor General Kagan lacks prior experience on the bench, we have an obligation to look even more closely at the professional experience she does have.

There is no question she has an outstanding résumé. Few people in America can say that they have her academic credentials, including an Ivy League law degree, as well as experience teaching at the University of Chicago and as the dean of Harvard Law School. And she has terrific political credentials, including working on the Dukakis for President campaign and as a policy adviser in the Clinton administration. Unfortunately, very little of her résumé pertains to formal legal practice, let alone time on the bench.

So Solicitor General Kagan's experience is not necessarily the experience we would prefer, but it is the experience that we have to go on. And as I look through this professional experience, I see plenty of reasons to be concerned about the philosophy that she would bring to the bench.

In particular, I want to highlight her experience as a policy adviser. From the Presidential campaign trail in 1988 to the Senate Judiciary Committee to the Clinton White House, she has spent a great deal of time working on tough, highly contentious issues. In each of those cases, I think it is clear that she favors the kind of judicial activism that has concerned me throughout my time in the Senate. Her views, and the policies she has supported, endorse a role for the courts that I find very troubling. And let me be clear, whether or not I agree with her views on any particular issue, I am most concerned about the way those views will shape her still-emerging judicial philosophy.

For example, let's take a look at the life issue. As an adviser in the Clinton White House, Ms. Kagan led efforts to preserve partial-birth abortion. Obviously, I disagree with that position, as do most Americans, but that is the role that advisers often play inside the White House. Unfortunately in this case, however, the evidence shows Ms.