

16 January 2017

THE UNITED STATES-JAPAN JOINT COMMITTEE

SUBJECT: Cooperation with Regard to Implementation Practices
Relating to the Civilian Component

1. References:

- a. Agreement Under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, 19 January 1960 (hereinafter referred to as the “SOFA”)
- b. Agreement between the Government of the United States of America and the Government of Japan on Cooperation with Regard to Implementation Practices Relating to the Civilian Component of the United States Armed Forces in Japan, Supplementary to the Agreement under Article VI of the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, 16 January 2017 (hereinafter referred to as the “Agreement”)

2. The Joint Committee hereby establishes a Working Group in accordance with the Agreement under a subcommittee to be selected by the Joint Committee. In case any issue arises as to the status of any person with respect to paragraph 3 below, or any matter arises regarding implementation of the Agreement, such a case is to be referred to such Working Group for discussion and resolution and, if necessary, forwarding to the Joint Committee for resolution.

3. The Government of the United States (USG) and the Government of Japan (GOJ) clarified the scope of the Civilian Component, including, but not limited to, contractor employees in relevant professional functions. The USG intends to extend status as a member of the Civilian Component to the following categories of persons, provided they meet the qualifications as set forth in Article I(b) of the SOFA:

- a. Appropriated fund civilian employees of the United States armed forces in Japan;
- b. Non-appropriated fund organization civilian employees under the supervision of the United States armed forces in Japan;
- c. Civilian employees on United States armed forces operated vessels and aircraft. (For the purpose of Article XVII of the SOFA only, this includes crew members of contract-operated, time-chartered, and General Agency Agreement vessels which are allocated for use by the United States armed forces on a time-charter basis);
- d. Personnel of service organizations accompanying and providing direct support to the United States armed forces in Japan whose presence in Japan is solely for official purposes in connection with the United States armed forces, including organizations such as the United Services Organization and the American Red Cross;

- e. USG employees not employed by the United States armed forces, whose presence in Japan is solely for official purposes in connection with the United States armed forces;
- f. Contractor employees who meet the following:
 - 1) The contractor employee's presence in Japan is at the official invitation of the USG and solely for official purposes in connection with the United States armed forces.
 - 2) The contractor employee is essential to the mission of the United States armed forces and has a high degree of skill or knowledge for the accomplishment of mission requirements by fulfilling the following:
 - a) Acquiring the skill and knowledge through a process of higher education or specialized training and experience; or
 - b) Possessing a security clearance recognized by the United States to perform his or her duties; or
 - c) Possessing a license or certification issued by a U.S. Federal Department or Agency, U.S. State, U.S. Territory, or the District of Columbia to perform his or her duties; or
 - d) Identified by the United States armed forces as necessary in an emergent situation and will remain in Japan for less than 91 days to fulfill specialized duties; or
 - e) Specifically authorized by the Joint Committee.
- g. Employees operating the military banking facilities maintained in accordance with paragraph 2 of Article XX of the SOFA; and
- h. Such persons as may be specifically authorized by the Joint Committee.

4. Taking into account Article 4 of the Agreement, the two Governments have strengthened cooperation and coordination as follows:

- a. The GOJ and the USG affirm that persons ordinarily resident in Japan are excluded from being members of the Civilian Component.
- b. The USG is to issue appropriate instructions, which are to be consistent with relevant Japanese laws and regulations regarding residency.
- c. The two Governments are to strengthen appropriate mechanisms and procedures. When either Government identifies a person who has dual status, both Governments are to take appropriate measures to address this issue.
- d. In order to further strengthen the mechanisms and procedures of this

paragraph, local immigration bureaus and local military authorities are to promote information-sharing, cooperation, and communication between those bureaus and authorities.

5. The USG is to apply the following procedures. Due to requirements of U.S. laws and regulations, such procedures are to be applied to contracts made after the effective date of this Memorandum:
 - a. The USG is to conduct a review to determine whether contractor employees qualify as members of the Civilian Component under the criteria in paragraph 3.f. above. When a contractor employee is determined not to meet such criteria, the USG is to initiate immediately the process to terminate his or her status as a member of the Civilian Component. When the USG initiates the process to terminate a contractor employee's status as a member of the Civilian Component, such contractor employee is to have up to one year to complete the transition from his or her status as a member of the Civilian Component to some other lawful immigration status in Japan or to depart Japan.
 - b. If a contractor employee's status as a member of the Civilian Component cannot be terminated immediately because of restrictions of the laws and regulations of the United States, the USG is to take the measures necessary to terminate such status as early as practicable, provided that such contractor employee is to have up to one year to complete the transition from his or her status as a member of the Civilian Component to some other lawful immigration status in Japan or to depart Japan.
 - c. When such status as a member of the Civilian Component has been terminated, the USG intends to notify the GOJ thereof.
 - d. The progress of the review referred to in sub-paragraph a. above is to be shared with the GOJ semi-annually, and its final result is to be reported to the GOJ within two years from the entry into force of the Agreement.
6. The procedures for notification referred to in paragraph 1 of Article 5 of the Agreement are to be decided through the framework of the Joint Committee. The notification is to include information such as the name of the contractor employee, the company employing the contractor employee, and an assessment of which criterion referred to in paragraph 3.f.2) above is met by the contractor employee.
7. As a result of the regular reviews referred to in paragraph 2 of Article 5 of the Agreement, the USG is to confirm annually whether all contractor employees who have been designated as members of the Civilian Component are in fact eligible to receive such designation. The USG intends to conduct similar reviews of personnel in other categories of the Civilian Component that may be selected by the Joint Committee. In case a contractor employee or such other personnel is determined not to be eligible for status as a member of the Civilian Component, the USG is to provide appropriate information on such case.
8. The reports referred to in paragraph 3 of Article 5 of the Agreement are to include the total number of members of the Civilian Component, as well as the total number of contractor employees referred to in paragraph 3.f. above and other information as decided by the Joint Committee.