

DEFENSE

Status of Forces

Protocol Between the UNITED STATES OF AMERICA and JAPAN

Amending the Agreement of January 22, 2016

With Exchange of Notes

Signed at Tokyo February 24, 2021

Entered into force March 31, 2021

*This publication is being reissued due to a change in the TIAS number.



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

PROTOCOL AMENDING THE AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA AND JAPAN
CONCERNING NEW SPECIAL MEASURES RELATING TO
ARTICLE XXIV OF 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

The United States of America and Japan (hereinafter referred to as "the Parties"),

Recognizing the longstanding friendly relations and cooperation between the Parties;

Reaffirming the importance of a firm security and defense relationship between the Parties;

Desiring to amend the Agreement between the United States of America and Japan concerning New Special Measures relating to Article XXIV of 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, signed at Tokyo on January 22, 2016, which entered into force on April 1, 2016 (hereinafter referred to as "the SMA");

Have agreed as follows:

1. Article I and Article II of the SMA shall be amended respectively by replacing the word "2020" with the word "2021".
2. Article VII of the SMA shall be amended by replacing the words "March 31, 2021" with the words "March 31, 2022".
3. This Protocol shall be approved by the Parties in accordance with their respective internal legal procedures. This Protocol shall enter into force on the date when diplomatic notes indicating such approval are exchanged. Notwithstanding the second sentence of this paragraph, if this Protocol enters into force after March 31, 2021, the Parties shall apply this Protocol as if this Protocol had entered into force on March 31, 2021.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE in duplicate, at Tokyo, this twenty-fourth day of February, 2021, in the English and Japanese languages, both texts being equally authentic.

FOR THE UNITED STATES
OF AMERICA:

A handwritten signature in cursive script, reading "Joseph M. Young".

FOR JAPAN:

A handwritten signature in Japanese calligraphy, reading "茂木 敏充" (Shigemori Toshimichi).

アメリカ合衆国と日本国との間の相互協力及び安全保障条約第六条に基づく施設及び区域並びに日本国における合衆国軍隊の地位に関する協定第二十四条についての新たな特別の措置に関するアメリカ合衆国と日本国との間の協定を改正する議定書

アメリカ合衆国及び日本国（以下「両締約国」という。）は、

両締約国間の多年にわたる友好関係及び協力を認識し、

両締約国間の堅固な安全保障関係及び防衛関係の重要性を再確認し、

二千十六年一月二十二日に東京で署名され、同年四月一日に効力を生じたアメリカ合衆国と日本国との間の相互協力及び安全保障条約第六条に基づく施設及び区域並びに日本国における合衆国軍隊の地位に関する協定第二十四条についての新たな特別の措置に関するアメリカ合衆国と日本国との間の協定（以下「特別協定」という。）を改正することを希望して、

次のとおり協定した。

1 特別協定第一条及び第二条中「二千二十年」を「二千二十一年」に改める。

2 特別協定第七条中「二千二十一年三月三十一日」を「二千二十二年三月三十一日」に改める。

3 この議定書は、両締約国によりそれぞれの国内法上の手続に従って承認されなければならない。この議定書は、その承認を通知する外交上の公文が交換された日に効力を生ずる。この3の中段の規定にかかわらず、この議定書が二千二十一年三月三十一日後に効力を生ずる場合には、両締約国は、この議定書が二千二十一年三月三十一日に効力を生じたものとしてこの議定書を適用する。

以上の証拠として、下名は、各自の政府から正当に委任を受けてこの議定書に署名した。

二千二十一年二月二十四日に東京で、ひとしく正文である英語及び日本語により本書二通を作成した。

アメリカ合衆国のために

日本国のために

茂 Joseph M. Young

木

敏

充

書簡をもって啓上いたします。本大臣は、本日署名された日本国とアメリカ合衆国との間の相互協力及び安全保障条約第六条に基づく施設及び区域並びに日本国における合衆国軍隊の地位に関する協定第二十四条についての新たな特別の措置に関する日本国とアメリカ合衆国との間の協定を改正する議定書によって改正される二十六年一月二十二日に東京で署名された日本国とアメリカ合衆国との間の相互協力及び安全保障条約第六条に基づく施設及び区域並びに日本国における合衆国軍隊の地位に関する協定第二十四条についての新たな特別の措置に関する日本国とアメリカ合衆国との間の協定（以下「協定」という。）に言及するとともに、次のことを貴官に通報する光栄を有します。

1 協定第五条の規定の運用上、日本国政府は、協定第一条の規定に従って日本国が負担する経費の日本国の令和三会計年度のための概算要求額については、日本国の平成二十九会計年度から令和元会計年度までにおける年平均労働者数の平均（二万三千百七十八人を限度とする。）をもって算定した。二万三千百七十八人は、日本国の令和二会計年度について用いられた労働者数と同一である。日本国の平成二十八会計年度から令和元会計年度までについて用いられた労働者数は、それぞれ、二万二千七百三十五人、二万二千八百四十五人、二万二千九百五十六人及び二万三千六十七人であった。日本国は、この傾向が継続すれ

ば日本国の令和三会計年度については労働者数が二万三千二百八十九人に達することとなる一方で、二万三千七百七十八人との日本国の提案を財政上の必要性を踏まえた一回限りの特別の措置としてアメリカ合衆国が受け入れる意図を有することを認識する。

2

a 協定第五条の規定の運用上、日本国政府は、協定第二条の規定に従って日本国が負担する経費の日本国の令和三会計年度のための概算要求額については、日本国の平成二十九会計年度から令和元会計年度までにおける協定第二条に規定する料金又は代金の支払に要する経費の全部の平均に〇・六一を乗じることをもって算定した。日本国政府は、協定第二条の規定に従って日本国が負担する経費については、二百四十九億百九十万八千円（二四、九〇一、九〇八、〇〇〇円）を限度とする方針に基づきその算定を行った。

b 日本国の令和三会計年度のための概算要求額に関し、日本国政府は、当該概算要求額に、合衆国軍隊の構成員及び軍属並びにそれらの家族の住宅であって施設及び区域の外側にあるものに係る経費を算入しなかった。

c 日本国政府は、協定第二条に規定する電気、ガス、水道及び下水道並びに燃料の調達契約の状況を常

時把握することができるよう、アメリカ合衆国政府から現行契約の内容の通知を受け、また、当該契約の変更若しくは廃止又は新たな契約の締結が行われるときは事前にその内容の通知を受けることを希望するとともに、必要に応じ協議を行うことを要請する意向を有する。

3 協定第五条の規定の運用上、日本国政府は、協定第三条の規定に従って日本国が負担する経費の日本国の令和三会計年度のための概算要求額については、アメリカ合衆国政府により提出された本件経費見積りを考慮して算定した。

4 本件経費負担の適正な執行を確保するため、両政府は、協定第六条の規定により協議することができることが確認される。

本大臣は、以上を申し進めるに際し、ここに重ねて貴官に向かって敬意を表します。

二千二十一年二月二十四日に東京で

日本国外務大臣

茂木 充

アメリカ合衆国臨時代理大使

ジョセフ・M・ヤング殿

(Translation)

Tokyo, February 24, 2021

Sir,

I have the honor to refer to the Agreement between Japan and the United States of America concerning New Special Measures relating to Article XXIV of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed at Tokyo on January 22, 2016, as amended by the Protocol Amending the Agreement between Japan and the United States of America concerning New Special Measures relating to Article XXIV of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed today (hereinafter referred to as "the Agreement"). I have further the honor to inform you of the following:

1. In implementing the provisions of Article V of the Agreement, the Government of Japan calculated the amount of the initial draft budget request for the Japanese fiscal year 2021 for those expenditures which Japan is to bear in accordance with the provisions of Article I of the Agreement, on the basis of the average of the annual average number of workers during the Japanese fiscal years 2017 through 2019, not to exceed 23,178 people. 23,178 people is the same number of workers used for the Japanese fiscal year 2020. The number of workers used for the Japanese fiscal years 2016 through 2019 were 22,735, 22,845, 22,956, and 23,067, respectively. Japan acknowledges that, while continuing this pattern would result in a figure of 23,289 for the Japanese fiscal year 2021, the United States has the intention to accept Japan's proposal of 23,178 as a one-time extraordinary measure in light of budget necessity.

Mr. Joseph M. Young
Chargé d'Affaires ad interim
of the United States of America

- 2.a. In implementing the provisions of Article V of the Agreement, the Government of Japan calculated the amount of the initial draft budget request for the Japanese fiscal year 2021 for those expenditures which Japan is to bear in accordance with the provisions of Article II of the Agreement, by multiplying the average of all of the expenditures during the Japanese fiscal years 2017 through 2019 in paying costs stipulated in Article II of the Agreement, by 0.61. The Government of Japan made such calculation under the policy that the amount of those expenditures which Japan is to bear in accordance with the provisions of Article II of the Agreement is not to exceed twenty-four billion, nine hundred and one million, nine hundred and eight thousand yen (¥24,901,908,000).
- b. With regard to the amount of the initial draft budget request for the Japanese fiscal year 2021, the Government of Japan did not include in the said amount of the initial draft budget request the costs for the residential housing of the members of the United States armed forces, civilian component, and their dependents outside facilities and areas.
- c. In order to be always informed of the contracts to procure electricity, gas, water supply and sewerage, and fuels stipulated in Article II of the Agreement, the Government of Japan wishes that the Government of the United States of America inform the former of the contents of the existing contracts and notify the former in advance of the contents of the revision or rescission of such contracts or the conclusion of new contracts, and intends to request consultations as necessary.
3. In implementing the provisions of Article V of the Agreement, the Government of Japan calculated the amount of the initial draft budget request for the Japanese fiscal year 2021 for those expenditures which Japan is to bear in accordance with the provisions of Article III of the Agreement taking into account the estimate of the relevant costs submitted by the Government of the United States of America.
4. It is confirmed that, in order to ensure the proper execution of this bearing of expenditures, the two Governments may consult under the provisions of Article VI of the Agreement.

I avail myself of this opportunity to renew to you the assurances of my high consideration.

MOTEGI Toshimitsu
Minister for Foreign Affairs
of Japan

(U.S. Note)

Tokyo, February 24, 2021

Excellency,

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date concerning the Agreement between the United States of America and Japan concerning New Special Measures relating to Article XXIV of 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, signed at Tokyo on January 22, 2016, as amended by the Protocol Amending the Agreement between the United States of America and Japan concerning New Special Measures relating to Article XXIV of 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, signed today (hereinafter referred to as "the Agreement"). I have further the honor to inform Your Excellency of the following:

1. The Government of the United States of America has no objection to paragraphs 1., 2.a. and b., and 3. of Your Excellency's Note.
2. In order for the Government of Japan to be always informed of the contracts to procure electricity, gas, water supply and sewerage, and fuels stipulated in Article II of the Agreement, the Government of the United States of America intends to inform the former of the contents of the existing contracts and to notify the former in advance of the contents of the revision or rescission of such contracts or the conclusion of new contracts, as well as to hold consultations upon request from the Government of Japan.
3. It is confirmed that, in order to ensure the proper execution of this bearing of expenditures, the two Governments may consult under Article VI of the Agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

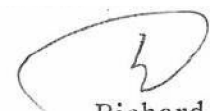
Sincerely,



Chargé d'Affaires ad interim
of the United States of America

His Excellency
Mr. MOTEGI Toshimitsu
Minister for Foreign Affairs
of Japan

DIPLOMATIC NOTE



Richard Dubois
Consul