

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY JAPAN/IX CORPS
UNIT 45005
APO AREA PACIFIC 96343-0054

USARJ Regulation
No. 600-50

5 January 1994

Personnel--General
COMMERCIAL ACTIVITIES and PRIVATE EMPLOYMENT

Issue of supplements to this regulation is prohibited unless specifically approved by this headquarters, ATTN: APAJ-GA-CF.

1. PURPOSE. This regulation prescribes conditions for United States Army Japan (USARJ)/IX Corps personnel and family members to engage in commercial activities or private employment in Japan.

2. APPLICABILITY. This regulation applies to all personnel of USARJ/IX Corps staff offices, subordinate commands, assigned units, attached and other units and activities, and their family members, as defined by Article I of the Status of Forces Agreement (SOFA).

3. REFERENCES.

a. Department of Defense Regulation 5500.7R, 31 August 1993, Joint Ethics Regulation.

b. United States Forces, Japan (USFJ) Message, 8 June 1993, Commercial Homestay Programs on SOFA Installations.

c. USFJ Policy Letter 30-5, 14 May 1992, Commercial Activities and Private Employment.

d. Treaty of Mutual Cooperation and Security between the United States of America and Japan and Status of Forces Agreement (SOFA) with Related Documents, 19 January 1960, Headquarters, United States Forces, Japan.

4. RESPONSIBILITIES.

a. The Deputy Chief of Staff for Personnel/G1, USARJ/IX Corps, is the proponent for this regulation.

b. Area Support Group (ASG) commanders or their designated representatives will--

*This regulation does not qualify as a supplement to a Department of the Army regulation.

(1) Ensure that USARJ/IX Corps personnel who engage in commercial activities or private employment in Japan do so in accordance with (IAW) the policies and procedures of this regulation.

(2) Ensure that advertisements or other forms of solicitation (written or oral) for off base employment comply with this regulation.

5. POLICIES.

a. Violation of this regulation or the referenced regulations could ultimately result in a loss of status under the SOFA.

b. Personnel may be given permission in writing to engage in off-duty commercial activities or private employment in Japan, subject to the following conditions:

(1) The activity or employment is conducted strictly IAW the spirit and letter of applicable U.S. and Japanese laws, pertinent Service regulations, and local command directives.

(2) The activity or employment is not detrimental to the best interests of the United States and is not contrary to the high standards of conduct desired of USARJ/IX Corps personnel during off-duty hours.

(3) In the case of military personnel and civilian employees, any illness, disease, or death caused by engaging in such activity may result in a determination of having occurred not in the line of duty.

(4) The provisions of Articles XIII, XVI, and XIX of the SOFA shall be carefully observed, especially with reference to the prompt payment of Japanese taxes on income derived from Japanese sources. (See app A.)

(5) Commanders may take administrative or judicial action in cases of noncompliance with the provisions of this regulation. Personnel subject to the Uniformed Code of Military Justice (UCMJ) who fail to comply with the requirements of this regulation, are subject to punishment under the UCMJ.

(6) Permission to engage in a proposed activity or employment is not a license or official endorsement of the activity or employment.

c. United States Army Japan/IX Corps personnel will not--

(1) Engage in off-duty commercial activity or private employment in Japan which interferes with, or is not compatible with, the performance of their military or civilian duty.

(2) Engage in any activity directly or indirectly connected with the manufacture, sale, or solicitation of narcotics or drugs, prostitution, or any other commodity or service which might discredit or degrade the morals of members of the Services or bring discredit upon them or upon the United States.

(3) Provide lodging to any persons in exchange for any form of compensation. This prohibition includes renting or leasing of Government quarters for any period of time, or participation in commercial homestay programs. Student exchange programs or other similar activities conducted under the joint auspices of local municipalities and base authorities do not constitute commercial use of family quarters or facilities, and fall under the provision of community relations.

(4) Operate or manage an establishment which sells or serves alcoholic beverages to the Japanese public. This prohibition does not include dining facilities where alcohol is available in conjunction with meal service.

(5) Participate in commercial recordings, television shows, radio programs, stage plays, movies, or other public entertainment without prior command approval. Procedures for obtaining command approval are outlined in paragraph 6b.

(6) Engage in lewd entertainment or activities which may be considered offensive to the Japanese public.

(7) Wear the military uniform or make reference to their service affiliation, rank, or organization. This limitation does not apply if specifically approved by the appropriate commander.

d. Private employment as a language instructor is an authorized activity and the application/notification requirements herein do not apply.

e. United States Army Japan/IX Corps personnel are not required to request approval to participate in command approved community activity fund-raisers, or to be employed on or within USARJ facilities, unless otherwise prohibited by the ASG commander.

6. PROCEDURES.

a. Area Support Group commanders or their designated representatives will--

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(1) Review and act on all requests/notices to ensure involvement in commercial activities or private employment complies with USFJ and USARJ policies.

(2) Inform the applicant of USARJ policies for commercial activities and private employment.

(3) Publish a quarterly notice in command information media informing USARJ personnel/family members to request command approval to engage in off-duty commercial activities or private employment in Japan.

(4) Ensure new arrivals to the command are provided access to this regulation. Sponsors will ensure their family members submit the proper requests and notices.

(5) Approve requests to participate in commercial activities or private employment for a specific time period and location. Initial requests may be approved for a period not to exceed 3 years. Subsequent requests may be approved in 1-year increments.

(6) Deny or revoke approval to participate in commercial activities or private employment if the activity is in contravention of this regulation or USFJ policy.

(7) Monitor advertisements, publications, flyers, or other forms of solicitations (written or oral) that seek or encourage employment off base, in contravention of any policy herein, and prohibit such activity when detected.

(8) Monitor those activities that include USARJ personnel in public performances or other entertainment activities.

b. Personnel/family members who desire to engage in commercial activities or outside employment in Japan will--

(1) Submit a request for approval (military personnel) or notification of intent (all other personnel/family members) through channels to the appropriate ASG commander. Requests/notices will include the following:

(a) A description of the nature and scope of the activity.

(b) The address or location of the activity.

(c) The period of time covered by the request. The initial request may be for a period up to 3 years. Subsequent written requests must be submitted annually.

(d) A written offer from the prospective employer indicating the terms and conditions of employment. The offer will include a statement that such employment will not displace or otherwise interfere with the employment of a Japanese national or alien resident engaged in the same or similar activity.

(e) A valid U.S. license(s), and approval from the Government of Japan to engage in sales activity, if requesting permission to sell real estate, insurance, or securities. Insurance sales representatives must also be accredited by the U.S. Commander-in-Chief, Pacific Command.

(2) Not engage in the activity or employment until the request is approved by the ASG commander (military personnel), or until 3 days after submitting a notification of intent (all other personnel/family members).

(3) Advise the ASG commander in writing of any significant change to the nature or termination of the approved commercial activity or private employment.

Appendix A

Article XIII, Article XVI, and Article XIX

Extracted from 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
Headquarters, United States Forces, Japan
16 January 1960

Article XIII

1. The United States armed forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

2. Members of the United States armed forces, the civilian component, and their dependents shall not be liable to pay any Japanese taxes to the Government of Japan or to any other taxing agency in Japan on income received as a result of their service with or employment by the United States armed forces, or by the organizations provided for in Article XV. The provisions of this Article do not exempt such persons from payment of Japanese taxes on income derived from Japanese sources, nor do they exempt United States citizens who for United States income tax purposes claim Japanese residence from payment of Japanese taxes on income. Periods during which such persons are in Japan solely by reason of being members of the United States armed forces, the civilian component, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

3. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from taxation in Japan on the holding, use, transfer *inter se*, or transfer by death of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

Article XVI

It is the duty of members of the United States armed forces, the civilian component, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Japan.

Article XIX

1. Members of the United States armed forces, the civilian component, and their dependents, shall be subject to the foreign exchange controls of the Government of Japan.

2. The preceding paragraph shall not be construed to preclude the transmission into or outside of Japan of United States dollars or dollar instruments representing the official funds of the United States or realized as a result of service or employment in connection with this Agreement by members of the United States armed forces and the civilian component, or realized by such persons and their dependents from sources outside of Japan.

3. The United States authorities shall take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the Japanese foreign exchange controls.

(APAJ-GA-CF)

FOR THE COMMANDER:

OFFICIAL:

THOMAS K. SEWELL
Colonel, GS
Chief of Staff

SIGNED

TED TAKASUMI
Chief, Administrative Services
Division

DISTRIBUTION:

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