

**Charter For the U.S. Side of the
U.S.-Russia Joint Commission on Prisoners of War / Missing In Action (POW/MIAs)**

1. Commission's Official Designation: U.S. Side of the U.S.-Russia Joint Commission on POW/MIAs (USRJC or the Commission), will hereinafter be referenced as the "U.S. Side." The USRJC refers to the entire Russian and U.S. Commission.
2. Purpose and Authority: The Presidents of the United States and the Russian Federation inaugurated the USRJC on March 26, 1992, to establish a bilateral mechanism for investigating matters concerning the presence of U.S. POW/MIAs on the territory of the former Soviet Union¹. On July 6, 2009, the U.S. Government and the Government of the Russian Federation exchanged diplomatic notes reflecting their common understandings regarding the establishment of bilateral cooperation in the sphere of determining the fates of Soviet/Russian and U.S. service-members missing in action (MIA) during the Second World War and wars and armed conflicts thereafter, and expressing their mutual commitment to the humanitarian goal of determining the fates of Soviet/Russian and U.S. servicemembers who are MIA as a result of wars and armed conflicts². Over the past 20 years, the USRJC advised the U.S. and Russian governments regarding the fates of U.S. and Soviet/Russian servicemen and civilians in the employment of their governments who are unaccounted for from World War II through Cold War military conflicts, during Soviet military operations in Afghanistan (1979-1989), and in other small-scale hostile encounters between opposing forces. This Charter reflects consensus among relevant departments and agencies on how the USRJC will operate to realize most effectively the humanitarian goals expressed in that exchange of diplomatic notes and maximize the accounting for U.S. servicemembers still listed as MIA.
3. Description of Duties: The U.S. Side is to focus on: (a) supporting effective interaction with Russian officials and assist both countries to account for the missing personnel described in paragraph 2 above; (b) engaging in plenary sessions with Russian counterparts as needed to further the objectives of the USRJC; (c) recommending priorities for the conflict-specific and other USRJC working groups described in paragraph 6 below; and (d) advising appropriate U.S. Government officials on matters arising from the USRJC.
4. Reporting Relationships and Annual Reporting Requirements: The U.S. Side is to submit an annual report in writing to the President via the Deputy National Security Advisor not later than 30 days after the end of each calendar year. The annual report is to include: progress towards achieving long-term strategic goals; the preceding year's efforts and progress; methodologies used to establish and measure progress; detailed plans to overcome obstacles impeding progress; in-depth analysis of new information; including how it differs from

¹ Then Under Secretary of Defense (Policy) Wolfowitz Memorandum for Assistant Secretary of the Army (MPRA), "Policy Guidance for the Executive Agent to the US-Russia Joint Commission on POW/MIAs," July 22, 1992. *See also*, White House cable 11275074 from President George W. Bush to President Vladimir A. Putin, 272344Z Nov 06.

² Exchange of Diplomatic Notes between the United States and the Russian Federation, July 6, 2009.

information already known by the U.S. Government; an evaluation of the effectiveness of the U.S. Side's interaction with Russian counterparts during the previous year, an estimate of when the Commission's mission will be complete; including the measures by which such estimates will be calculated; and the overall efforts of the USRJC. The POW-MIA Interagency Policy Committee is to monitor the work of the U.S. Side and make recommendations to the President using the interagency process described in Presidential Policy Directive - 1.

5. Membership: The U.S. Side is to be composed of ten members from the executive and legislative branches.
 - (a) The U.S. Chairman is to be designated by the President of the United States. The U.S. Chairman is to oversee the activities of the U.S. Side as described in this Charter.
 - (b) The Majority Leader and Minority Leader of the Senate, in consultation with the U.S. Chairman, each is to designate one currently serving Senator.
 - (c) The Speaker and the Minority Leader of the House of Representatives, in consultation with the U.S. Chairman, each is to designate one current member of the House.
 - (d) The Secretary of State and the Archivist of the United States each, in consultation with the U.S. Chairman, is to designate one Commissioner, respectively. Each designee must be a full-time or permanent part-time Federal employee.
 - (e) The Secretary of Defense is to designate the DoD Commissioner and a Commissioner representing the Director, Defense Intelligence Agency. The DoD Commissioner, in consultation with the U.S. Chairman, is to designate a DoD employee as the Executive Secretary to the U.S. Side. The Executive Secretary is a non-voting member. If required, the DoD Commissioner is to serve as the Designated Federal Officer -- a full-time or permanent part-time Senior Executive Service or equivalent DoD employee, appointed in accordance with DoD policies and procedures.

Travel and per diem expenses for official U.S. Side and USRJC travel are to be borne by the Commissioner's parent organization. DoD is to provide travel and per diem expenses for the U.S. Chairman. Commissioners are to serve a term of two years and, with the approval of the respective designating authority, may serve additional terms. All Commissioners are appointed to provide expert advice on behalf of the U.S. Government on the basis of their best judgment, without representing any particular point of view, and in a manner that is free from conflict of interest.

6. Working Groups: The U.S. Side is to be organized into four working groups complementing the organization of the Russian Side of the USRJC. Each working group is to be from a specific conflict and is to be chaired by a U.S. Commissioner designated by the U.S. Chairman of the USRJC. As stated in paragraph 8 below, each Working Group is to plan to meet with its Russian counterpart not less than once yearly. The four working groups include: World War II; the Korean War; the Vietnam War; and the Cold War. Additionally, the Cold War Working Group is to address local conflicts, Soviet military operations in Afghanistan (1979-1989), and contemporary conflicts. All U.S. working group members must be full-time, permanent part-time Federal employees, or members of the armed forces.

7. Support: The Department of Defense is to provide support as deemed necessary for the performance of the U.S. Side's functions (including travel, information technology, and logistics support for meetings in the United States, Russia, the territory of the former Soviet Union, and other locations as necessary), and is to assist in ensuring compliance with applicable law and regulations.
8. Estimated Number and Frequency of Meetings: The U.S. Side is to meet not less than once per year and prior to each plenary with the Russian Side, as determined by the U. S. Chairman. As needed, working group meetings and consultations may be held in addition to and in parallel with plenary sessions.
9. Recordkeeping: The records of the U.S. Side are to be handled according to Section 2 of General Record Schedule 26, National Archives and Records Administration General Records Schedules, and appropriate U.S. Government policies and procedures. These records are to be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552) and other applicable law and regulations.
10. Termination: The U.S. Side shall terminate upon completion of its mission or when directed by the President of the United States.