

107TH CONGRESS  
2D SESSION

# S. 1339

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## AN ACT

To amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Persian Gulf War  
5       POW/MIA Accountability Act of 2002”.

1 **SEC. 2. AMERICAN PERSIAN GULF WAR POW/MIA ASYLUM**  
 2 **PROGRAM.**

3 (a) ASYLUM PROGRAM.—The Bring Them Home  
 4 Alive Act of 2000 (Public Law 106–484; 114 Stat. 2195;  
 5 8 U.S.C. 1157 note) is amended by inserting after section  
 6 3 the following new section:

7 **“SEC. 3A. AMERICAN PERSIAN GULF WAR POW/MIA ASYLUM**  
 8 **PROGRAM.**

9 “(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwith-  
 10 standing any other provision of law, the Attorney General  
 11 shall grant refugee status in the United States to any alien  
 12 described in subsection (b), upon the application of that  
 13 alien.

14 “(b) ELIGIBILITY.—

15 “(1) IN GENERAL.—Except as provided in para-  
 16 graph (2), an alien described in this subsection is—

17 “(A) any alien who—

18 “(i) is a national of Iraq or a nation  
 19 of the Greater Middle East Region (as de-  
 20 termined by the Attorney General in con-  
 21 sultation with the Secretary of State); and

22 “(ii) personally delivers into the cus-  
 23 tody of the United States Government a  
 24 living American Persian Gulf War POW/  
 25 MIA; and

1           “(B) any parent, spouse, or child of an  
2           alien described in subparagraph (A).

3           “(2) EXCEPTIONS.—An alien described in this  
4           subsection does not include a terrorist, a persecutor,  
5           a person who has been convicted of a serious criminal  
6           offense, or a person who presents a danger to  
7           the security of the United States, as set forth in  
8           clauses (i) through (v) of section 208(b)(2)(A) of the  
9           Immigration and Nationality Act (8 U.S.C.  
10          1158(b)(2)(A)).

11          “(c) DEFINITIONS.—In this section:

12           “(1) AMERICAN PERSIAN GULF WAR POW/  
13          MIA.—

14           “(A) IN GENERAL.—Except as provided in  
15          subparagraph (B), the term ‘American Persian  
16          Gulf War POW/MIA’ means an individual—

17           “(i) who is a member of a uniformed  
18          service (within the meaning of section  
19          101(3) of title 37, United States Code) in  
20          a missing status (as defined in section  
21          551(2) of such title and this subsection) as  
22          a result of the Persian Gulf War, or any  
23          successor conflict, operation, or action; or

24           “(ii) who is an employee (as defined  
25          in section 5561(2) of title 5, United States

1 Code) in a missing status (as defined in  
 2 section 5561(5) of such title) as a result of  
 3 the Persian Gulf War, or any successor  
 4 conflict, operation, or action.

5 “(B) EXCLUSION.—Such term does not in-  
 6 clude an individual with respect to whom it is  
 7 officially determined under section 552(c) of  
 8 title 37, United States Code, that such indi-  
 9 vidual is officially absent from such individual’s  
 10 post of duty without authority.

11 “(2) MISSING STATUS.—The term ‘missing sta-  
 12 tus’, with respect to the Persian Gulf War, or any  
 13 successor conflict, operation, or action, means the  
 14 status of an individual as a result of the Persian  
 15 Gulf War, or such conflict, operation, or action, if  
 16 immediately before that status began the  
 17 individual—

18 “(A) was performing service in Kuwait,  
 19 Iraq, or another nation of the Greater Middle  
 20 East Region; or

21 “(B) was performing service in the Greater  
 22 Middle East Region in direct support of mili-  
 23 tary operations in Kuwait or Iraq.

24 “(3) PERSIAN GULF WAR.—The term ‘Persian  
 25 Gulf War’ means the period beginning on August 2,

1       1990, and ending on the date thereafter prescribed  
2       by Presidential proclamation or by law.”.

3       (b) BROADCASTING INFORMATION.—Section 4(a)(2)  
4 of that Act is amended—

5           (1) by striking “and” at the end of subpara-  
6       graph (A);

7           (2) by striking the period at the end of sub-  
8       paragraph (B) and inserting “; and”; and

9           (3) by adding at the end the following new sub-  
10      paragraph:

11           “(C) Iraq, Kuwait, or any other country of  
12       the Greater Middle East Region (as determined  
13       by the International Broadcasting Bureau in  
14       consultation with the Attorney General and the  
15       Secretary of State).”.

Passed the Senate July 29, 2002.

Attest:

*Secretary.*

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