

106TH CONGRESS
1ST SESSION

H. R. 1926

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 HOUSE OF REPRESENTATIVES

MAY 25, 1999

Mr. HEFLEY (for himself, Mr. ROHRABACHER, Mrs. MCCARTHY of New York, Mr. SHOWS, Mr. HOLDEN, Mr. DIAZ-BALART, Mr. MCHUGH, Mr. ORTIZ, Mr. SCHAFFER, Mr. FOSSELLA, Mr. ENGLISH, Mr. GREEN of Texas, Mr. WHITFIELD, Ms. GRANGER, Mr. BURTON of Indiana, Mrs. KELLY, Mr. GUTIERREZ, Mr. DAVIS of Virginia, Mr. FLETCHER, Mr. FORBES, Mr. CUNNINGHAM, Mr. SHAYS, Mr. FILNER, Mr. MCCOLLUM, Mr. HILLEARY, Mr. LUCAS of Kentucky, Mr. MCGOVERN, Mr. KING, Mr. LEWIS of Kentucky, Mr. HUNTER, and Mr. HOSTETTLER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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”.

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

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

13 (b) ELIGIBILITY.—Refugee status shall be granted
14 under subsection (a) to—

15 (1) any alien who—

16 (A) is a national of Vietnam, Cambodia,
17 Laos, China, or any of the independent states
18 of the former Soviet Union; and

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

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

24 (c) DEFINITIONS.—In this section:

25 (1) AMERICAN VIETNAM WAR POW/MIA.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), the term “American Viet-
3 nam 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 Vietnam War; or

10 (ii) who is an employee (as defined in
11 section 5561(2) of title 5, United States
12 Code) in a missing status (as defined in
13 section 5561(5) of such title) as a result of
14 the Vietnam War.

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

21 (2) MISSING STATUS.—The term “missing sta-
22 tus”, with respect to the Vietnam War, means the
23 status of an individual as a result of the Vietnam
24 War if immediately before that status began the
25 individual—

1 (A) was performing service in Vietnam; or

2 (B) was performing service in Southeast
3 Asia in direct support of military operations in
4 Vietnam.

5 (3) VIETNAM WAR.—The term “Vietnam War”
6 means the conflict in Southeast Asia during the pe-
7 riod that began on February 28, 1961, and ended on
8 May 7, 1975.

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

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

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

18 (1) any alien—

19 (A) who is a national of North Korea,
20 China, or any of the independent states of the
21 former Soviet Union; and

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

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

3 (c) DEFINITIONS.—In this section:

4 (1) AMERICAN KOREAN WAR POW/MIA.—

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

8 (i) who is a member of a uniformed
9 service (within the meaning of section
10 101(3) of title 37, United States Code) in
11 a missing status (as defined in section
12 551(2) of such title and this subsection) as
13 a result of the Korean War; or

14 (ii) who is an employee (as defined in
15 section 5561(2) of title 5, United States
16 Code) in a missing status (as defined in
17 section 5561(5) of such title) as a result of
18 the Korean War.

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

5 (3) MISSING STATUS.—The term “missing sta-
6 tus”, with respect to the Korean War, means the
7 status of an individual as a result of the Korean
8 War if immediately before that status began the
9 individual—

10 (A) was performing service in the Korean
11 peninsula; or

12 (B) was performing service in Asia in di-
13 rect support of military operations in the Ko-
14 rean peninsula.

15 **SEC. 4. BROADCASTING INFORMATION ON THE “BRING**
16 **THEM HOME ALIVE” PROGRAM.**

17 (a) REQUIREMENT.—

18 (1) IN GENERAL.—The International Broad-
19 casting Bureau shall broadcast, through
20 WORLDNET Television and Film Service and
21 Radio or otherwise, information that promotes the
22 “Bring Them Home Alive” refugee program under
23 this Act to foreign countries covered by paragraph
24 (2).

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

3 (A) Vietnam, Cambodia, Laos, China, and
4 North Korea; and

5 (B) Russia and the other independent
6 states of the former Soviet Union.

7 (b) LEVEL OF PROGRAMMING.—The International
8 Broadcasting Bureau shall broadcast—

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

13 (2) at least 10 hours of the programming de-
14 scribed in subsection (a)(1) in each calendar quarter
15 during the period beginning with the first calendar
16 quarter that begins after the date of enactment of
17 this Act and ending five years after the date of en-
18 actment of this Act.

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

24 (d) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that RFE/RL, Incorporated, Radio Free Asia, and

1 any other recipient of Federal grants that engages in
2 international broadcasting to the countries covered by sub-
3 section (a)(2) should broadcast information similar to the
4 information required to be broadcast by subsection (a)(1).

5 (e) DEFINITION.—The term “International Broad-
6 casting Bureau” means the International Broadcasting
7 Bureau of the United States Information Agency or, on
8 and after the effective date of title XIII of the Foreign
9 Affairs Reform and Restructuring Act of 1998 (as con-
10 tained in division G of Public Law 105–277), the Inter-
11 national Broadcasting Bureau of the Broadcasting Board
12 of Governors.

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

15 In this Act, the term “independent states of the
16 former Soviet Union” has the meaning given the term in
17 section 3 of the FREEDOM Support Act (22 U.S.C.
18 5801).

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