

UNITED STATES MARINE CORPS

III MARINE EXPEDITIONARY FORCE (FMF)

UNIT 35601

FPO AP 96382-5601

AND

MARINE CORPS INSTALLATIONS PACIFIC MCB-CAMP BUTLER

UNIT 35001 FPO AP 96373-5001

> III MEF/MCIPAC-MCBBO 5300.3 SJA/ILAW 27 Feb 23

III MARINE EXPEDITIONARY FORCE/MARINE CORPS INSTALLATIONS PACIFIC-MCB CAMP BUTLER ORDER 5300.3

From: Commanding General, III Marine Expeditionary Force

Commanding General, Marine Corps Installations Pacific-MCB Camp Butler

To: Distribution List

Subj: COMMERCIAL ACTIVITIES, PERSONAL COMMERCIAL SOLICITATION, AND PRIVATE EMPLOYMENT IN JAPAN

Ref: (a) Status of Forces Agreement between the United States and Japan

(b) USFJI 90-103, Disposition of Personal Property in Japan

(c) MCIPAC-MCBBO 5800.2B w/Ch 1, Dependent and Civilian Component Misconduct in Japan

(d) USFJI 36-1001, Commercial Activities and Private Employment in Japan

(e) KABI 36-2901, Commercial Activity and Private Employment

(f) AFI 32-6000, Housing Management

(g) MCO 11000.22 w/Ch 1, Marine Corps Bachelor and Family Housing Management

(h) DODI 1344.07, Personal Commercial Solicitation on DoD Installations

(i) PACOMINST 0102.2

(j) TB MED 530/NAVMED P-5010-1/AFMAN 48-147_IP, Tri-Service Food Code

(k) DoD 4525.6-M, Department of Defense Postal Manual

(1) AFD 120525-22, Joint Service Pet Policy for All MFH on Okinawa

(m) MCO 1710.30, Marine Corps Child and Youth Programs

(n) MCIPAC-MCBBO 5760.1A, Support for NFE and PO Conducting Fundraisers in Japan and the Republic of Korea

Encl: (1) MCIPAC-MCBB SJA 5300/3 Form - Request to Engage in Commercial Activities or Private Employment in Japan

(2) How to Request Approval to Operate Home Business and Seek Private Employment in Japan

(3) Additional Requirements for Massage Therapists and Cosmetologists

1. <u>Situation</u>. III Marine Expeditionary Force (MEF) and Marine Corps Installations Pacific-MCB Camp Butler (MCIPAC-MCBB) require regulations to ensure all III MEF and MCIPAC-MCBB personnel in Japan and all other U.S. Armed Forces personnel living or working on MCIPAC-MCBB facilities and areas located in Japan who engage in commercial activities and private employment in Japan do so properly.

2. <u>Mission</u>. To establish regulations to ensure that any engagement in commercial activity or private employment of III MEF and MCIPAC-MCBB personnel in Japan and any other U.S. Armed Forces personnel living or working on MCIPAC-MCBB facilities and areas located in Japan is in accordance with the references.

3. Execution

a. Commander's Intent and Concept of Operations

- (1) <u>Commander's Intent</u>. III MEF and MCIPAC-MCBB personnel in Japan and all other U.S. Armed Forces personnel living or working on MCIPAC-MCBB facilities and areas located in Japan shall respect the laws of Japan and abstain from activities that are:
 - (a) Inconsistent with references (a) and (b);
 - (b) Detrimental to morale;
 - (c) Contrary to good order and discipline;
 - (d) Contrary to the best interest of the United States or its armed forces;
 - (e) Contrary to the high standards of conduct required of the United States Forces personnel; or
 - (f) Injurious to the dignity and stature of the United States or its armed forces.

(2) Concept of Operations

- (a) The regulations under paragraph 3c of this Order are punitive. Any violation of this section by military Service Members may result in prosecution under the Uniform Code of Military Justice or other adverse action. Violations of Section 4c by members of the civilian component or dependents may result in appropriate administrative remedies in accordance with reference (c).
- (b) Reference (d) establishes responsibilities, policies, and procedures for United States Forces personnel engaging in commercial activity or private employment in Japan. Any language in this Order producing a more stringent responsibility, policy, or procedure than reference (d) establishes a requirement for all III MEF and MCIPAC-MCBB personnel in Japan and all United States Forces personnel living or working on MCIPAC-MCBB facilities and areas located in Japan.
- (c) U.S. Armed Forces personnel are responsible for compliance with all applicable Japan and U.S. Government tax laws and business regulations applicable to their commercial activities or private employment. It is the individual member's responsibility to ensure compliance with all laws and regulations.
- (d) The Commander, 18th Wing, Kadena Air Base, manages all military family housing on Okinawa. Therefore, the requirements in references (e) and (f) regulating commercial activities in military family housing apply to all personnel residing in military family housing on Okinawa. Any language within this Order that establishes stricter requirements than those in references (e) and (f) is binding on all III MEF and MCIPAC-MCBB personnel in Okinawa and all other United States Forces personnel living or working on MCIPAC-MCBB facilities and areas located in Okinawa.
- (e) The Commanding Officer, Marine Corps Air Station (MCAS) Iwakuni, manages all military family housing on MCAS Iwakuni. Therefore, the requirements in reference (g) regulating commercial activities in military family housing apply to all personnel residing in military family housing. Any

language within this Order that establishes stricter requirements than those in reference (g) is binding on all United States Forces personnel living or working on MCAS Iwakuni.

- (f) The Deputy Commander, MCIPAC-MCBB (via the MCIPAC-MCBB Staff Judge Advocate (SJA), is the final approval authority for III MEF and MCIPAC-MCBB personnel commercial activity or private employment requests originating in Okinawa. The Deputy Commander, MCIPAC-MCBB (via the MCAS Iwakuni SJA), is the final approval authority for III MEF and MCIPAC-MCBB personnel commercial activities or private employment requests originating in mainland Japan. The final approval authority may, for good cause (e.g., substantiation of any violation of the regulations within this Order or one of the references) revoke command approval for an individual to engage in commercial activity or private employment on MCIPAC-MCBB facilities and areas in Japan.
- 1. To obtain final approval of a commercial activity or private employment request, a military member must obtain his or her commanding officer's recommendation and signature in Section III of enclosure (1) before submitting enclosure (1) to the appropriate SJA. Other favorable endorsements may also be required on enclosure (1) depending on the nature and location of the commercial activity or private employment.
- 2. To obtain final approval of a commercial activity or private employment request, a member of the civilian component must obtain his or her Department Head's approval and signature in Section III of enclosure (1) before submitting it to the appropriate SJA. Other favorable endorsements may also be required on enclosure (1) depending on the nature and location of the commercial activity or private employment.
- 3. To obtain final approval of a commercial activity or private employment request, a dependent must obtain the signature of his or her sponsor in Section IV and the sponsor's Commanding Officer or Department Head in enclosure (1), before submitting it to the appropriate SJA. Other favorable endorsements may also be required on enclosure (1) depending on the nature and location of the commercial activity or private employment.

b. Definitions

- (1) "U.S. Armed Forces personnel" means a member of the United States Armed Forces, members of the civilian component, and dependent members as described in Article I of reference (a).
- (2) "III MEF and MCIPAC-MCBB personnel" means U.S. Armed Forces personnel assigned to or accompanying III MEF or MCIPAC-MCBB.
- (3) "Commercial activity or private employment" includes any private action which affects the Japanese economy and which involves the exchange of items of value for services or goods. Commercial activity or private employment includes, but is not limited to: the sale of merchandise, commercial food preparation, home child care services, commercial solicitation, teaching, and other personal services. The following are excluded from this definition: employment with the United States Government, and employment with persons or governments conducting business with or on behalf of the U.S. government. Employment does not include earning pocket money, for example, occasional babysitting or a newspaper route.

- (4) "Personal services" includes, but is not limited to: massage therapy, cosmetology, hairdressing, barbers, and nail salon services.
- (5) "Commercial solicitation" refers to a practice in which an Agent (i.e., a representative, broker, salesman, or dealer) offers consumer services or goods for sale. A sale need not be completed in order for Commercial Solicitation to have occurred. An attempt to conduct business, including though electronic contact or in person contact, providing meals, making appointments, distributing business cards, asking personnel if they want to review their personal finances or military benefits, and/or explaining investments or insurance with the intent to sell the same, also fall within this definition.
- (6) "Commercial boarding of pets" means temporary care for domestic animals (e.g., "family pets," dogs, cats, hamsters, guinea pigs, caged birds, and aquarium fish) wherein something of value is received as consideration for providing such services.

c. Regulations

- (1) III MEF and MCIPAC-MCBB personnel in Japan and those other U.S. Armed Forces personnel living or working on MCIPAC-MCBB facilities and areas located in Japan shall not engage in commercial activity or private employment if such activities interfere with, or are not compatible with the performance of their official duties.
- (2) All III MEF and MCIPAC-MCBB personnel in Japan and those other U.S. Armed Forces personnel living or working on MCIPAC-MCBB facilities and areas located in Japan shall not do any of the following in accordance with Ref (d):
- (a) Engage in commercial activity or private employment with any off-base liquor stores, bars, nightclubs, or other establishments in which the sale, service, or distribution of alcoholic beverages are the primary or exclusive activities. This prohibition includes performing in musical acts, providing commercial entertainment, acting as a bouncer, or providing security for such establishments. U.S. Armed Forces personnel may engage in commercial activities and private employment with Japanese restaurants and other commercial dining facilities in which alcoholic beverages are served merely as an accompaniment to food. At no time may III MEF and MCIPAC-MCBB personnel serve alcoholic beverages while employed with a Japanese restaurant or other commercial dining facility.
- (b) Engage in commercial activity or private employment with any establishment or person known or suspected to be associated in any way with organized crime, subversive groups, or terrorist groups.
- (c) Engage in commercial activity or private employment with persons or establishments known to be directly or indirectly connected with prostitution, pornography, gambling, weapons manufacturing or trafficking, illegal drugs, black market commodities, or any other service or commodity that may violates U.S. or Japanese law.
- (d) Engage in commercial activity or private employment 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.

- (e) Engage in commercial activity or private employment requiring appearances on or in television, radio, internet programming, commercial advertisements, stage plays, motion pictures, video or audio recordings, or other commercial public entertainment in Japan without specific prior approval from the Deputy Commander, MCIPAC-MCBB. When engaged in commercial activity or private employment as public entertainers, personnel shall not wear military uniforms and shall not reference their service affiliations, ranks, or organizations. This paragraph does not apply if the entertainment or public appearance is sponsored by an organization of the U.S. Armed Forces.
- (f) Engage in commercial activity or private employment on or off base involving real estate, bonds, insurance (e.g., life insurance), securities (e.g., stocks or mutual funds), or other financial investments unless licensed to engage in such commercial activity or private employment by the appropriate authority of any state or territory of the United States or the District of Columbia, and in accordance with references (h) and (i). Persons desiring to engage in these activities must also comply with the applicable laws of Japan.
- (g) Operate a food establishment within any area of any residence. A "food establishment" means an operation that stores, prepares, packages, serves, or vends food directly to the consumer, or otherwise provides food for human consumption. In accordance with reference (j), a "food establishment" does not include the following:
- 1. Preparing and serving food for children within an Family Child Care (FCC) home business (discussed further below); or
- 2. Preparing food within military family housing to donate to a non-Federal entity so that the non-Federal entity may sell the food (e.g., "bake sale") or give the food away (e.g., "cake walk") as part of an authorized fundraising activity or for personal consumption; or
- <u>3</u>. A unit organizational function in which food is provided by unit or organizational members rather than a commercial food vendor.
- (h) Use U.S. Government resources (e.g. real or personal property, services, or equipment) to support their commercial activities or private employment in Japan.
- (i) Engage in commercial activity or private employment which uses the Military Postal Service (i.e., FPO or APO addresses) in support of their commercial activity or private employment. Reference (k) requires that home businesses needing postal service must either have the goods shipped directly to the purchaser or receive the goods at an off-base post office.
- (j) Engage in commercial activity or private employment involving telecommunications products or services on MCIPAC-MCBB facilities and areas.
- (k) Engage in commercial activity or private employment on or off base involving invasive procedures or breaking of intact skin. This prohibition includes body piercing, body tattooing (including application of permanent eye and lip liners), body mutilation (e.g., body burning, branding, and intentional scarring; tongue splitting; ear gauging) or any other services requiring the use of sterilized needles or machinery, which may cause injury, infection, or the spread of communicable disease through exposure to blood and other body fluids.

- (l) Engage in commercial activity or private employment that competes with products or services offered by Marine Corps Community Services (MCCS) or the Army and Air Force Exchange Service (AAFES) without the approval, as applicable, of MCCS or AAFES. Offering the sale of brand name merchandise unavailable through the AAFES retail supply system is not in competition with AAFES.
- (m) Engage in commercial activity or private employment involving any commercial cultural exchange program, commercial "home stay" program, or other activity where something of value is received as consideration for granting access to MCIPAC-MCBB facilities and areas.
- (n) Operate a commercial type kennel for the commercial boarding of pets, adoption service, breeding or sell animals from military family housing as prohibited by reference (l).
- (o) Engage in commercial activity or private employment in bachelor enlisted quarters, bachelor officer quarters, or while in places of government work.
- (p) Engage in commercial activity or employment involving taxi or other transportation services for a fee or donation, which is not licensed or registered with the Government of Japan or specifically authorized by the U.S. Government.
- (3) All III MEF and MCIPAC-MCBB personnel in Japan and those other U.S. Armed Forces personnel living or working on MCIPAC-MCBB facilities and areas located in Japan shall not engage in unauthorized commercial activity.

d. Procedures

- (1) Prior to any application receiving consideration for approval, as explained in this Order and its enclosures, the applicant must ensure full compliance with all requirements.
 - (2) All applicants MUST complete Sections I-IV of enclosure (1) as it pertains to desired request.
 - (a) Marine Corps and Navy personnel MUST obtain approval from their Commanding Officer.
 - (b) Members of the Civilian Component MUST obtain approval from their Department Head.
- (c) Dependents <u>MUST</u> obtain approval from the Sponsor and the Sponsor's Commanding Officer.
- (3) AAFES and MCCS MUST review and approve all on-base and off-base home business requests to ensure compliance with paragraph 3c(2)(1) above. Individuals seeking off-base private employment do not need to submit requests to AAFES and MCCS for review and approval; after complying with the other relevant approval procedures, those individuals seeking off-base employment may submit the request directly to the MCIPAC-MCBB Office of the Staff Judge Advocate (OSJA) organizational mailbox at MCBSJASOFA@usmc.mil for final review and determination.
- (4) To receive authorization to operate any home business on a U.S. installation in Japan, the applicant must obtain all appropriate camp, base, or station commander or director's approval in Section VI of enclosure (1), to which the applicant will be conducting their business.

- (5) On-Base Housing. To receive authorization to operate any home business in military family housing in Okinawa, the applicant must obtain approval from Kadena Family Housing Office (KFHO) in section IV of enclosure (1). Reference (e) establishes procedures for obtaining approval from KFHO when seeking to conduct commercial activities in military family housing.
- (6) To receive authorization to operate any home business in military family housing on MCAS Iwakuni, the applicant must obtain approval in accordance with reference (l) and this Order.
- (7) Off-Base Residence. In accordance with reference (f), to receive authorization to operate any home business at an off-base residence, the applicant MUST obtain approval from the Project Owner/Landlord through their Housing Agency.
- (8) For consideration for approval, submit the completed enclosure (1) with all required approvals and signatures to the MCIPAC-MCBB OSJA organizational mailbox at MCBSJASOFA@usmc.mil for final review and determination.
- (9) To continue operating a home business in Japan, applicants must meet, maintain, and comply with all the applicable professional requirements of their licensing state or territory. Home businesses requiring a license and certification in the United States must maintain a current license from the applicable state or United States Territory during operation.
- (a) Any approval of commercial activity in Japan shall not exceed any of the following: (1) the professional license's expiration date; (2) the expiration date of any required commercial activity insurance; or (3) the commercial activity applicant's rotation date.
- (b) Reference (m) establishes Marine Corps requirements applicable to FCC home businesses. To receive authorization to operate an FCC home business in military family housing on MCIPAC-MCBB installations in Japan, III MEF and MCIPAC-MCBB personnel must first contact the MCCS FCC Director at 645-2110/2174 to receive information on the FCC Certification Course.
- 1. After completing the FCC Certification Course, the applicant will receive an "Official Certification Family Child Care Program" certificate. The certificate serves as verification that the requirements of reference (m) have been met.
- <u>2</u>. Applicants must attach a copy of their "Official Certification Family Child Care Program" certificate when forwarding enclosure (1) to the appropriate SJA.
- <u>3</u>. Meet, maintain, and comply with the requirements of reference (m) and any additional requirements established by the Director, Family Child Care.
- (c) To engage in authorized commercial activities, all III MEF and MCIPAC-MCBB personnel in Japan, and all other U.S Armed Forces personnel living or working on MCIPAC-MCBB facilities and areas located in Japan, must maintain a copy of their commercial activities approval letter and completed commercial activities request form (enclosure (1)).
- e. The sale of life insurance and mutual funds on MCIPAC-MCBB facilities and areas located in Japan will be in accordance with references (h) and (i) and must be a U.S. Indo-Pacific Command accredited company or agent.

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- f. Reference (n) prescribes the procedures for obtaining authorization to conduct fundraising activities aboard MCIPAC-MCBB facilities and areas located in Japan.
- g. Except as provided below, no person shall advertise any commercial activity or private employment in Japan.
- (1) The Director, MCCS may approve commercial activity or private employment advertisement to take place within military family housing, bachelor officer quarters, bachelor enlisted quarters, and temporary lodging facilities on-base. Requests for approval of on-base advertisement can be sent to the MCCS Commercial Sponsorship Coordinator.
- (2) All III MEF and MCIPAC-MCBB personnel in Japan and other United States Forces personnel living or working on MCIPAC-MCBB facilities and areas located in Japan may advertise on non-appropriated fund bulletin boards (e.g., "community bulletin boards") posted in Federal non-appropriated fund entity facilities and areas. Such advertising is subject to Federal non-appropriated fund entity regulations.
- 4. <u>Administration and Logistics.</u> The MCIPAC-MCBB SJA shall administer the MCIPAC-MCBB commercial activity and private employment program in Okinawa. The MCAS Iwakuni SJA shall administer the MCIPAC-MCBB commercial activity and private employment program in mainland Japan. In administering this program, the SJA shall:
- a. Cause the contents of this Order to be briefed to military and civilian personnel as part of their inprocessing upon arrival in Japan;
- b. Process and approve requests to engage in commercial activity or private employment pursuant to this Order; and
- c. With the Pacific Area Counsel Office, monitor non-Federal entity compliance with this Order and advise the command on when actions to enforce the regulations within this Order may be appropriate.

5. Command and Signal

a. <u>Command</u>. This Order is applicable to members of the United States Armed Forces, family members, and members of the civilian component assigned to MCIPAC-MCBB installation commands, III MEF, and other tenants and activities operating on MCIPAC-MCBB facilities and areas in Japan.

b. Signal. This Order is effective the date signed

DISTRIBUTION: III MEF List I, II,

MCIPAC-MCBB List B Copy to: CO, 718th CES/CEH

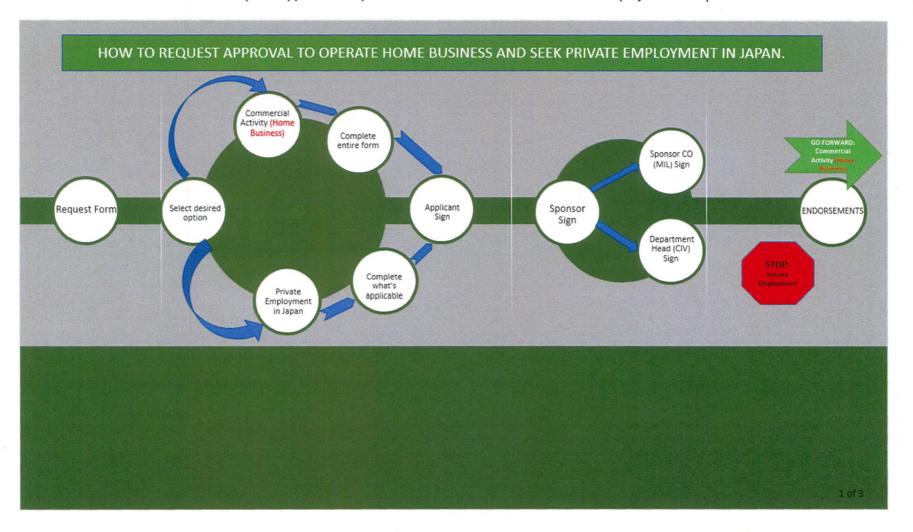
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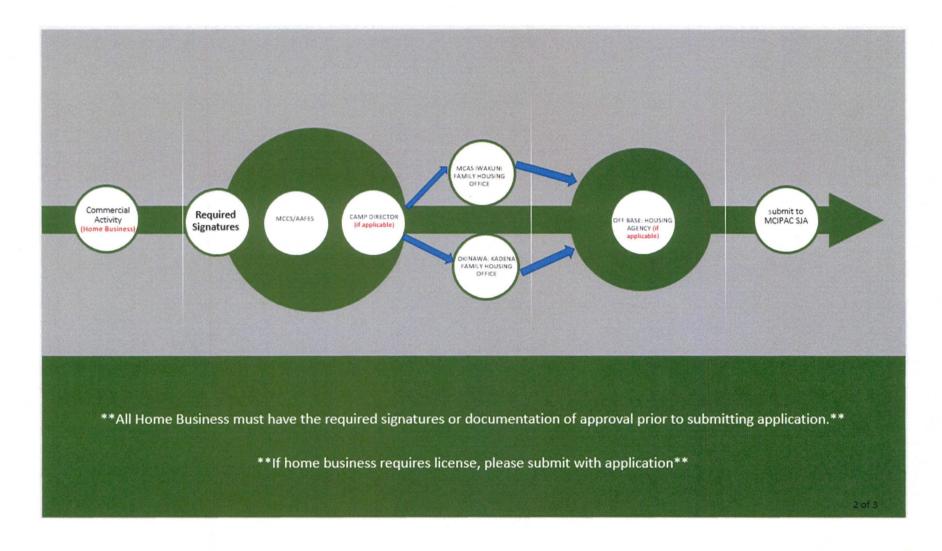
MCIPAC-MCBB SJA 5300/3 Form Request to Engage in Commercial Activities or Private Employment in Japan

The latest form is available for download at MCIPAC-MCBB G-1 Adjutant SharePoint site: https://usmc.sharepoint-mil.us/sites/mcipac_g1/adjutant . Go to "Forms Management".

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a Ba	100	 Involve appearing on or in: television, radio, or internet programming; commercial advertisements; stage plays; motion picturideo or audio recordings; or other commercial public entertainment.
ISSES.	5553	2. Involve real estate, bonds, insurance, securities (e.g., stocks and/or mutual funds), or other financial investments.
STATISTICS.	200	3. Involve the use of U.S. Government personal property, real property, or personal resources.
1525	TES SE	 Use the Military Postal Service (I.e., FPO or APO address) in support of the commercial activity or private employment.

How to Request Approval to Operate Home Business and Seek Private Employment in Japan





Final Review and Approval

MCBSJASOFA@USMC.MIL 645-7461/098-970-7461

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ADDITIONAL REQUIREMENTS FOR MASSAGE THERAPISTS AND COSMETOLOGISTS

MASSAGE THERAPISTS AND COSMETOLOGISTS MUST:

- 1. Possess a current license or certification from any of the United States or United States territories. Meet, maintain, and comply with applicable professional requirements of your licensing state or territory. (No State license is required for hair braiding where no chemicals products will be used).
- 2. Include in your application specific information on what your business will entail, to include a detailed description of the exact services provided and types of equipment used to conduct your business.
- 3. Attach copies of the State license (if required) to your Commercial Activity and Private Employment Application.