

107TH CONGRESS
1ST 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 introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

8 (a) ASYLUM PROGRAM.—The Bring Them Home
9 Alive Act of 2000 (Public Law 106–484; 114 Stat. 2195;

1 8 U.S.C. 1157 note) is amended by inserting after section
 2 3 the following new section:

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

5 “(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwith-
 6 standing any other provision of law, the Attorney General
 7 shall grant refugee status in the United States to any alien
 8 described 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 who—

13 “(A) is a national of Iraq or a nation of
 14 the Greater Middle East Region (as determined
 15 by the Attorney General in consultation with
 16 the Secretary of State); and

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

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

22 “(c) DEFINITIONS.—In this section:

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

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

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

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

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

23 “(2) MISSING STATUS.—The term ‘missing sta-
24 tus’, with respect to the Persian Gulf War, or any
25 successor conflict, operation, or action, means the

1 status of an individual as a result of the Persian
 2 Gulf War, or such conflict, operation, or action, if
 3 immediately before that status began the
 4 individual—

5 “(A) was performing service in Kuwait,
 6 Iraq, or another nation of the Greater Middle
 7 East Region; or

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

11 “(3) PERSIAN GULF WAR.—The term ‘Persian
 12 Gulf War’ means the period beginning on August 2,
 13 1990, and ending on the date thereafter prescribed
 14 by Presidential proclamation or by law.”.

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

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

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

21 (3) by adding at the end the following new sub-
 22 paragraph:

23 “(C) Iraq, Kuwait, or any other country of
 24 the Greater Middle East Region (as determined
 25 by the International Broadcasting Bureau in

1 consultation with the Attorney General and the
2 Secretary of State).”.

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