

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 551

To provide for the granting of asylum in the United States to nationals of Laos, Vietnam, Cambodia, and Burma who assist in the return to the United States of living Vietnam POW/MIAs.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1993

Mr. UPTON introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide for the granting of asylum in the United States to nationals of Laos, Vietnam, Cambodia, and Burma who assist in the return to the United States of living Vietnam POW/MIAs.

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

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Vietnam POW/MIA  
5        Rescue Act”.

6        **SEC. 2. VIETNAM POW/MIA ASYLUM PROGRAM.**

7        (a) ASYLUM FOR ELIGIBLE ALIENS.—The Attorney  
8        General shall grant asylum in the United States to any

1 alien described in subsection (b), upon the application of  
2 that alien.

3 (b) ELIGIBILITY.—Asylum shall be granted under  
4 subsection (a) to any alien (1) who is a national of Laos,  
5 Vietnam, Cambodia, or Burma, and (2) who, while acting  
6 other than in an official or unofficial capacity on behalf  
7 of any government or agency, personally delivers into the  
8 custody of the United States Government a living Vietnam  
9 POW/MIA (or participates in such a delivery).

10 (c) VIETNAM POW/MIA DEFINED.—

11 (1) For purposes of this section, the term  
12 “Vietnam POW/MIA” means an individual—

13 (A) who is a member of a uniformed serv-  
14 ice (within the meaning of section 101(3) of  
15 title 37, United States Code) in a missing sta-  
16 tus (as defined in section 551(2) of such title)  
17 as a result of the Vietnam conflict, unless it is  
18 official determined under section 552(c) of such  
19 title that such individual is officially absent  
20 from such individual’s post of duty without au-  
21 thority; or

22 (B) who is an employee (as defined in sec-  
23 tion 5561(2) of title 5, United States Code) in  
24 a missing status (as defined in section 5561(5)

1           of such title) as a result of the Vietnam con-  
2           flict.

3           Such term does not include an individual who the  
4           Secretary of Veterans Affairs determines remained  
5           in Vietnam, Laos, or Cambodia voluntarily.

6           (2) For purposes of paragraph (1)—

7                 (A) the Vietnam conflict began on Feb-  
8                 ruary 28, 1961, and ended on May 7, 1975;  
9                 and

10                (B) an individual in a missing status shall  
11                be considered to be in a missing status as a re-  
12                sult of the Vietnam conflict if immediately be-  
13                fore that status began the individual—

14                         (i) was performing service in Vietnam;

15                         or

16                         (ii) was performing service in South-  
17                         east Asia in direct support of military op-  
18                         erations in Vietnam.

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