

States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has made a final determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an "employment authorized" endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—The status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Haiti;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that, in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that he or she has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed;

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed; and

(D) the alien is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) PROOF OF CONTINUOUS PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent resident pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this title, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this title shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality,

or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

(i) ADJUSTMENT OF STATUS HAS NO EFFECT ON ELIGIBILITY FOR WELFARE AND PUBLIC BENEFITS.—No alien whose status has been adjusted in accordance with this section and who was not a qualified alien on the date of enactment of this Act may, solely on the basis of such adjusted status, be considered to be a qualified alien under section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)), as amended by section 5302 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 598), for purposes of determining the alien's eligibility for supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.).

(j) PERIOD OF APPLICABILITY.—Subsection (i) shall not apply after October 1, 2003.

SEC. 903. COLLECTION OF DATA ON DETAINED ASYLUM SEEKERS. (a) IN GENERAL.—The Attorney General shall regularly collect data on a nation-wide basis with respect to asylum seekers in detention in the United States, including the following information:

(1) The number of detainees.

(2) An identification of the countries of origin of the detainees.

(3) The percentage of each gender within the total number of detainees.

(4) The number of detainees listed by each year of age of the detainees.

(5) The location of each detainee by detention facility.

(6) With respect to each facility where detainees are held, whether the facility is also used to detain criminals and whether any of the detainees are held in the same cells as criminals.

(7) The number and frequency of the transfers of detainees between detention facilities.

(8) The average length of detention and the number of detainees by category of the length of detention.

(9) The rate of release from detention of detainees for each district of the Immigration and Naturalization Service.

(10) A description of the disposition of cases.

(b) ANNUAL REPORTS.—Beginning October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsection (a) for the fiscal year ending September 30 of that year.

(c) AVAILABILITY TO PUBLIC.—Copies of the data collected under subsection (a) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

SEC. 904. COLLECTION OF DATA ON OTHER DETAINED ALIENS. (a) IN GENERAL.—The Attorney General shall regularly collect data on a nation-wide basis on aliens being detained in the United States by the Immigration and Naturalization Service other than the aliens described in section 903, including the following information:

(1) The number of detainees who are criminal aliens and the number of detainees who are noncriminal aliens who are not seeking asylum.

(2) An identification of the ages, gender, and countries of origin of detainees within each category described in paragraph (1).

(3) The types of facilities, whether facilities of the Immigration and Naturalization Service or other Federal, State, or local facilities, in which each of the categories of detainees described in paragraph (1) are held.

(b) LENGTH OF DETENTION, TRANSFERS, AND DISPOSITIONS.—With respect to detainees who are criminal aliens and detainees who are noncriminal aliens who are not seeking asylum, the

Attorney General shall also collect data concerning—

(1) the number and frequency of transfers between detention facilities for each category of detainee;

(2) the average length of detention of each category of detainee;

(3) for each category of detainee, the number of detainees who have been detained for the same length of time, in 3-month increments;

(4) for each category of detainee, the rate of release from detention for each district of the Immigration and Naturalization Service; and

(5) for each category of detainee, the disposition of detention, including whether detention ended due to deportation, release on parole, or any other release.

(c) CRIMINAL ALIENS.—With respect to criminal aliens, the Attorney General shall also collect data concerning—

(1) the number of criminal aliens apprehended under the immigration laws and not detained by the Attorney General; and

(2) a list of crimes committed by criminal aliens after the decision was made not to detain them, to the extent this information can be derived by cross-checking the list of criminal aliens not detained with other databases accessible to the Attorney General.

(d) ANNUAL REPORTS.—Beginning on October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsections (a), (b), and (c) for the fiscal year ending September 30 of that year.

(e) AVAILABILITY TO PUBLIC.—Copies of the data collected under subsections (a), (b), and (c) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

This Act may be cited as the "Treasury and General Government Appropriations Act, 1999".

ORDERS FOR WEDNESDAY, SEPTEMBER 9, 1998

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Wednesday, September 9. I further ask that when the Senate reconvenes on Wednesday, immediately following the prayer, the time until 9:45 be equally divided between Senators COCHRAN and LEVIN or their designees, relating to the motion to proceed to the missile defense bill. I further ask that at 9:45, the Senate proceed to the vote on the motion to invoke cloture on the motion to proceed to the missile defense bill, with the mandatory quorum under rule XXII being waived.

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

Mr. BENNETT. I further ask consent that if cloture is not invoked on the motion to proceed, the Senate resume consideration of S. 2237, the Interior appropriations bill.

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

Mr. BENNETT. Finally, I ask unanimous consent, if cloture is not invoked, that at 4:30 p.m. the Senate begin 30 minutes of debate on the motion to proceed to the bankruptcy bill, equally divided between Senators HATCH and DURBIN; further, that at 5 p.m. the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to the bankruptcy bill, with the

mandatory quorum under rule XXII being waived.

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

PROGRAM

Mr. BENNETT. For the information of all Senators, when the Senate reconvenes on Wednesday at 9 a.m., there will be 45 minutes of debate prior to a cloture vote on the motion to proceed to the missile defense bill. That vote should occur at approximately 9:45 a.m. If cloture is not invoked, the Senate will resume consideration of the Interior appropriations bill. At 4:30, assuming cloture is not invoked on the missile defense legislation, the Senate will begin 30 minutes of debate prior to a cloture vote on the motion to proceed to the bankruptcy bill. That vote will occur at approximately 5 p.m. Therefore, Members should expect votes throughout Wednesday's session, with the first vote occurring at approximately 9:45 a.m.

MEASURE READ FOR THE FIRST TIME—H.R. 3682

Mr. BENNETT. Mr. President, I understand H.R. 3682, the child custody protection bill, is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3682) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

Mr. BENNETT. I ask for its second reading and I object to my own request on behalf of Senators on the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

ORDER FOR ADJOURNMENT

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, following the additional remarks of the distinguished Democratic leader.

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

The Democratic leader.

REQUEST TO WORK OVERTIME

Mr. DASCHLE. Mr. President, I thank the Senator from Utah. I want to explain, again, what transpired just a couple of moments ago with regard to our unanimous consent request.

For the information of all Senators, we made the request that the Senate have the opportunity to take up the HMO reform bill, the House-passed HMO reform bill, Calendar No. 505, and that it be the pending business every day after the completion of the legislative business as outlined by the majority leader and the distinguished Senator from Utah today.

Why are we suggesting this? We are proposing this because many of our colleagues on the other side of the aisle have said that we do not have time to take up a careful consideration of HMO reform; we don't have the ability to consider a number of amendments that ought to be considered with legislation as complex as this.

We understand that the Senate has spent days on other bills—150 amendments on the defense bill, over 100 amendments on the highway bill, and over 50 amendments on just about every appropriations bill each. But the Republican leadership has said all we ought to have on HMO reform is three amendments. Why? Because we don't have time. That has been their premise. We don't have time to deal with this issue, but we have time to deal with a missile defense bill that we will debate in the morning, that would commit hundreds of billions of dollars over the course of many years to a missile system that has failed every single time it has been tested to date.

The only criteria we would use to evaluate that system is technological feasibility, regardless of cost, regardless of effectiveness, and regardless of its implications for treaties around the world. Our Republican colleagues are asking us to commit to a missile defense system, opposed by the Pentagon, that would commit hundreds of billions of dollars. That is what the vote is about tomorrow, and we have time for it. But we don't have time for dealing directly with the concerns of millions of Americans who day by day are shut out of a health system because their insurance company is playing doctor.

We are simply saying, if we don't have time, let's make time. Let's do what others have already done in past

Congresses and certainly in other situations where production becomes a problem. Let us add a second shift. Let us address this issue on the second shift. Let's work longer. Let's make more hours. Let's do what we must to complete our work.

It is only 6:20, and Senators have already left for the day. We didn't have a vote until 3:30 this afternoon to accommodate Senators who were traveling. Senators have just arrived. I am sure they would be more than willing to stay for a few hours more to debate and to consider carefully the HMO reform bill—6:20 in the evening and people are gone. Tomorrow we start with a vote at 9:30. We will have another vote at 5 o'clock, and we may be gone again.

Mr. President, we are simply asking our colleagues to put in a full day's work, to do what others would do under these circumstances—to add a second shift, to work overtime, to complete our work in what days we have left in this session of Congress.

We will continue to push for this approach and offer it in a sequence of requests simply to make the point that at 6:20 in the afternoon, our work shouldn't be done. At 6:20 in the afternoon, we shouldn't be leaving. I don't understand why we couldn't have completed our work on campaign finance reform. I don't understand why we shouldn't be on the floor debating that issue right now. But everybody is gone, and the clock keeps ticking and the calendar pages turn, and time runs out.

We can run out the clock, but there is no reason why we can't make that clock work harder. There isn't any reason why we can't work longer, and we will make every effort to assure that the Senate does its job. I regret very much that we are not doing it tonight. I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9 a.m., Wednesday, September 9.

Thereupon, the Senate, at 6:21 p.m., adjourned until Wednesday, September 9, 1998, at 9 a.m.