

BY ORDER OF THE  
COMMANDER

HEADQUARTERS, UNITED STATES FORCES, JAPAN  
USFJ INSTRUCTION 36-1001



7 August 2015

Personnel

**COMMERCIAL ACTIVITIES AND PRIVATE  
EMPLOYMENT IN JAPAN**

**COMPLIANCE WITH THIS PUBLICATION IS MANADATORY**

OPR: J1

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**PURPOSE:** This instruction establishes responsibilities, policies, requirements, and procedures for U.S. Armed Forces Personnel and their dependents engaging in commercial activities or private employment in Japan.

**SUMMARY OF REVISIONS:** This instruction updates USFJ Instruction 36-1001. Updates include clarification on approval authority and delegation of authority. Adds requirement for approval authority to provide USFJ/J1 with a copy of the delegation memorandum(s).

**1. Scope.** Applicable to all members of the United States Armed Forces, members of the civilian component, and dependents in Japan as described by Article 1 of the Status of Forces Agreement (SOFA). For the purpose of this instruction, the term "U.S. Armed Forces Personnel" includes all personnel subject to this instruction.

**2. General.** The following instructions describe specific restrictions on activities and employment in which U.S. Armed Forces Personnel may engage. The activities cited herein, however, are not exclusive or exhaustive. Other activities that are prohibited by other regulations or policies are also included. Service component commanders may prohibit any other activity or employment, which in the judgment of the commander is inappropriate or contrary to the interest of the United States or its armed forces.

2.1. Members of the U.S. Armed Forces and members of the civilian component shall not engage in commercial activities or private employment in Japan if it interferes, or is incompatible, with their official duties. Off-duty employment by active duty officers, enlisted personnel and civilian employees is further subject to the restrictions imposed by military service regulations, the Ethics Reform Act of 1989 and the Joint Ethics Regulation regarding acceptance of honoraria.

2.2. U.S. Armed Forces Personnel may not engage in commercial activities or private employment in Japan that, in the judgment of the appropriate level commander, is: detrimental to morale; contrary to maintenance of good order and discipline; contrary to the best interest of the United States; contrary to the high standards of conduct required of U.S. Armed Forces Personnel; or, injurious to the dignity and stature of the United States.

2.3. U.S. Armed Forces Personnel may not engage in any enterprise or employment directly or indirectly connected with prostitution, pornography, gambling, the manufacture or trafficking



of weapons, drugs, persons, other black market commodities, or any other service or commodity that may violate U.S. or Japanese laws or otherwise bring discredit upon the United States or U.S. Armed Forces Personnel.

2.4. U.S. Armed Forces Personnel may engage in commercial activities or private employment with Japanese restaurants and other commercial dining facilities in which alcoholic beverages are served merely as an accompaniment to food served. U.S. Armed Forces Personnel, however, may not engage in commercial activities or private employment with liquor stores, bars, nightclubs, or other establishments in which the sale, service or distribution of alcoholic beverages to the Japanese public are the exclusive or primary activities. This prohibition includes performing in bands or providing other commercial entertainment in such establishments.

2.5. U.S. Armed Forces Personnel may not engage in commercial activities or private employment with any establishment known or suspected to be associated in any way with organized crime or have links to known subversive or terrorist groups.

2.6. U.S. Armed Forces Personnel may not appear on or in television, radio or internet programming, commercial advertisements, stage plays, motion pictures or video or audio recordings or engage in other commercial public entertainment in Japan without specific prior approval from their respective component commanders. Such approval must be obtained as described in paragraph 4.1 below.

2.7. U.S. Armed Forces Personnel may not engage in any activity before the Japanese public that could be characterized as lewd, unprofessional or offensive to the U.S. or Japanese public. This includes activities that would injure the dignity and stature of the United States in international relations by criticizing the U.S. military or the United States – Japan Security Alliance.

2.8. U.S. Armed Forces Personnel may not engage in the commercial resale of real estate, stocks, bonds, insurance, securities and/or mutual funds shares in Japan unless licensed to engage in such activities by appropriate authorities of a state or territory of the United States or the District of Columbia. They must also comply with the applicable laws of Japan.

2.9. U.S. Armed Forces Personnel employed as public entertainers may not wear the military uniform and may not make reference to their service affiliation, rank or organization in any manner whatsoever. (This paragraph does not apply if the entertainment or public appearance is sponsored by an organization of the U.S. forces).

2.10. U.S. Armed Forces Personnel shall not use any U.S. Government resources (e.g., property, services, equipment) to support their commercial activities or private employment in Japan.

### **3. Responsibilities:**

3.1. Service component commanders must establish procedures to brief the contents of this instruction to U.S. Armed Forces Personnel on permanent assignment to Japan as part of their in-processing upon arrival.

3.2. Service component commanders will publish written orders or instructions that ensure compliance with requirements established in this instruction. This includes appropriate review



of requests and notices of intent by the commander's legal advisors. Service component commanders must also establish staff procedures to ensure any engagement in commercial activities or private employment in Japan by U.S. Armed Forces Personnel assigned to their command is in accordance with the policies set forth in this instruction.

3.3. Service component commanders may delegate, in writing, approval authority under this instruction to their subordinate commanders. Service component commanders shall give USFJ/J1 copies of any delegation letters. If service component commanders delegate their approval authority, the delegation letter(s) must clearly identify the commander with delegated authority and the scope of the delegated approval authority. Service component commanders will also establish procedures to keep their immediate staffs apprised of any approvals by subordinate commanders with delegated approval authority.

3.4 Service component commanders shall, within their respective facilities and areas, prohibit the production and distribution of advertisements, publications, flyers, and other written and oral solicitations that would promote commercial activities or private employment in Japan that would violate this instruction.

#### **4. Procedures:**

4.1. U.S. Armed Forces Personnel desiring to engage in commercial activities or private employment in Japan must individually request, in writing, prior approval from the service component commander or the commander's delegated representative. The written request for approval must describe the specific nature and scope of the proposed activities, specify the location at which the proposed activity or employment would be conducted, and list the duration of the intended activity or employment. Dependents desiring to engage in commercial activities or private employment in Japan must individually request, in writing, prior approval from their sponsor's service component commander. For each request submitted by a dependent, the sponsor's concurrence on the request is required.

4.2. U.S. Armed Forces Personnel desiring to teach a language in Japan do not require prior approval from their service component commanders or their commanders' delegated representatives. However, U.S. Armed Forces Personnel desiring to teach a language in Japan must file a notice of intent that describes the specific nature and scope of the proposed activity, specifies the location at which the proposed activity or employment would be conducted, and lists the duration of the intended activity or employment.

4.3. U.S. Armed Forces Personnel submitting a request for approval or notification of intent shall be informed in writing of the following at the time of submission:

4.3.1. That any request for approval shall be evaluated in accordance with applicable United States and Japanese law, pertinent service regulations, local command directives, and this instruction.

4.3.2. That compliance with this instruction is not a license or endorsement to engage in any commercial activity or private employment, nor an official sanction of thereof.

4.3.3. That U.S. Armed Forces Personnel engaging in commercial activities or private employment do so in their personal capacities, and if they are individually subject to serious injury, disease, or death caused by engaging in such commercial activities or private employment, they may be individually subject to a line of duty determination for any

entitlement to receive service-connected or workplace-connected disability benefits.

4.3.4. That they are subject to the laws and regulations administered by the Japanese Police, Narcotics Control Office, and customs authorities of Japan.

4.3.5. That the provisions of Article XVI of the Status of Forces Agreement shall be carefully observed, they have a duty to respect the law of Japan and that they are responsible to promptly pay Japanese taxes on income derived from Japanese sources.

4.3.6. That they must notify the Service component commander or delegated representative in writing of any change (e.g., termination of employment) in the nature of the commercial activities or private employment.

4.3.7. That approval authorities may take administrative or judicial action in cases of non-compliance with this instruction.

4.4. Service component commanders or their designated representatives will individually reply, in writing, to each request for approval. Each denial will cite the specific reason(s) the denial is based on.

## 5. References:

5.1. Status of Forces Agreement (Japan)



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