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Collection Code: **SECLOG**

Staff Name:

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Correspondent: **TIM SAUNDERS**

Subject/Description: **OVERSIZE ATTACHMENT # 9469 NARA # 9360 BOX 5
FOLDER 2A BILL FILE RECEIVED FROM THE OFFICE OF
THE EXECUTIVE CLERK - OCT 29 02 ENROLLED BILL S.
1339 - PERSIAN GULF WAR POW - MIA ACCOUNTABILITY
ACT OF 2002**

APPROVED

OCT 29 2002



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE PRESIDENT HAS SEEN

October 23, 2002

10-29-02

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1339 - Persian Gulf War POW/MIA Accountability Act of 2002
Sponsors - Sen. Campbell (R) Colorado and 43 cosponsors

Last Day for Action

October 29, 2002 - Tuesday

Purpose

Grants refugee status in the United States to certain nationals of Iraq and other nations of the Greater Middle East Region who personally deliver into U.S. custody a living American who is a prisoner of war or missing in action as a result of the Persian Gulf War or any successor conflict.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of State

Approval (Informally)

Broadcasting Board of Governors

No objection

Department of Defense

No objection (Informally)

Central Intelligence Agency

No comment (Informally)

Discussion

Background. The Bring Them Home Alive Act of 2000 (P.L. 106-484, enacted on November 9, 2000) requires the Justice Department to grant refugee status in the United States to any alien (and his or her parent, spouse, or child), upon his or her application, who: (1) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Vietnam War POW/MIA; or (2) is a national of North Korea, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Korean War POW/MIA.

The Immigration and Nationality Act (INA) defines a refugee as any person who is outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution. As a refugee, an alien is admitted to the United States and granted work authorization. After five years of residency, a refugee is eligible to apply for U.S. citizenship.

Current law also requires the International Broadcasting Bureau (IBB) of the Broadcasting Board of Governors to promote the "Bring Them Home Alive" refugee program through WORLDNET and Voice of America television and radio broadcasts to Vietnam, Cambodia, Laos, China, North Korea, and the independent states of the former Soviet Union. Under the Act, the IBB is required to broadcast at least 10 hours of programming in each calendar quarter through 2005. The IBB is also required to make information regarding the "Bring Them Home Alive" refugee program readily available on its World Wide Web sites.

Enrolled Bill Provisions. S. 1339 would amend the Bring Them Home Alive Act to also require the Justice Department to grant refugee status to any alien (and his or her parent, spouse, or child) who is a national of Iraq or a nation of the Greater Middle East Region and who personally delivers into the custody of the U.S. Government a living American POW/MIA from the Persian Gulf War or any "successor conflict, operation, or action." The Justice Department, in consultation with the State Department, would be responsible for determining which nations are part of the Greater Middle East Region for these purposes.

The enrolled bill would define an American Persian Gulf War POW/MIA as a member of a uniformed service or a civilian Federal employee who is missing as a result of the Persian Gulf War or any successor conflict and, immediately prior to becoming missing, was performing service: (1) in Kuwait, Iraq, or another nation of the Greater Middle East Region; or (2) in the Greater Middle East Region in direct support of military operations in Kuwait or Iraq. Individuals officially determined to be absent from their duty post without authority would not be included in the definition. The enrolled bill states that, for its purposes, the Persian Gulf War means the period beginning on August 2, 1990, and ending on a date prescribed by Presidential proclamation or by law.

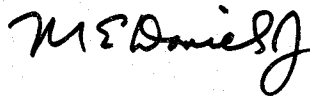
The enrolled bill would specify that an alien who is otherwise ineligible for asylum under the INA for one of the following reasons would not be eligible for relief under the enrolled bill. An alien would be ineligible if the Justice Department determines that: (1) the alien has or is engaged in, or is likely to engage in, terrorist activity or is a representative or member of a foreign terrorist organization; (2) the alien has participated in the persecution of another person on account of race, religion, nationality, membership in a particular social group, or political opinion; (3) having been convicted of a particularly serious crime, the alien constitutes a danger to the United States; (4) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside the United States; or (5) there are reasonable grounds for regarding the alien as a danger to the security of the United States.

The enrolled bill would expand the IBB's responsibilities for promoting the "Bring Them Home Alive" refugee program to include broadcasts to Iraq, Kuwait, or any other country of the Greater Middle East Region. For these purposes, the countries of the Greater Middle East Region would be determined by the IBB, in consultation with Justice and State.

According to the House floor debate, "[t]here have been recent reports that Michael [Scott] Speicher, a Navy pilot shot down over Iraq in 1991, may still be in Iraqi hands," and the enrolled bill "will encourage [his] safe return" and "could also be used to encourage a return of POW/MIAs [in the event of a future] war against Iraq." According to the floor debate, Captain Speicher is "the only person classified as a POW/MIA from the Gulf War of the early 1990s."

Conclusion and Recommendations

We join Justice and State in recommending the approval of S. 1339, which passed the Senate by unanimous consent and the House by voice vote.



Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

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.

*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

S. 1339—3

(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).”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
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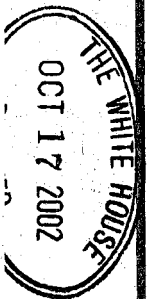
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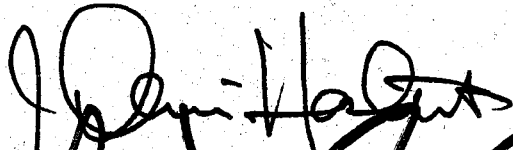
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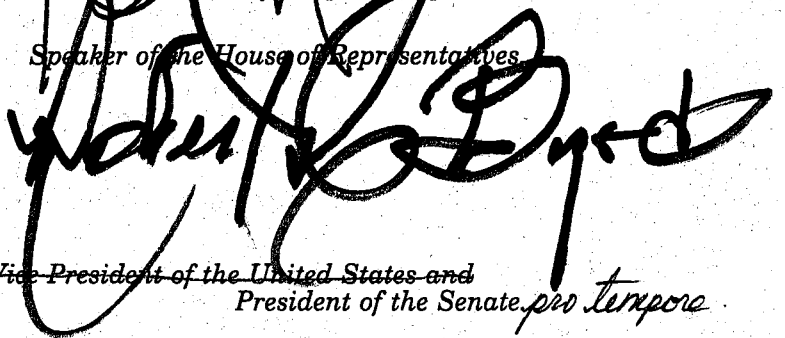


S. 1339—3

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Speaker of the House of Representatives

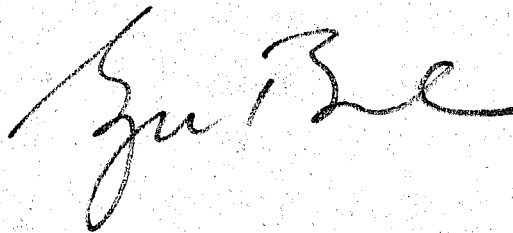


~~Vice President of the United States and~~

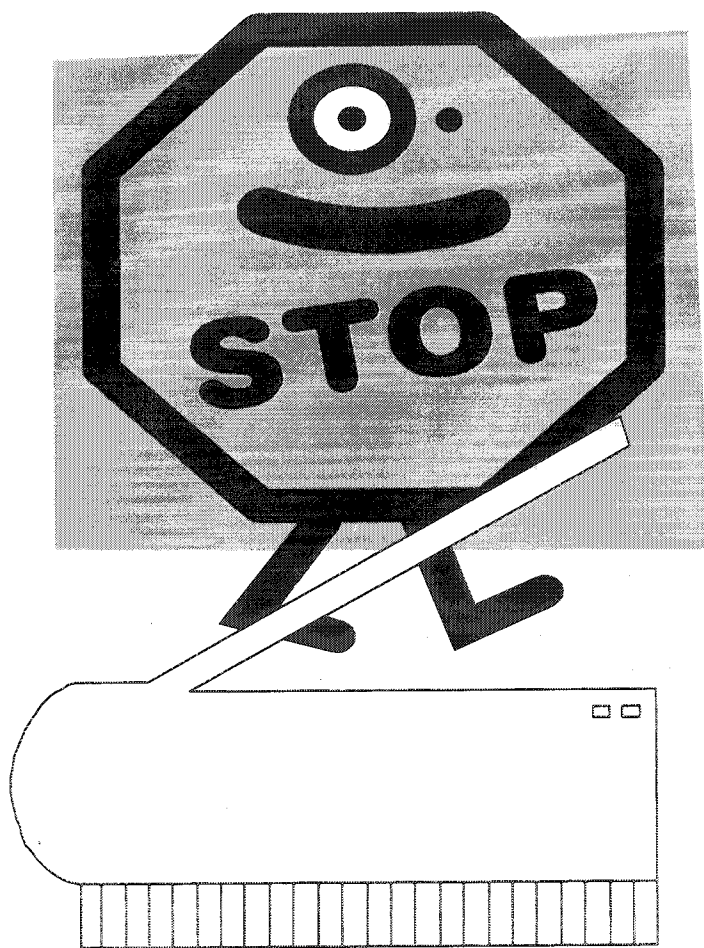
President of the Senate *pro tempore*

APPROVED

OCT 29 2002



ORM
Scanning insert sheet



Remainder of case not scanned

Bills Received at the White House

Date received and
notification to OMB: 10/17/2002
Last day for action: 10/29/2002

OMB ENROLL

BILL MEMO

Official Title IS HERE

S.1339

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 the other purposes.

521782

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-23-02 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-24-02 5:00 PMSubject: ENROLLED BILL S.1339 -- PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT
OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT <i>concur</i>	☒	☐	HUBBARD	☐	☐
CARD <i>ok</i>	☒	☐	IRASTORZA	☐	☐
BARTLETT <i>WC</i>	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN <i>n/c</i>	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO <i>ok</i>	☒	☐	RICE <i>clear</i>	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☒	☒	CLERK	☐	☒
GONZALES <i>D/C</i>	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS TO JIM JUKES, 53458, OR FAX 56148, BY 5:00 P.M.,
THURSDAY, OCTOBER 24, 2002, WITH A COPY TO THE STAFF SECRETARY'S OFFICE.
THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

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S. 1339—3

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Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*



U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 21, 2002

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This responds to your request for the views and recommendation of the Department of Justice on enrolled bill S. 1339, the "Persian Gulf War POW/MIA Accountability Act of 2002." We have no objection to this enrolled bill and therefore recommend that the President approve it.

The "Bring Them Home Alive Act of 2000" (Pub. L. No. 106-484; 114 Stat.2195; 8 U.S.C. § 1157 note) requires the Attorney General to provide refugee status to any alien (and his or her parents, spouse, or child) who is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union, and who personally delivers into the custody of the U.S. Government a living American prisoner of war from the Vietnam War. It grants similar status to any alien (and his or her family members) who is a national of North Korea, China, or the independent states of the former Soviet Union, and who delivers a living American prisoner of war from the Korean War. Information regarding the Act is to be broadcast by the International Broadcasting Bureau over the Voice of America and other communications services.

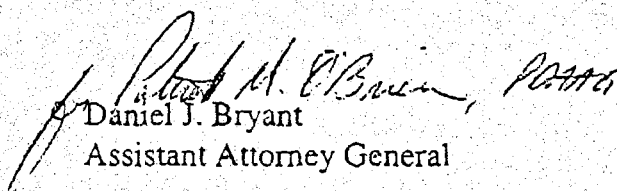
S. 1339 would amend the Bring Them Home Alive Act to encompass the 1990-91 Persian Gulf War and any future American military operations against Iraq. According to the Report of the House Judiciary Committee on S. 1339, there have been reports that Michael Speicher, a Navy pilot shot down over Iraq in 1991, may still be alive and in Iraqi hands.

The enrolled bill provides refugee status to an alien (and his or her parents, spouse, or child) who is a national of Iraq or a nation of the greater Middle East, and who personally delivers into the custody of the U.S. Government a living American prisoner

of war from the Persian Gulf War or any subsequent military actions against Iraq. To receive refugee status, the alien could not be ineligible for asylum on the basis of the factors set out in section 208(b)(2)(A)(i)-(v) of the Immigration and Nationality Act (such as being a persecutor, a serious criminal, a terrorist, or a danger to the security of the United States).¹ Information about the legislation would be required to be broadcast by the Voice of America to Iraq, Kuwait, and other appropriate Middle Eastern countries.

Thank you for the opportunity to comment on this matter. If we may be of additional assistance, we trust that you will not hesitate to call upon us.

Sincerely,


Daniel J. Bryant
Assistant Attorney General

¹It seems quite probable to us that any person who is in a position to deliver a surviving POW in Iraq to the U.S. Government would likely fall into one or more of these categories and would therefore not be eligible for refugee status.



BROADCASTING BOARD OF GOVERNORS
UNITED STATES OF AMERICA

October 17, 2002

KENNETH Y. TOMLINSON
Chairman

The Honorable Mitchell E. Daniels, Jr.
Director

CHERYL HALPERN

Office of Management and Budget
Washington, D.C. 20503

EDWARD E. KAUFMAN

Dear Director Daniels:

ROBERT M. LEDBETTER

This responds to your request for the Broadcasting Board of Governors' views on S. 1339, the Persian Gulf War POW/MIA Accountability Act of 2002. I write to notify you that the BBG has no objection to the President's approval of this legislation.

NORMAN J. PATTIZ

THE HONORABLE
COLIN L. POWELL
*Secretary of State
Ex Officio*

Section 2(b) of S. 1339 amends the Bring Them Home Alive Act of 1999 to add "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)" to the current list of countries to which we broadcast information about the refugee program established under the Act. The Broadcasting Board of Governors has complied with the broadcasting requirements of the underlying legislation, and will expand its broadcasts accordingly to encourage the identification and return of American Persian Gulf War POW/MIAs to the United States.

The BBG appreciates the opportunity to comment on S. 1339, and would be happy to provide further information on this matter if necessary.

Sincerely,

A handwritten signature of Kenneth Y. Tomlinson, consisting of a large, stylized 'K' followed by a series of loops and a final flourish.

Kenneth Y. Tomlinson
Chairman



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 23, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1339 - Persian Gulf War POW/MIA Accountability Act of 2002
Sponsors - Sen. Campbell (R) Colorado and 43 cosponsors

Last Day for Action

October 29, 2002 - Tuesday

Purpose

Grants refugee status in the United States to certain nationals of Iraq and other nations of the Greater Middle East Region who personally deliver into U.S. custody a living American who is a prisoner of war or missing in action as a result of the Persian Gulf War or any successor conflict.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of State

Approval (Informally)

Broadcasting Board of Governors

No objection

Department of Defense

No objection (Informally)

Central Intelligence Agency

No comment (Informally)

Discussion

Background. The Bring Them Home Alive Act of 2000 (P.L. 106-484, enacted on November 9, 2000) requires the Justice Department to grant refugee status in the United States to any alien (and his or her parent, spouse, or child), upon his or her application, who: (1) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Vietnam War POW/MIA; or (2) is a national of North Korea, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Korean War POW/MIA.

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Current law also requires the International Broadcasting Bureau (IBB) of the Broadcasting Board of Governors to promote the "Bring Them Home Alive" refugee program through WORLDNET and Voice of America television and radio broadcasts to Vietnam, Cambodia, Laos, China, North Korea, and the independent states of the former Soviet Union. Under the Act, the IBB is required to broadcast at least 10 hours of programming in each calendar quarter through 2005. The IBB is also required to make information regarding the "Bring Them Home Alive" refugee program readily available on its World Wide Web sites.

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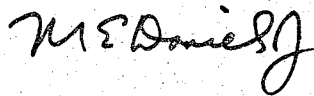
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The enrolled bill would expand the IBB's responsibilities for promoting the "Bring Them Home Alive" refugee program to include broadcasts to Iraq, Kuwait, or any other country of the Greater Middle East Region. For these purposes, the countries of the Greater Middle East Region would be determined by the IBB, in consultation with Justice and State.

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Conclusion and Recommendations

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Mitchell E. Daniels, Jr.
Director

Enclosures



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 23, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1339 - Persian Gulf War POW/MIA Accountability Act of 2002
Sponsors - Sen. Campbell (R) Colorado and 43 cosponsors

Last Day for Action

October 29, 2002 - Tuesday

Purpose

Grants refugee status in the United States to certain nationals of Iraq and other nations of the Greater Middle East Region who personally deliver into U.S. custody a living American who is a prisoner of war or missing in action as a result of the Persian Gulf War or any successor conflict.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of State

Approval (Informally)

Broadcasting Board of Governors

No objection

Department of Defense

No objection (Informally)

Central Intelligence Agency

No comment (Informally)

Discussion

Background. The Bring Them Home Alive Act of 2000 (P.L. 106-484, enacted on November 9, 2000) requires the Justice Department to grant refugee status in the United States to any alien (and his or her parent, spouse, or child), upon his or her application, who: (1) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Vietnam War POW/MIA; or (2) is a national of North Korea, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Korean War POW/MIA.

The Immigration and Nationality Act (INA) defines a refugee as any person who is outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution. As a refugee, an alien is admitted to the United States and granted work authorization. After five years of residency, a refugee is eligible to apply for U.S. citizenship.

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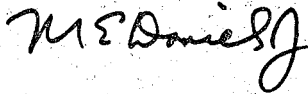
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Conclusion and Recommendations

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Mitchell E. Daniels, Jr.
Director

Enclosures



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 23, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1339 - Persian Gulf War POW/MIA Accountability Act of 2002
Sponsors - Sen. Campbell (R) Colorado and 43 cosponsors

Last Day for Action

October 29, 2002 - Tuesday

Purpose

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Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of State

Approval (Informally)

Broadcasting Board of Governors

No objection

Department of Defense

No objection (Informally)

Central Intelligence Agency

No comment (Informally)

Discussion

Background. The Bring Them Home Alive Act of 2000 (P.L. 106-484, enacted on November 9, 2000) requires the Justice Department to grant refugee status in the United States to any alien (and his or her parent, spouse, or child), upon his or her application, who: (1) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Vietnam War POW/MIA; or (2) is a national of North Korea, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Korean War POW/MIA.

The Immigration and Nationality Act (INA) defines a refugee as any person who is outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution. As a refugee, an alien is admitted to the United States and granted work authorization. After five years of residency, a refugee is eligible to apply for U.S. citizenship.

Current law also requires the International Broadcasting Bureau (IBB) of the Broadcasting Board of Governors to promote the "Bring Them Home Alive" refugee program through WORLDNET and Voice of America television and radio broadcasts to Vietnam, Cambodia, Laos, China, North Korea, and the independent states of the former Soviet Union. Under the Act, the IBB is required to broadcast at least 10 hours of programming in each calendar quarter through 2005. The IBB is also required to make information regarding the "Bring Them Home Alive" refugee program readily available on its World Wide Web sites.

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The enrolled bill would define an American Persian Gulf War POW/MIA as a member of a uniformed service or a civilian Federal employee who is missing as a result of the Persian Gulf War or any successor conflict and, immediately prior to becoming missing, was performing service: (1) in Kuwait, Iraq, or another nation of the Greater Middle East Region; or (2) in the Greater Middle East Region in direct support of military operations in Kuwait or Iraq. Individuals officially determined to be absent from their duty post without authority would not be included in the definition. The enrolled bill states that, for its purposes, the Persian Gulf War means the period beginning on August 2, 1990, and ending on a date prescribed by Presidential proclamation or by law.

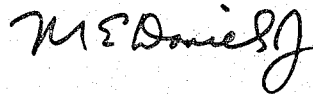
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Director

Enclosures



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 23, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1339 - Persian Gulf War POW/MIA Accountability Act of 2002
Sponsors - Sen. Campbell (R) Colorado and 43 cosponsors

Last Day for Action

October 29, 2002 - Tuesday

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Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of State

Approval (Informally)

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No objection

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No comment (Informally)

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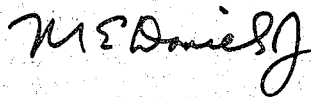
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Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-23-02 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-24-02 5:00 PMENROLLED BILL S.1339 -- PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT
Subject: OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS TO JIM JUKES, 53458, OR FAX 56148, BY 5:00 P.M., THURSDAY, OCTOBER 24, 2002, WITH A COPY TO THE STAFF SECRETARY'S OFFICE. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 23, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1339 - Persian Gulf War POW/MIA Accountability Act of 2002
Sponsors - Sen. Campbell (R) Colorado and 43 cosponsors

Last Day for Action

October 29, 2002 - Tuesday

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Agency Recommendations

Office of Management and Budget

Approval

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Approval (Informally)

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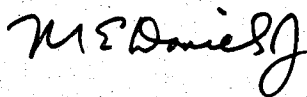
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Conclusion and Recommendations

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Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

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.

*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

S. 1339—3

(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).”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

 *** TX REPORT ***

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 CONNECTION ID
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SS/ RM NO. 521782

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-23-02 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-24-02 5:00 PM

ENROLLED BILL S.1339 -- PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT
 Subject: OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT →	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
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BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PI FASE FORWARD COMMENTS TO JIM JUKES. 53458. OR FAX 56148. BY 5:00 P.M.,

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-23-02 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-24-02 5:00 PMSubject: ENROLLED BILL S.1339 -- PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT
OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT →	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0919	
CONNECTION TEL		67090
CONNECTION ID	ADMIN	
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PGS. SENT	7	
RESULT	OK	

SS/ RM NO. 521782

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-23-02 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-24-02 5:00 PM

ENROLLED BILL S.1339 -- PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT

Subject: OF 2002

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VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
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BLAKEMAN	☐	☐	LINDSEY	☒	☐
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GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
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Harriet E. Miers
Assistant to the President
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Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0921
 CONNECTION TEL 51005
 CONNECTION ID
 ST. TIME 10/23 09:30
 USAGE T 02:51
 PGS. SENT 7
 RESULT OK

SS/ RM NO. 521782

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-23-02 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-24-02 5:00 PM

ENROLLED BILL S.1339 -- PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 23, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1339 - Persian Gulf War POW/MIA Accountability Act of 2002
Sponsors - Sen. Campbell (R) Colorado and 43 cosponsors

Last Day for Action

October 29, 2002 - Tuesday

Purpose

Grants refugee status in the United States to certain nationals of Iraq and other nations of the Greater Middle East Region who personally deliver into U.S. custody a living American who is a prisoner of war or missing in action as a result of the Persian Gulf War or any successor conflict.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of State

Approval (Informally)

Broadcasting Board of Governors

No objection

Department of Defense

No objection (Informally)

Central Intelligence Agency

No comment (Informally)

Discussion

Background. The Bring Them Home Alive Act of 2000 (P.L. 106-484, enacted on November 9, 2000) requires the Justice Department to grant refugee status in the United States to any alien (and his or her parent, spouse, or child), upon his or her application, who: (1) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Vietnam War POW/MIA; or (2) is a national of North Korea, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Korean War POW/MIA.

The Immigration and Nationality Act (INA) defines a refugee as any person who is outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution. As a refugee, an alien is admitted to the United States and granted work authorization. After five years of residency, a refugee is eligible to apply for U.S. citizenship.

Current law also requires the International Broadcasting Bureau (IBB) of the Broadcasting Board of Governors to promote the "Bring Them Home Alive" refugee program through WORLDNET and Voice of America television and radio broadcasts to Vietnam, Cambodia, Laos, China, North Korea, and the independent states of the former Soviet Union. Under the Act, the IBB is required to broadcast at least 10 hours of programming in each calendar quarter through 2005. The IBB is also required to make information regarding the "Bring Them Home Alive" refugee program readily available on its World Wide Web sites.

Enrolled Bill Provisions. S. 1339 would amend the Bring Them Home Alive Act to also require the Justice Department to grant refugee status to any alien (and his or her parent, spouse, or child) who is a national of Iraq or a nation of the Greater Middle East Region and who personally delivers into the custody of the U.S. Government a living American POW/MIA from the Persian Gulf War or any "successor conflict, operation, or action." The Justice Department, in consultation with the State Department, would be responsible for determining which nations are part of the Greater Middle East Region for these purposes.

The enrolled bill would define an American Persian Gulf War POW/MIA as a member of a uniformed service or a civilian Federal employee who is missing as a result of the Persian Gulf War or any successor conflict and, immediately prior to becoming missing, was performing service: (1) in Kuwait, Iraq, or another nation of the Greater Middle East Region; or (2) in the Greater Middle East Region in direct support of military operations in Kuwait or Iraq. Individuals officially determined to be absent from their duty post without authority would not be included in the definition. The enrolled bill states that, for its purposes, the Persian Gulf War means the period beginning on August 2, 1990, and ending on a date prescribed by Presidential proclamation or by law.

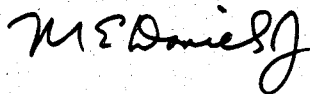
The enrolled bill would specify that an alien who is otherwise ineligible for asylum under the INA for one of the following reasons would not be eligible for relief under the enrolled bill. An alien would be ineligible if the Justice Department determines that: (1) the alien has or is engaged in, or is likely to engage in, terrorist activity or is a representative or member of a foreign terrorist organization; (2) the alien has participated in the persecution of another person on account of race, religion, nationality, membership in a particular social group, or political opinion; (3) having been convicted of a particularly serious crime, the alien constitutes a danger to the United States; (4) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside the United States; or (5) there are reasonable grounds for regarding the alien as a danger to the security of the United States.

The enrolled bill would expand the IBB's responsibilities for promoting the "Bring Them Home Alive" refugee program to include broadcasts to Iraq, Kuwait, or any other country of the Greater Middle East Region. For these purposes, the countries of the Greater Middle East Region would be determined by the IBB, in consultation with Justice and State.

According to the House floor debate, "[t]here have been recent reports that Michael [Scott] Speicher, a Navy pilot shot down over Iraq in 1991, may still be in Iraqi hands," and the enrolled bill "will encourage [his] safe return" and "could also be used to encourage a return of POW/MIAs [in the event of a future] war against Iraq." According to the floor debate, Captain Speicher is "the only person classified as a POW/MIA from the Gulf War of the early 1990s."

Conclusion and Recommendations

We join Justice and State in recommending the approval of S. 1339, which passed the Senate by unanimous consent and the House by voice vote.



Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

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.

*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

S. 1339—3

(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).”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-23-02 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-24-02 5:00 PM

Subject: ENROLLED BILL S.1339 -- PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT
OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
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RESPONSE:

Handwritten: AC AMR 10/24 0600

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 23, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1339 - Persian Gulf War POW/MIA Accountability Act of 2002
Sponsors - Sen. Campbell (R) Colorado and 43 cosponsors

Last Day for Action

October 29, 2002 - Tuesday

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Agency Recommendations

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Approval

Department of Justice

Approval

Department of State

Approval (Informally)

Broadcasting Board of Governors

No objection

Department of Defense

No objection (Informally)

Central Intelligence Agency

No comment (Informally)

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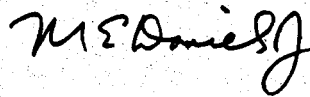
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Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
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(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

S. 1339—3

(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).”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

Memo to the Record

Date: 01/18/2017

Collection: Executive Clerk, Office of

Series: Saunders, G. Timothy (Tim) – Bill Files

Folder Title: 10/29//2002 [S. 1339] [771534]

RE: 107th Congress 2d Session House of Representatives REPT. 107–749 Part 1

A copy of the report entitled “PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT OF 2002” is included at this location in this folder. It was not scanned. It can be viewed at <https://www.congress.gov/107/crpt/hrpt749/CRPT-107hrpt749-pt1.pdf>.

If this link is broken, please contact the George W. Bush Presidential Library archives for additional information regarding this item.

SS/ RM NO.

521782

WHITE HOUSE STAFFING MEMORANDUM

BRAD

Date: 10-23-02 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-24-02 5:00 PM

Subject: ENROLLED BILL S.1339 -- PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT
OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES →	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD COMMENTS TO JIM JUKES, 53458, OR FAX 56148, BY 5:00 P.M., THURSDAY, OCTOBER 24, 2002, WITH A COPY TO THE STAFF SECRETARY'S OFFICE. THANK YOU.

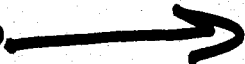
No comments

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

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HAWKINS	☒	☐		☐	☐

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RESPONSE:

legislation office (Howard) - oh

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 23, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1339 - Persian Gulf War POW/MIA Accountability Act of 2002
Sponsors - Sen. Campbell (R) Colorado and 43 cosponsors

Last Day for Action

October 29, 2002 - Tuesday

Purpose

Grants refugee status in the United States to certain nationals of Iraq and other nations of the Greater Middle East Region who personally deliver into U.S. custody a living American who is a prisoner of war or missing in action as a result of the Persian Gulf War or any successor conflict.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of State

Approval (Informally)

Broadcasting Board of Governors

No objection

Department of Defense

No objection (Informally)

Central Intelligence Agency

No comment (Informally)

Discussion

Background. The Bring Them Home Alive Act of 2000 (P.L. 106-484, enacted on November 9, 2000) requires the Justice Department to grant refugee status in the United States to any alien (and his or her parent, spouse, or child), upon his or her application, who: (1) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Vietnam War POW/MIA; or (2) is a national of North Korea, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Korean War POW/MIA.

The Immigration and Nationality Act (INA) defines a refugee as any person who is outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution. As a refugee, an alien is admitted to the United States and granted work authorization. After five years of residency, a refugee is eligible to apply for U.S. citizenship.

Current law also requires the International Broadcasting Bureau (IBB) of the Broadcasting Board of Governors to promote the "Bring Them Home Alive" refugee program through WORLDNET and Voice of America television and radio broadcasts to Vietnam, Cambodia, Laos, China, North Korea, and the independent states of the former Soviet Union. Under the Act, the IBB is required to broadcast at least 10 hours of programming in each calendar quarter through 2005. The IBB is also required to make information regarding the "Bring Them Home Alive" refugee program readily available on its World Wide Web sites.

Enrolled Bill Provisions. S. 1339 would amend the Bring Them Home Alive Act to also require the Justice Department to grant refugee status to any alien (and his or her parent, spouse, or child) who is a national of Iraq or a nation of the Greater Middle East Region and who personally delivers into the custody of the U.S. Government a living American POW/MIA from the Persian Gulf War or any "successor conflict, operation, or action." The Justice Department, in consultation with the State Department, would be responsible for determining which nations are part of the Greater Middle East Region for these purposes.

The enrolled bill would define an American Persian Gulf War POW/MIA as a member of a uniformed service or a civilian Federal employee who is missing as a result of the Persian Gulf War or any successor conflict and, immediately prior to becoming missing, was performing service: (1) in Kuwait, Iraq, or another nation of the Greater Middle East Region; or (2) in the Greater Middle East Region in direct support of military operations in Kuwait or Iraq. Individuals officially determined to be absent from their duty post without authority would not be included in the definition. The enrolled bill states that, for its purposes, the Persian Gulf War means the period beginning on August 2, 1990, and ending on a date prescribed by Presidential proclamation or by law.

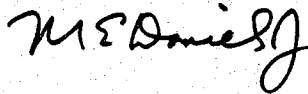
The enrolled bill would specify that an alien who is otherwise ineligible for asylum under the INA for one of the following reasons would not be eligible for relief under the enrolled bill. An alien would be ineligible if the Justice Department determines that: (1) the alien has or is engaged in, or is likely to engage in, terrorist activity or is a representative or member of a foreign terrorist organization; (2) the alien has participated in the persecution of another person on account of race, religion, nationality, membership in a particular social group, or political opinion; (3) having been convicted of a particularly serious crime, the alien constitutes a danger to the United States; (4) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside the United States; or (5) there are reasonable grounds for regarding the alien as a danger to the security of the United States.

The enrolled bill would expand the IBB's responsibilities for promoting the "Bring Them Home Alive" refugee program to include broadcasts to Iraq, Kuwait, or any other country of the Greater Middle East Region. For these purposes, the countries of the Greater Middle East Region would be determined by the IBB, in consultation with Justice and State.

According to the House floor debate, "[t]here have been recent reports that Michael [Scott] Speicher, a Navy pilot shot down over Iraq in 1991, may still be in Iraqi hands," and the enrolled bill "will encourage [his] safe return" and "could also be used to encourage a return of POW/MIAs [in the event of a future] war against Iraq." According to the floor debate, Captain Speicher is "the only person classified as a POW/MIA from the Gulf War of the early 1990s."

Conclusion and Recommendations

We join Justice and State in recommending the approval of S. 1339, which passed the Senate by unanimous consent and the House by voice vote.



Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

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.

*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.”

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(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

S. 1339—3

(3) by adding at the end the following new subparagraph:
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Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-23-02 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-24-02 5:00 PMSubject: ENROLLED BILL S.1339 -- PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT
OF 2002

	ACTION	FYI		ACTION	FYI
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CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
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GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

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OK - No Comment

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 23, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1339 - Persian Gulf War POW/MIA Accountability Act of 2002
Sponsors - Sen. Campbell (R) Colorado and 43 cosponsors

Last Day for Action

October 29, 2002 - Tuesday

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Agency Recommendations

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Approval

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Approval

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Approval (Informally)

Broadcasting Board of Governors

No objection

Department of Defense

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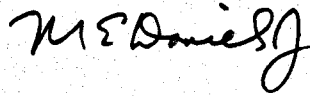
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Enclosures

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AT THE SECOND SESSION

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S. 1339—3

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Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*



OFFICE OF THE VICE PRESIDENT
WASHINGTON

October 24, 2002

MEMORANDUM FOR JIM JUKES
ASSISTANT DIRECTOR, OMB

FROM: **JONATHAN BURKS** 
DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

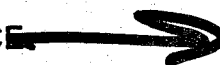
SUBJECT: **Enrolled Bill S. 1339 – Persian Gulf War POW/MIA
Accountability Act of 2002**

The Office of the Vice President has reviewed the above-referenced draft and concurs in the recommendation to sign the enrolled bill.

cc: **Harriet Miers**
Staff Secretary

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-23-02 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-24-02 5:00 PMSubject: ENROLLED BILL S.1339 -- PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT
OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
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GONZALES	☒	☐	_____	☐	☐
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REMARKS:

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THURSDAY, OCTOBER 24, 2002, WITH A COPY TO THE STAFF SECRETARY'S OFFICE.
THANK YOU.

October 23, 2002

RESPONSE: The NSC clears.

for Condoleezza Rice
Assistant to the President for
National Security Affairs

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 23, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1339 - Persian Gulf War POW/MIA Accountability Act of 2002
Sponsors - Sen. Campbell (R) Colorado and 43 cosponsors

Last Day for Action

October 29, 2002 - Tuesday

Purpose

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Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of State

Approval (Informally)

Broadcasting Board of Governors

No objection

Department of Defense

No objection (Informally)

Central Intelligence Agency

No comment (Informally)

Discussion

Background. The Bring Them Home Alive Act of 2000 (P.L. 106-484, enacted on November 9, 2000) requires the Justice Department to grant refugee status in the United States to any alien (and his or her parent, spouse, or child), upon his or her application, who: (1) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Vietnam War POW/MIA; or (2) is a national of North Korea, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Korean War POW/MIA.

The Immigration and Nationality Act (INA) defines a refugee as any person who is outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution. As a refugee, an alien is admitted to the United States and granted work authorization. After five years of residency, a refugee is eligible to apply for U.S. citizenship.

Current law also requires the International Broadcasting Bureau (IBB) of the Broadcasting Board of Governors to promote the "Bring Them Home Alive" refugee program through WORLDNET and Voice of America television and radio broadcasts to Vietnam, Cambodia, Laos, China, North Korea, and the independent states of the former Soviet Union. Under the Act, the IBB is required to broadcast at least 10 hours of programming in each calendar quarter through 2005. The IBB is also required to make information regarding the "Bring Them Home Alive" refugee program readily available on its World Wide Web sites.

Enrolled Bill Provisions. S. 1339 would amend the Bring Them Home Alive Act to also require the Justice Department to grant refugee status to any alien (and his or her parent, spouse, or child) who is a national of Iraq or a nation of the Greater Middle East Region and who personally delivers into the custody of the U.S. Government a living American POW/MIA from the Persian Gulf War or any "successor conflict, operation, or action." The Justice Department, in consultation with the State Department, would be responsible for determining which nations are part of the Greater Middle East Region for these purposes.

The enrolled bill would define an American Persian Gulf War POW/MIA as a member of a uniformed service or a civilian Federal employee who is missing as a result of the Persian Gulf War or any successor conflict and, immediately prior to becoming missing, was performing service: (1) in Kuwait, Iraq, or another nation of the Greater Middle East Region; or (2) in the Greater Middle East Region in direct support of military operations in Kuwait or Iraq. Individuals officially determined to be absent from their duty post without authority would not be included in the definition. The enrolled bill states that, for its purposes, the Persian Gulf War means the period beginning on August 2, 1990, and ending on a date prescribed by Presidential proclamation or by law.

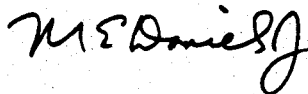
The enrolled bill would specify that an alien who is otherwise ineligible for asylum under the INA for one of the following reasons would not be eligible for relief under the enrolled bill. An alien would be ineligible if the Justice Department determines that: (1) the alien has or is engaged in, or is likely to engage in, terrorist activity or is a representative or member of a foreign terrorist organization; (2) the alien has participated in the persecution of another person on account of race, religion, nationality, membership in a particular social group, or political opinion; (3) having been convicted of a particularly serious crime, the alien constitutes a danger to the United States; (4) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside the United States; or (5) there are reasonable grounds for regarding the alien as a danger to the security of the United States.

The enrolled bill would expand the IBB's responsibilities for promoting the "Bring Them Home Alive" refugee program to include broadcasts to Iraq, Kuwait, or any other country of the Greater Middle East Region. For these purposes, the countries of the Greater Middle East Region would be determined by the IBB, in consultation with Justice and State.

According to the House floor debate, "[t]here have been recent reports that Michael [Scott] Speicher, a Navy pilot shot down over Iraq in 1991, may still be in Iraqi hands," and the enrolled bill "will encourage [his] safe return" and "could also be used to encourage a return of POW/MIAs [in the event of a future] war against Iraq." According to the floor debate, Captain Speicher is "the only person classified as a POW/MIA from the Gulf War of the early 1990s."

Conclusion and Recommendations

We join Justice and State in recommending the approval of S. 1339, which passed the Senate by unanimous consent and the House by voice vote.



Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

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.

*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

S. 1339—3

(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).”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

Marsh, Thomas S. (RECORDS)

From: Lee, Sang W. (RECORDS)
Sent: Thursday, October 24, 2002 7:57 AM
To: Waxman, Matthew C. (DEMOC); Schake Kori N. (DEFENSE); Bellinger III, John B. (LEGAL)
Cc: @Democ; @Defense; @Legal Advisor; @West Wing Desk; @EXECSEC; @UP
Subject: WHR9073 -- Enrolled Bill s.1339 -- Persian Gulf War POW/MIA Accountability Act of 2002 [UNCLASSIFIED, Record]

Attached is WH Referral 9073 -- Enrolled Bill s.1339 -- Persian Gulf War POW/MIA Accountability Act of 2002

Action: Waxman

Concurrence: Bellinger
Schake

Comments are due at 5 PM TODAY



WHR9073.tif

Please pass your comments via e-mail to West Wing Desk, and we will do the rest.

Marsh, Thomas S. (RECORDS)

From: Marsh, Thomas S. (RECORDS)
Sent: Thursday, October 24, 2002 5:08 PM
To: Lee, Sang W. (RECORDS); Waxman, Matthew C. (DEMOC); Schake Kori N. (DEFENSE); Bellinger III, John B. (LEGAL)
Cc: @Democ; @Defense; @Legal Advisor; @West Wing Desk; @EXECSEC; @UP
Subject: RE: WHR9073 -- Enrolled Bill s.1339 -- Persian Gulf War POW/MIA Accountability Act of 2002 [UNCLASSIFIED, Record]

Importance: High

Any comments? Last call....

-----Original Message-----

From: Lee, Sang W. (RECORDS)
Sent: Thursday, October 24, 2002 7:57 AM
To: Waxman, Matthew C. (DEMOC); Schake Kori N. (DEFENSE); Bellinger III, John B. (LEGAL)
Cc: @Democ; @Defense; @Legal Advisor; @West Wing Desk; @EXECSEC; @UP
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Action: Waxman

Concurrence: Bellinger
Schake

Comments are due at 5 PM TODAY

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Please pass your comments via e-mail to West Wing Desk, and we will do the rest.

Marsh, Thomas S. (RECORDS)

From: Waxman, Matthew C. (DEMOC)
Sent: Thursday, October 24, 2002 5:12 PM
To: Marsh, Thomas S. (RECORDS); Lee, Sang W. (RECORDS); Schake Kori N. (DEFENSE); Bellinger III, John B. (LEGAL)
Cc: @Democ; @Defense; @Legal Advisor; @West Wing Desk; @EXECSEC; @UP
Subject: RE: WHR9073 -- Enrolled Bill s.1339 -- Persian Gulf War POW/MIA Accountability Act of 2002 [UNCLASSIFIED, Record]

clear as is. Thanks.

-----Original Message-----

From: Marsh, Thomas S. (RECORDS)
Sent: Thursday, October 24, 2002 5:08 PM
To: Lee, Sang W. (RECORDS); Waxman, Matthew C. (DEMOC); Schake Kori N. (DEFENSE); Bellinger III, John B. (LEGAL)
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Schake

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Please pass your comments via e-mail to West Wing Desk, and we will do the rest.

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-23-02 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-24-02 5:00 PM

Subject: ENROLLED BILL S.1339 -- PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT
OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN →	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD COMMENTS TO JIM JUKES, 53458, OR FAX 56148, BY 5:00 P.M.,
THURSDAY, OCTOBER 24, 2002, WITH A COPY TO THE STAFF SECRETARY'S OFFICE.
THANK YOU.

no comment

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 23, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1339 - Persian Gulf War POW/MIA Accountability Act of 2002
Sponsors - Sen. Campbell (R) Colorado and 43 cosponsors

Last Day for Action

October 29, 2002 - Tuesday

Purpose

Grants refugee status in the United States to certain nationals of Iraq and other nations of the Greater Middle East Region who personally deliver into U.S. custody a living American who is a prisoner of war or missing in action as a result of the Persian Gulf War or any successor conflict.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of State

Approval (Informally)

Broadcasting Board of Governors

No objection

Department of Defense

No objection (Informally)

Central Intelligence Agency

No comment (Informally)

Discussion

Background. The Bring Them Home Alive Act of 2000 (P.L. 106-484, enacted on November 9, 2000) requires the Justice Department to grant refugee status in the United States to any alien (and his or her parent, spouse, or child), upon his or her application, who: (1) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Vietnam War POW/MIA; or (2) is a national of North Korea, China, or any of the independent states of the former Soviet Union and personally delivers into the custody of the U.S. Government a living American Korean War POW/MIA.

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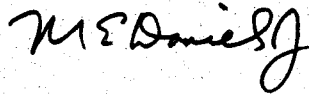
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Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

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*Be it enacted by the Senate and House of Representatives of
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"(1) IN GENERAL.—Except as provided in paragraph (2), an alien described in this subsection is—

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"(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)).

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“(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—

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“(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.”.

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(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

S. 1339—3

(3) by adding at the end the following new subparagraph:
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Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-23-02 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-24-02 5:00 PM

Subject: ENROLLED BILL S.1339 -- PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT
OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 23, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1339 - Persian Gulf War POW/MIA Accountability Act of 2002
Sponsors - Sen. Campbell (R) Colorado and 43 cosponsors

Last Day for Action

October 29, 2002 - Tuesday

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Agency Recommendations

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Approval

Department of Justice

Approval

Department of State

Approval (Informally)

Broadcasting Board of Governors

No objection

Department of Defense

No objection (Informally)

Central Intelligence Agency

No comment (Informally)

Discussion

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The enrolled bill would define an American Persian Gulf War POW/MIA as a member of a uniformed service or a civilian Federal employee who is missing as a result of the Persian Gulf War or any successor conflict and, immediately prior to becoming missing, was performing service: (1) in Kuwait, Iraq, or another nation of the Greater Middle East Region; or (2) in the Greater Middle East Region in direct support of military operations in Kuwait or Iraq. Individuals officially determined to be absent from their duty post without authority would not be included in the definition. The enrolled bill states that, for its purposes, the Persian Gulf War means the period beginning on August 2, 1990, and ending on a date prescribed by Presidential proclamation or by law.

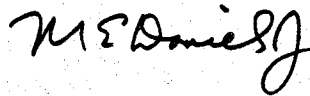
The enrolled bill would specify that an alien who is otherwise ineligible for asylum under the INA for one of the following reasons would not be eligible for relief under the enrolled bill. An alien would be ineligible if the Justice Department determines that: (1) the alien has or is engaged in, or is likely to engage in, terrorist activity or is a representative or member of a foreign terrorist organization; (2) the alien has participated in the persecution of another person on account of race, religion, nationality, membership in a particular social group, or political opinion; (3) having been convicted of a particularly serious crime, the alien constitutes a danger to the United States; (4) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside the United States; or (5) there are reasonable grounds for regarding the alien as a danger to the security of the United States.

The enrolled bill would expand the IBB's responsibilities for promoting the "Bring Them Home Alive" refugee program to include broadcasts to Iraq, Kuwait, or any other country of the Greater Middle East Region. For these purposes, the countries of the Greater Middle East Region would be determined by the IBB, in consultation with Justice and State.

According to the House floor debate, "[t]here have been recent reports that Michael [Scott] Speicher, a Navy pilot shot down over Iraq in 1991, may still be in Iraqi hands," and the enrolled bill "will encourage [his] safe return" and "could also be used to encourage a return of POW/MIAs [in the event of a future] war against Iraq." According to the floor debate, Captain Speicher is "the only person classified as a POW/MIA from the Gulf War of the early 1990s."

Conclusion and Recommendations

We join Justice and State in recommending the approval of S. 1339, which passed the Senate by unanimous consent and the House by voice vote.



Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

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.

*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

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(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).”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*