



POLICY

OFFICE OF THE UNDER SECRETARY OF DEFENSE

2000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-2000

JUN 25 2010

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE (COMPTROLLER/  
CHIEF FINANCIAL OFFICER  
ASSISTANT SECRETARY OF THE ARMY (M&RA)  
ASSISTANT SECRETARY OF THE NAVY (M&RA)  
ASSISTANT SECRETARY OF THE AIR FORCE (M&RA)  
DIRECTOR, JOINT STAFF

SUBJECT: Policy Guidance on Disposition of Artifacts for Missing Personnel from Past Conflicts

This policy provides United States Department of Defense (DoD) guidance for handling requests by next of kin for artifacts pertaining to prisoners of war (POW) and missing in action (MIA) that have been recovered by the United States Government (USG) or are held by foreign governments or foreign private citizens.

Requests for such items shall be made by the primary next of kin or person authorized to direct disposition. All USG communication with next of kin involving such requests will be conducted through Service casualty offices or Service mortuary affairs offices (SCOs), as appropriate.

DoD policy for handling next-of-kin requests for artifacts is as follows:

**Artifacts Possessed by the Department:** The Department will turn over personal effects that are identifiable with a specific individual to the next of kin at their request. Should no personal effects exist, upon request of the next of kin and in accordance with applicable service regulations, the Department will turn over a 'token' piece of equipment if available. A 'token piece of equipment' must have no intrinsic value to the Department and is not required for salvage by the Defense Reutilization Marketing Service. This will be done as expeditiously as possible when such items are no longer required for investigative work by the Joint POW/MIA Accounting Command (JPAC), the Life Sciences Equipment Laboratory, or other agencies involved in the identification or case resolution process. The appropriate military service will determine the person eligible to receive such effects.

To facilitate this process, the JPAC will send a consolidated list of all personal effects accessioned into its laboratory quarterly to each SCO and to DPMO.



We will not knowingly provide contaminated items. However, personal effects and token pieces of equipment provided to the next of kin in good faith may have been exposed to hazardous contamination as a result of the loss incident or from natural environmental and equipment deterioration or wartime exposure. We will urge the families to exercise caution in their handling and storage.

The Department will retain possession of the following: aircraft wreckage, weapons and ammunition or parts thereof, including items on the U.S. Munitions List (22 CFR 121) and items requiring demilitarization; and all unidentifiable artifacts.

Requests for information pertaining to currently held or returned artifacts, and to whom they were returned, will be handled in accordance with the Privacy Act (5 USC522a) and the Freedom of Information Act (5 USC552).

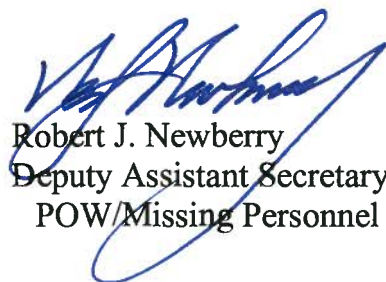
**Personal Artifacts Possessed by Foreign Governments:** Upon the request of the next of kin, the Department will request the possessing government to return those personnel effects as defined by the Geneva Convention Relative to the Treatment of Prisoners of War (Articles 18, 48, and 119), for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (Article 16), for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea (Article 19), and Relative to the Protection of Civilian Persons in Time of War (Articles 97 and 139).

Upon the request of the next of kin, the Department will request the return of personal effects where a foreign government has a treaty obligation to return such items, and will translate written correspondence to and from the foreign government in such cases where required. Where no treaty obligation exists, the Department will assist the next of kin by forwarding requests to the foreign government on behalf of the next of kin.

**Artifacts Possessed by Foreign Nationals:** The Department is not obligated to provide direct assistance on behalf of next of kin for requests for personal effects in the possession of individual foreign nationals. However, individual requests for assistance will be considered when posing no cost to the government. We will assist indirectly, if possible, by providing the requesting next of kin available unclassified information regarding the address of foreign nationals who may possess such artifacts, and the next of kin can personally request the return of the artifact(s). We will not provide assistance to next of kin who are attempting to obtain artifacts of a non-personal nature associated with unaccounted-for Americans.

This policy memo has been fully coordinated with the Joint Staff, services, and principal OSD staff offices. DPMO will coordinate with the Department's Director of Administration and Management to incorporate this policy into the next revision of the

applicable DoD issuances. We will address implementation of this policy via separate correspondence to the POW/MIA accounting and personnel recovery community.



Robert J. Newberry  
Deputy Assistant Secretary of Defense  
POW/Missing Personnel Affairs