

99TH CONGRESS  
1ST SESSION

# H. R. 822

To provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 1985

Mr. MOAKLEY (for himself, Mr. REGULA, Mr. CHANDLER, Mr. CONTE, Mr. FRANK, Mr. FROST, Mr. GEJDENSON, Mr. GILMAN, Mr. JEFFORDS, Mr. LOWRY of Washington, Mr. MCKINNEY, Mr. MORRISON of Washington, Mr. PICKLE, Mr. RICHARDSON, Mr. TOWNS, and Mr. WEISS) introduced the following bill; which was referred jointly to the Committees on the Judiciary and Rules

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## A BILL

To provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 TITLE I—GENERAL ACCOUNTING OFFICE  
2 INVESTIGATION AND REPORT  
3 INVESTIGATION

4 SEC. 101. (a) REQUIRING GAO INVESTIGATION ON  
5 DISPLACED SALVADORANS.—Within 60 days after the date  
6 of the enactment of this Act, the Comptroller General shall  
7 begin an investigation concerning displaced nationals of El  
8 Salvador.

9 (b) DETERMINATIONS ON DISPLACED SALVADORANS  
10 IN CENTRAL AMERICA.—The investigation shall determine  
11 the following with respect to displaced Salvadorans who are  
12 present in either El Salvador, Honduras, Guatamala, or  
13 Mexico, regardless of whether or not they are registered:

14 (1) The number of these displaced persons and  
15 their current locations.

16 (2) Their place of origin in El Salvador and the  
17 period of, and reason for, their displacement.

18 (3) Their current living conditions, with particular  
19 attention to (A) their personal safety and the personal  
20 safety of those providing assistance to them, and (B)  
21 the availability of food and medical assistance.

22 (4) An assessment of (A) current efforts to provide  
23 food, medical assistance, housing, and other necessities  
24 and to secure personal safety for these persons, and (B)  
25 policies and procedures that reasonably could be imple-

1 mented to assure more efficient and equitable distribu-  
2 tion of this assistance.

3 (5) The impact of the war in El Salvador and of  
4 activities of officers of the Government or political par-  
5 ties in El Salvador on the matters described in the pre-  
6 vious paragraphs.

7 (c) DETERMINATIONS ON SALVADORANS RETURNED  
8 TO EL SALVADOR FROM THE UNITED STATES.—In the  
9 case of nationals of El Salvador who have been required  
10 (whether through deportation, voluntary departure proceed-  
11 ing, or otherwise) to depart from the United States and who  
12 return to El Salvador, the investigation shall assess—

13 (1) their condition and circumstances in El Salva-  
14 dor upon return from the United States, with particular  
15 attention to any violations of fundamental human rights  
16 that have occurred upon their return to El Salvador,  
17 and

18 (2) the extent to which these persons, upon their  
19 return, have become displaced persons within El Sal-  
20 vador.

21 (d) DETERMINATIONS ON SALVADORANS IN THE  
22 UNITED STATES IN AN UNLAWFUL STATUS.—In the case  
23 of nationals of El Salvador who are present in the United  
24 States in an unlawful status, the investigation shall—

1 (1) compare the situation in El Salvador with the  
2 situation in other countries during periods when nation-  
3 als of those countries have been provided administra-  
4 tive grants of extended voluntary departure under the  
5 immigration laws,

6 (2) describe the policies and procedures of the  
7 United States respecting the treatment of aliens (other  
8 than Salvadorans) in the United States in similar cir-  
9 cumstances, and

10 (3) describe the policies of all other countries in  
11 which Salvadorans have sought refuge as these policies  
12 concern the return of the Salvadorans to El Salvador.

#### 13 REPORT

14 SEC. 102. The Comptroller General shall submit to the  
15 Speaker of the House of Representatives and the President of  
16 the Senate, not later than one year after the date of the initi-  
17 ation of the study under section 101, a report on that study  
18 including detailed findings on the items described in subsec-  
19 tions (b), (c), and (d) of that section.

### 20 TITLE II—CONGRESSIONAL REVIEW

#### 21 REFERRAL OF REPORT, COMMITTEE HEARINGS, AND

#### 22 COMMITTEE REPORT

23 SEC. 201. (a) REFERRAL.—The report, when submitted  
24 under section 102, shall be referred, in accordance with the  
25 rules of each House, to the standing committee or commit-  
26 tees of each House of Congress having jurisdiction over the

1 subjects of the report, and the report shall be printed as a  
2 document of the House of Representatives.

3 (b) COMMITTEE HEARINGS.—No later than 90 days of  
4 continuous session of Congress after the date of the referral  
5 of the report to a committee, the committee shall initiate  
6 hearings, insofar as such committee has legislative or over-  
7 sight jurisdiction, to consider—

8 (1) the findings of the report,

9 (2) the appropriate steps that should be taken to  
10 provide assurances of personal safety and adequate, ef-  
11 ficient, and equitable distribution of assistance with re-  
12 spect to Salvadorans who are displaced within El Sal-  
13 vador or who have fled to other countries in Central  
14 America,

15 (3) treaty obligations of the United States, human-  
16 itarian considerations, and previous practice of the  
17 United States respecting the treatment of aliens in  
18 similar circumstances, and

19 (4) whether it is appropriate to extend, remove, or  
20 alter the restrictions contained in title III.

21 (c) COMMITTEE REPORT.—No later than 270 days of  
22 continuous session of the Congress after the date of the refer-  
23 ral of the report to a committee, the committee shall report  
24 to its respective House its oversight findings and any legisla-  
25 tion it deems appropriate.

1 (d) TREATMENT OF CONTINUITY OF SESSION.—For  
2 purposes of this Act, continuity of session of Congress is  
3 broken only by an adjournment sine die at the end of the  
4 second regular session of a Congress, and days on which  
5 either House of Congress is not in session because of an ad-  
6 journment of more than 10 days to a date certain are ex-  
7 cluded from the computation of the periods of continuous ses-  
8 sion of Congress.

9 TITLE III—TEMPORARY STAY OF DEPORTATION

10 LIMITATION ON DETENTION AND DEPORTATION

11 SEC. 301. (a) LIMITATION.—(1) Except as provided in  
12 paragraph (2), the Attorney General shall not detain or  
13 deport (to El Salvador) aliens described in subsection (b)  
14 during the period beginning on the date of enactment of this  
15 Act and ending 270 days of continuous session of Congress  
16 after the date of transmittal of the report of the Comptroller  
17 General to the Speaker of the House of Representatives  
18 under section 102.

19 (2) Paragraph (1) shall not be construed to prohibit the  
20 brief interrogation of an alien under section 287(a)(1) of the  
21 Immigration and Nationality Act (8 U.S.C. 1357(a)(1)) for  
22 the purpose of determining whether this section applies to  
23 particular aliens.

1 (b) SALVADORANS COVERED BY THE LIMITATION.—

2 The nationals referred to in subsection (a)(1) are aliens  
3 who—

4 “(1) are nationals of El Salvador,

5 “(2) are continuously present in the United States  
6 since the date of the enactment of this Act, and

7 “(3) are determined to be deportable only under—

8 (A) paragraph (1) of section 241(a) of the  
9 Immigration and Nationality Act (8 U.S.C.  
10 1251(a)), but only as such paragraph relates to a  
11 ground for exclusion described in paragraph (14),  
12 (15), (20), (21), (25), or (32) of section 212(a) of  
13 such Act (8 U.S.C. 1182(a)), or

14 (B) under paragraph (2), (9), or (10) of sec-  
15 tion 241(a) of such Act (8 U.S.C. 1254(a)).

16 PERIOD OF STAY OF DEPORTATION NOT COUNTED TO-  
17 WARDS OBTAINING SUSPENSION OF DEPORTATION  
18 BENEFIT

19 SEC. 302. With respect to an alien whose deportation is  
20 temporarily stayed under section 301 during a period, the  
21 period of the stay shall not be counted as a period of physical  
22 presence in the United States for purposes of section 244(a)  
23 of the Immigration and Nationality Act (8 U.S.C. 1254(a)).

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