

AGREEMENT BETWEEN THE GOVERNMENTS OF THE
UNITED STATES OF AMERICA AND THE POLISH PEOPLE'S REPUBLIC
TO ESTABLISH A JOINT COMMISSION ON HUMANITARIAN ASSISTANCE

The Government of the United States of America, and the Government of the Polish People's Republic, guided by a common desire to strengthen and support humanitarian and socio-economic development activities in Poland and to strengthen further the positive relations between the two countries, pursuant to sections 2221 through 2227 of the American Aid to Poland Act of 1988, passed by the United States Congress in order to provide eligible commodities donated out of stocks of the United States Commodity Credit Corporation, an instrumentality and agency of the United States Government, and in order to establish a Joint Commission to carry out the purposes of that Act, have agreed as follows:

Article I--The Joint Commission

A Joint Commission is hereby established.

Article II--Commission Structure

The Commission shall consist of three representatives from each of the two governments party to this agreement and one representative each of the non-governmental agencies, which have agreed by signing the document at Annex A, which is an integral part of this Agreement, to participate in the Joint Commission and be bound by the applicable terms and conditions of this Agreement. The Commission may appoint subcommissions and other bodies and individuals necessary to discharge its responsibilities.

Upon formation of the Joint Commission, the U.S. Chief of Diplomatic Mission in Poland is authorized to create a small Secretariat consisting of one or two individuals, as appropriate, whose responsibility it will be to: prepare decision memoranda for the Commission in conjunction with representatives of non-governmental agencies, to maintain records of actions taken by the Commission, to coordinate the submission of any documentation on project expenditures which

may be required, and otherwise to facilitate the work of the Commission. Funding for the Secretariat will be available for the purposes stated in Article V from interest earned on funds deposited in a special interest bearing account established under the agreement between the Government of the Polish People's Republic, the Agency for International Development and the Commodity Credit Corporation signed (month/day/year of signing), hereafter referred to as the "Section 416 (b) Agreement." Additional resources or funding for the secretariat, if required and as approved by the Commission, may be available from the non-governmental members of the Commission who have or expect to receive monetary support for their projects.

Eligibility standards for new Commission members will be established by the U.S. Chief of Diplomatic Mission in Warsaw including the principle that new members must be "non-governmental agencies" as provided for in Article XI(1).

Article III--Joint Commission Responsibilities

The Commission shall:

1. Identify, review and approve, as appropriate, eligible projects for funding. Approval shall entail consideration of the viability of a project, its funding requirements and benchmarks for measuring accomplishment of stated project goals and objectives, as well as targets for measuring project completion. Project proposals shall contain standards and operational details adequate for judging the viability of the project. Projects will require the approval of the Commission and the concurrence of the U.S. Chief of Diplomatic Mission in Poland. Non-governmental Agencies shall not vote on projects submitted by their own agencies, although they are encouraged to participate in deliberations prior to decision. Information required for project proposals and guidelines for reviewing and selecting projects shall be in accordance with the provisions of Annex B, which is an integral part of this Agreement. ✓

2. Manage the special interest-bearing account established under the Section 416 (b) Agreement (account number). Disbursements from this account shall be made through checks signed by the Secretary-Treasurer, who shall be an officer of the United States Embassy in Warsaw, and one other Member of the Joint Commission, and only for funding of approved projects and reasonable secretariat activities directly related thereto. Commission members shall engage their best efforts to keep secretariat expenses as low as possible. ✓

3. Prepare or direct the preparation and provision of such reports as may be appropriate or required under this Agreement, including: ✓

A. Annual reports on the activities of the Commission, including a summary accounting statement on the special interest-bearing account, and other [DELETE: major] actions taken by the Joint Commission.

B. Semi-annual reports listing and briefly describing implementation status of (including disbursements) approved projects.

C. Annual reports pertaining to non-governmental agencies that receive funding on their respective projects to include accounting of funds received, expended and remaining balances by project, progress toward established benchmark objectives and project completion, and brief assessments on any specific problems encountered in implementing the projects.

Reports required under parts B and C of this section shall be submitted by the agencies receiving project funding, and are to be paid for out of their own respective resources.

All reports required under this paragraph shall be reviewed and approved by the Commission and forwarded to: Chief, Projects and Coordination Division, Food for Peace, AID, Washington, D.C. 20523, with a copy to the Chief of U.S. Diplomatic Mission, Poland.

4. Keep on file officially approved minutes of each Commission meeting as well as copies of reports submitted under Paragraph Three.

5. Monitor all projects, including the preparation of an evaluation as specified by the Commission upon completion of each project. However, agencies receiving funds and conducting projects shall bear the major responsibility of such monitoring, and shall report semi-annually to the Commission on their projects. Should it be determined by the Commission that any project is not meeting its stated objectives, the Commission shall re-evaluate the project and may make necessary corrections, or terminate funding for the project, and shall be immune from any legal or other liability for taking such action, consistent with the law of the state in which any legal action is brought.

6. Maintain for a period of at least three years and make available on request to representatives of the U.S. Government all Commission files, reports and other records generated during the lifetime of the Commission, including records developed by the participating non-governmental agencies.

7. Advise the appropriate representatives of the U.S. and Polish Governments regarding the timeliness of the signing of Section 416(b) Agreements pertinent to the American Aid to Poland Act of 1988, including the appropriate selection of available commodities, their shipping schedules and related issues.

Article IV--Meetings

The Commission shall hold at least one meeting per year, and any other meetings deemed necessary to discharge its responsibilities. Such meetings will generally be held in Warsaw and should be chaired by the Commission chairperson. In addition to Commission members, the Commission may invite any governmental or non-governmental agencies or individuals required to carry out the business of such meetings.

Article V--Commission Expenses

With the approval of the Commission's Secretary-Treasurer, the Secretariat, in discharging its function of facilitating the work of the Commission, may utilize interest earned from the special interest-bearing account to fund direct expenses necessary for the effective performance of the Commission in the disbursement of funds for approved projects, for monitoring or reporting required, and for other directly requisite Commission functions. However, all expenses properly pertaining to members in their capacity as members, (not as part of the commission), or to agencies requesting or receiving funding for projects, such as expenses of attending meetings, project development or the like, shall be borne by the entity concerned. No international travel is to be funded from the special interest-bearing account, and Commission members will serve in an unpaid capacity.

Article VI--Commission Membership

Members of the Joint Commission shall be as follows:

1. U.S. Diplomatic Mission in Poland, three representatives as follows:

Deputy Chief of Mission
Economic Counselor
Agricultural Attache

2. Government of the Polish People's Republic, three representatives as follows:

Ministry of Agriculture, Forestry and Food Economy
Ministry of Domestic Market
Ministry of Health and Social Welfare

3. Non-governmental agency representatives, provided that the non-governmental agency has signed the document at Annex A, one each, as follows:

Church Agricultural Committee of the Polish Catholic Episcopate
Charity Commission of the Polish Catholic Episcopate
Foundation for the Development of Polish Agriculture
Project Hope
Catholic Relief Services
Project Judaica
Rural Water Supply Foundation

Such other non-governmental agencies as may in the future be approved by the Commission, provided that an authorized representative of each such non-governmental agency sign the document at Annex A.

Article VII--Commission Procedures and Meeting Rules

The Procedures and Meeting Rules of the Commission shall be as set out in Annex C which is an integral part of this Agreement.

Article VIII--Initial Project Funding

The American Aid to Poland Act of 1988 requires that the Commission approve projects which would improve the quality of life of the Polish People, and strengthen and support the activities of private, non-governmental, independent institutions in Poland. The Commission shall identify and adopt projects which fit this definition and shall take as its initial priorities specific projects mentioned in the American Aid to Poland Act, as follows:

A. Projects in Poland under the auspices of the Charity Commission of the Polish Catholic Episcopate for the benefit of handicapped or orphaned children.

B. Projects for the reconstruction, renovation, or maintenance of the Research Center on Jewish History and Culture of the Jagiellonian University of Krakow, Poland, established for the study of events related to the Holocaust in Poland.

C. Projects or activities which strengthen and support private and independent sectors of the Polish economy, especially independent farming and agriculture.

Article IX--Other

1. The term "non-governmental agencies" includes non-profit voluntary agencies, cooperatives, intergovernmental agencies such as the World Food Program, and other multilateral organizations.
2. Officials designated by title or office herein may designate an alternate to act in their stead.
3. Funding from the Commission may not be used to meet operating and overhead expenses of non-governmental agencies (except for personnel and administrative costs incurred by local cooperatives). This restriction is not intended to bar funding of the direct specific costs of conducting approved project activities, including the costs of persons conducting the activity and of their direct support. However, indirect costs, for example, home office expenses, may not be funded.

Article X--Duration of the Commission, and Effective Date

- A. This Agreement shall come into force upon the signature by the two Governments.
- B. This Agreement shall remain in force until the activities generated under the American Aid to Poland Act of 1988 are completed. Either Government may terminate the Agreement upon six-months prior notification to the other Government in writing of its intention to do so. All funds remaining in the special interest bearing account shall be disbursed to approved projects prior to the effective termination date of the agreement.
- C. DONE AT Warsaw, in duplicate in English and Polish languages. both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

FOR THE GOVERNMENT OF THE
POLISH PEOPLE'S REPUBLIC

Ambassador John R. Davis, Jr.

ANNEX A -- ROLE OF NON-GOVERNMENTAL AGENCIES

The non-governmental agencies referred to in Article VI of the U.S. - Poland Joint Commission Agreement and listed below hereby confirm by the signature of their representatives that they are duly authorized to participate in the Joint Commission established pursuant to that agreement and agree to be fully bound by the applicable terms and conditions of that Agreement.

signatures:

For the:

Church Agricultural Committee of the Polish Catholic Episcopate	_____	_____
Charity Commission of the Polish Catholic Episcopate	_____	_____
Foundation for the Development Of Polish Agriculture	_____	_____
Project Hope	_____	_____
Catholic Relief Services	_____	_____
Project Judaica	_____	_____
Rural Water Supply Foundation	_____	_____

ANNEX B -- PROJECT IDENTIFICATION AND JUSTIFICATION

Each project proposal, shall, at a minimum, contain the following information:

- Project proponent and total funding level;
- Individual project and funding level;
- Project description;
- Operational aspects of the project over its lifetime, including benchmarks for determining progress of project toward objectives and termination date;
- Procedures established for monitoring project and developing and submitting required reports;
- Any other considerations relevant to the evaluation or implementation of the proposal.

ANNEX C -- COMMISSION PROCEDURES, MEETING RULES

1. Voting members shall be representatives of the parties to this Agreement, and representatives of the non-governmental agencies which have signed the document at Annex A. Members may designate a proxy or alternate representatives in writing to the Chairman.
2. At least one-half of voting members or their proxies must be present in order to conduct official meetings.
3. The Commission shall attempt to reach decisions by consensus. However, any member may request a vote on a given matter, in which case actions shall be approved by a simple majority of those present or voting by proxy, except for those matters which by the terms of this Agreement or the American Aid to Poland Act of 1988 require the approval of the Chief of the United States Mission in Poland.
4. With the exception of its first official meeting, the Chairman may call meetings at his discretion. The first meeting shall be called by mutual agreement by the U.S. Chief of Diplomatic Mission in Poland, and the appropriate representative of the Government of Poland.
5. During its first meeting, the Commission shall elect a Chairman, Vice-Chairman and a Secretary-Treasurer to carry out the Commission's responsibilities. The position of the Secretary-Treasurer shall be held by a representative of the U.S. Diplomatic Mission in Poland, who shall also be a representative on the Commission. The terms of these officers shall coincide with the period for which they occupy their respective government positions, or until a replacement candidate is put forward by their Governments.