

106TH CONGRESS
1ST SESSION

S. 484

To provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 1999

Mr. CAMPBELL (for himself, Mr. GREGG, and Mr. HELMS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

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 “Bring Them Home
5 Alive Act of 1999”.

1 **SEC. 2. AMERICAN VIETNAM WAR POW/MIA ASYLUM PRO-**
2 **GRAM.**

3 (a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstand-
4 ing any other provision of law, the Attorney General shall
5 grant refugee status in the United States to any alien de-
6 scribed in subsection (b), upon the application of that
7 alien.

8 (b) ELIGIBILITY.—Refugee status shall be granted
9 under subsection (a) to—

10 (1) any alien who—

11 (A) is a national of Vietnam, Cambodia,
12 Laos, China, or any of the independent states
13 of the former Soviet Union; and

14 (B) personally delivers into the custody of
15 the United States Government a living Amer-
16 ican Vietnam War POW/MIA; and

17 (2) any parent, spouse, or child of an alien de-
18 scribed in paragraph (1).

19 (c) DEFINITIONS.—In this section:

20 (1) AMERICAN VIETNAM WAR POW/MIA.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraph (B), the term “American Viet-
23 nam War POW/MIA” means an individual—

24 (i) who is a member of a uniformed
25 service (within the meaning of section
26 101(3) of title 37, United States Code) in

1 a missing status (as defined in section
2 551(2) of such title and this subsection) as
3 a result of the Vietnam War; or

4 (ii) who is an employee (as defined in
5 section 5561(2) of title 5, United States
6 Code) in a missing status (as defined in
7 section 5561(5) of such title) as a result of
8 the Vietnam War.

9 (B) EXCLUSION.—Such term does not in-
10 clude an individual with respect to whom it is
11 officially determined under section 552(c) of
12 title 37, United States Code, that such individ-
13 ual is officially absent from such individual's
14 post of duty without authority.

15 (2) MISSING STATUS.—The term “missing sta-
16 tus”, with respect to the Vietnam War, means the
17 status of an individual as a result of the Vietnam
18 War if immediately before that status began the
19 individual—

20 (A) was performing service in Vietnam; or

21 (B) was performing service in Southeast
22 Asia in direct support of military operations in
23 Vietnam.

24 (3) VIETNAM WAR.—The term “Vietnam War”
25 means the conflict in Southeast Asia during the pe-

1 riod that began on February 28, 1961, and ended on
2 May 7, 1975.

3 **SEC. 3. AMERICAN KOREAN WAR POW/MIA ASYLUM PRO-**
4 **GRAM.**

5 (a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstand-
6 ing any other provision of law, the Attorney General shall
7 grant refugee status in the United States to any alien de-
8 scribed in subsection (b), upon the application of that
9 alien.

10 (b) ELIGIBILITY.—Refugee status shall be granted
11 under subsection (a) to—

12 (1) any alien—

13 (A) who is a national of North Korea,
14 China, or any of the independent states of the
15 former Soviet Union; and

16 (B) who personally delivers into the cus-
17 tody of the United States Government a living
18 American Korean War POW/MIA; and

19 (2) any parent, spouse, or child of an alien de-
20 scribed in paragraph (1).

21 (c) DEFINITIONS.—In this section:

22 (1) AMERICAN KOREAN WAR POW/MIA.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), the term “American Korean
25 War POW/MIA” means an individual—

1 (i) who is a member of a uniformed
2 service (within the meaning of section
3 101(3) of title 37, United States Code) in
4 a missing status (as defined in section
5 551(2) of such title and this subsection) as
6 a result of the Korean War; or

7 (ii) who is an employee (as defined in
8 section 5561(2) of title 5, United States
9 Code) in a missing status (as defined in
10 section 5561(5) of such title) as a result of
11 the Korean War.

12 (B) EXCLUSION.—Such term does not in-
13 clude an individual with respect to whom it is
14 officially determined under section 552(c) of
15 title 37, United States Code, that such individ-
16 ual is officially absent from such individual's
17 post of duty without authority.

18 (2) KOREAN WAR.—The term “Korean War”
19 means the conflict on the Korean peninsula during
20 the period that began on June 27, 1950, and ended
21 January 31, 1955.

22 (3) MISSING STATUS.—The term “missing sta-
23 tus”, with respect to the Korean War, means the
24 status of an individual as a result of the Korean

1 War if immediately before that status began the
2 individual—

3 (A) was performing service in the Korean
4 peninsula; or

5 (B) was performing service in Asia in di-
6 rect support of military operations in the Ko-
7 rean peninsula.

8 **SEC. 4. BROADCASTING INFORMATION ON THE “BRING**
9 **THEM HOME ALIVE” PROGRAM.**

10 (a) REQUIREMENT.—

11 (1) IN GENERAL.—The International Broad-
12 casting Bureau shall broadcast, through
13 WORLDNET Television and Film Service and
14 Radio or otherwise, information that promotes the
15 “Bring Them Home Alive” refugee program under
16 this Act to foreign countries covered by paragraph
17 (2).

18 (2) COVERED COUNTRIES.—The foreign coun-
19 tries covered by paragraph (1) are—

20 (A) Vietnam, Cambodia, Laos, China, and
21 North Korea; and

22 (B) Russia and the other independent
23 states of the former Soviet Union.

24 (b) LEVEL OF PROGRAMMING.—The International
25 Broadcasting Bureau shall broadcast—

1 (1) at least 20 hours of the programming de-
2 scribed in subsection (a)(1) during the 10-day period
3 that begins on the date of enactment of this Act;
4 and

5 (2) at least 10 hours of the programming de-
6 scribed in subsection (a)(1) in each calendar quarter
7 during the period beginning with the first calendar
8 quarter that begins after the date of enactment of
9 this Act and ending five years after the date of en-
10 actment of this Act.

11 (c) AVAILABILITY OF INFORMATION ON THE INTER-
12 NET.—International Broadcasting Bureau shall ensure
13 that information regarding the “Bring Them Home Alive”
14 refugee program under this Act is readily available on the
15 World Wide Web sites of the Bureau.

16 (d) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that RFE/RL, Incorporated, Radio Free Asia, and
18 any other recipient of Federal grants that engages in
19 international broadcasting to the countries covered by sub-
20 section (a)(2) should broadcast information similar to the
21 information required to be broadcast by subsection (a)(1).

22 (e) DEFINITION.—The term “International Broad-
23 casting Bureau” means the International Broadcasting
24 Bureau of the United States Information Agency or, on
25 and after the effective date of title XIII of the Foreign

1 Affairs Reform and Restructuring Act of 1998 (as con-
2 tained in division G of Public Law 105–277), the Inter-
3 national Broadcasting Bureau of the Broadcasting Board
4 of Governors.

5 **SEC. 5. INDEPENDENT STATES OF THE FORMER SOVIET**
6 **UNION DEFINED.**

7 In this Act, the term “independent states of the
8 former Soviet Union” has the meaning given the term in
9 section 3 of the FREEDOM Support Act (22 U.S.C.
10 5801).

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