

# Calendar No. 452

107<sup>TH</sup> CONGRESS  
2D SESSION

# S. 1339

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.

---

## IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2001

Mr. CAMPBELL (for himself, Mr. BUNNING, Mr. MILLER, Mr. McCONNELL, Mr. SMITH of New Hampshire, Mr. TORRICELLI, Mr. BENNETT, Mr. INOUE, Mr. GRAHAM, Mr. DURBIN, Mr. NELSON of Florida, Mr. INHOFE, Mr. DAYTON, Mr. SANTORUM, Mrs. MURRAY, Mr. ALLARD, Ms. CANTWELL, Mr. KOHL, Mr. WELLSTONE, Mr. ROBERTS, Ms. COLLINS, Mr. GREGG, Mr. THURMOND, Mr. FITZGERALD, Mrs. CLINTON, Mr. MURKOWSKI, Mr. ALLEN, Mr. SESSIONS, Ms. STABENOW, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. CLELAND, Ms. LANDRIEU, Mr. LEAHY, Mr. ROCKEFELLER, Mr. EDWARDS, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 27, 2002

Reported by Mr. LEAHY, with an amendment

---

## A BILL

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Persian Gulf War  
3 POW/MIA Accountability Act of 2001”.

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

6 (a) ASYLUM PROGRAM.—The Bring Them Home  
7 Alive Act of 2000 (Public Law 106–484; 114 Stat. 2195;  
8 8 U.S.C. 1157 note) is amended by inserting after section  
9 3 the following new section:

10 **“SEC. 3A. AMERICAN PERSIAN GULF WAR POW/MIA ASYLUM**  
11 **PROGRAM.**

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

17 “(b) ELIGIBILITY.—Refugee status shall be granted  
18 under subsection (a) to—

19 “(1) any alien who—

20 “(A) is a national of Iraq or a nation of  
21 the Greater Middle East Region (as determined  
22 by the Attorney General in consultation with  
23 the Secretary of State); and

24 “(B) personally delivers into the custody of  
25 the United States Government a living Amer-  
26 ican Persian Gulf War POW/MIA; and

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

3           “(b) *ELIGIBILITY.*—

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

6           “(A) *any alien who—*

7           “(i) *is a national of Iraq or a nation*  
 8           *of the Greater Middle East Region (as de-*  
 9           *termined by the Attorney General in con-*  
 10          *sultation with the Secretary of State); and*

11          “(ii) *personally delivers into the cus-*  
 12          *tody of the United States Government a liv-*  
 13          *ing American Persian Gulf War POW/MIA;*  
 14          *and*

15          “(B) *any parent, spouse, or child of an*  
 16          *alien described in subparagraph (A).*

17          “(2) *EXCEPTIONS.*—*An alien described in this*  
 18          *subsection does not include a terrorist, a persecutor,*  
 19          *a person who has been convicted of a serious criminal*  
 20          *offense, or a person who presents a danger to the secu-*  
 21          *rity of the United States, as set forth in clauses (i)*  
 22          *through (v) of section 208(b)(2)(A) of the Immigra-*  
 23          *tion and Nationality Act (8 U.S.C. 1158(b)(2)(A)).*

24          “(c) *DEFINITIONS.*—*In this section:*

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

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

6           “(i) who is a member of a uniformed  
7 service (within the meaning of section  
8 101(3) of title 37, United States Code) in  
9 a missing status (as defined in section  
10 551(2) of such title and this subsection) as  
11 a result of the Persian Gulf War, or any  
12 successor conflict, operation, or action; or

13           “(ii) who is an employee (as defined  
14 in section 5561(2) of title 5, United States  
15 Code) in a missing status (as defined in  
16 section 5561(5) of such title) as a result of  
17 the Persian Gulf War, or any successor  
18 conflict, operation, or action.

19           “(B) EXCLUSION.—Such term does not in-  
20 clude an individual with respect to whom it is  
21 officially determined under section 552(c) of  
22 title 37, United States Code, that such indi-  
23 vidual is officially absent from such individual’s  
24 post of duty without authority.

1           “(2) MISSING STATUS.—The term ‘missing sta-  
 2           tus’, with respect to the Persian Gulf War, or any  
 3           successor conflict, operation, or action, means the  
 4           status of an individual as a result of the Persian  
 5           Gulf War, or such conflict, operation, or action, if  
 6           immediately before that status began the  
 7           individual—

8                   “(A) was performing service in Kuwait,  
 9                   Iraq, or another nation of the Greater Middle  
 10                  East Region; or

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

14           “(3) PERSIAN GULF WAR.—The term ‘Persian  
 15           Gulf War’ means the period beginning on August 2,  
 16           1990, and ending on the date thereafter prescribed  
 17           by Presidential proclamation or by law.”.

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

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

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

24                   (3) by adding at the end the following new sub-  
 25                  paragraph:

1                   “(C) Iraq, Kuwait, or any other country of  
2                   the Greater Middle East Region (as determined  
3                   by the International Broadcasting Bureau in  
4                   consultation with the Attorney General and the  
5                   Secretary of State).”.



**Calendar No. 452**

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1339**

---

---

**A BILL**

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.

---

---

JUNE 27, 2002

Reported with an amendment