

Public Law 107-258  
107th Congress

An Act

Oct. 29, 2002

[S. 1339]

Persian Gulf War  
POW/MIA  
Accountability  
Act of 2002.  
8 USC 1101 note.

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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

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

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

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

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

“(a) **ASYLUM FOR ELIGIBLE ALIENS.**—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

“(b) **ELIGIBILITY.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), an alien described in this subsection is—

“(A) any alien who—

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

“(ii) personally delivers into the custody of the United States Government a living American Persian Gulf War POW/MIA; and

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

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

“(c) DEFINITIONS.—In this section:

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

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

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

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

“(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual’s post of duty without authority.

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

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

“(B) was performing service in the Greater Middle East Region in direct support of military operations in Kuwait or Iraq.

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

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

(1) by striking “and” at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting “; and”; and

8 USC 1157 note.

(3) by adding at the end the following new subparagraph:  
“(C) Iraq, Kuwait, or any other country of the Greater Middle East Region (as determined by the International Broadcasting Bureau in consultation with the Attorney General and the Secretary of State).”

Approved October 29, 2002.

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**LEGISLATIVE HISTORY—S. 1339:**

HOUSE REPORTS: No. 107-749, Pt. 1 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 148 (2002):

July 29, considered and passed Senate.

Oct. 15, considered and passed House.