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ORGANIZATION AND FUNCTIONS - JOINT COMMITTEE AND SUBCOMMITTEES UNDER THE UNITED STATES OF AMERICA – REPUBLIC OF KOREA STATUS OF FORCES AGREEMENT (SOFA)

References: See Enclosure F

1. Purpose. This regulation prescribes procedures and responsibilities governing the United States participation in the United States (U.S.)-Republic of Korea (ROK) Joint Committee under the SOFA, Article XXVIII, hereinafter referred to in this regulation as the Joint Committee.
2. Superseded/Cancellation. This instruction supersedes USFK Regulation 10-10, dated 13 December 2017.
3. Applicability and Scope. This instruction applies to all commands of Headquarters (HQ), United States Forces Korea (USFK), and other personnel or agencies of the U.S. Armed Forces present in the ROK, except the Joint United States Military Affairs Group Korea and U.S. military personnel attached to the American Embassy (AMEMB).
4. Summary of Changes. The changes to this issuance:
 - a. Replace APPENDIX D TO ENCLOSURE D, Subcommittee Appointment Letter from the U.S. Representative Sample.
 - b. Replace APPENDIX E TO ENCLOSURE D, Subcommittee Joint Working Group Chair Appointment Sample.
 - c. Delete Korean Access to Nonappropriated Fund Organizations (NAFO) Ad Hoc Subcommittee.
 - d. Change Occupational Health and Safety Ad Hoc Joint Working Group U.S. Chair from Director, Safety, USFK (FKSF) to Special Assistant to Deputy Commander, SOFA Secretariat, USFK (FKDC-SA).

e. Change Land Partnership Plan Ad Hoc Subcommittee U.S. Chair from Director for Transformation & Re-Stationing, USFK (FKCS-D(R)) to Command Engineer, USFK (FKEN).

f. Change Yongsan Relocation Plan Ad Hoc Subcommittee U.S. Chair from Director for Transformation & Re-stationing, USFK (FKCS-D(R)) to Command Engineer, USFK (FKEN).

g. Change Osan Munitions Storage Areas and Godeok Complex Development Group U.S. Chair from Director for Transformation & Re-stationing, USFK (FKCS-D(R)) to Assistant Chief of Staff J4, USFK (FKJ4).

5. Records Management. In accordance with the CJCSM 5760.01A Volume II, Joint Staff and Combatant Commands Records Management Manual-Disposition Schedule.

6. Policy. See Enclosures to A to E.

7. Responsibilities. See Enclosure A to C.

8. Releasability. This instruction is approved for public release, distribution is unlimited. DOD components other federal agencies, copies of this instruction may be obtained through the internet from the USFK home page <https://www.usfk.mil/Resources/Publications/> or at https://armyeitaas.sharepoint-mil.us/sites/USFK-RM/Document_Library/Forms/Default.aspx.

9. Effective Date. This instruction is effective upon receipt.

//ORIGINAL SIGNED//
BRAD SULLIVAN
Major General, USAF
Chief of Staff

Enclosures:

- A – Joint Committee
- B – Special Joint Committee
- C – Subcommittees/Ad Hoc Subcommittees/Joint Working Groups
- D – Administration
- E – Subcommittees and Auxiliary Organs of the Joint Committee
- F – References

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ENCLOSURE A
JOINT COMMITTEE

1. Establishment. SOFA Article XXVIII establishes the Joint Committee as the means for consultation between the Governments of the U.S. and the ROK on matters regarding the implementation of the U.S.-ROK SOFA and for determining the facilities and areas in the ROK which are required for the use of the U.S. armed forces. The U.S. or ROK may take any problems regarding the implementation of the U.S.-ROK SOFA to the Joint Committee. If the Joint Committee is unable to resolve any matter, it will refer the matter to the respective Governments for further consideration. The U.S. Representative to the SOFA Joint Committee may also seek issue resolution within the U.S.-ROK security consultative process (under the Department of Defense) and diplomatic channels with the U.S. Embassy in Seoul, the Department of Defense, and the Department of State.

2. Authority. The Joint Committee established by Article XXVIII, U.S.-ROK SOFA is fully empowered to negotiate, enter into, and approve subordinate agreements binding the two Governments that implement the SOFA, subject only to the internal staffing and reporting requirements of each Government. Specifically, it has the power to make final decisions with respect to many matters within the scope of the SOFA, including but not limited to, the determination concerning "the facilities and areas in the [ROK] which are required for the use of the (U.S.) in carrying out the purposes of [the U.S.-ROK SOFA]".

a. Article XXVIII, SOFA provides, in relevant part:

(1) A Joint Committee shall be established as the means for consultation between the [two governments] on all matters requiring mutual consultation regarding the implementation of [the SOFA] except where otherwise provided. In particular, the Joint Committee shall serve as the means for consultation in determining the facilities and areas in the [ROK] which are required for the use of the [U.S.] in carrying out the purposes of [the SOFA].

(2) The Joint Committee shall be composed of a representative [of the two governments], each of whom shall have one or more deputies and a staff. The Joint Committee shall determine its own procedures.

(3) If the Joint Committee is unable to resolve any matter, it shall refer that matter to the respective Governments for further consideration through appropriate channels.

b. Article II, SOFA, paragraph 1 provides, in part: "Agreements as to specific facilities and areas in [the ROK] shall be concluded by the two Governments through the Joint Committee provided for in Article XXVIII of this Agreement."

c. Article II, SOFA, paragraph 3 provides further, in part: "The facilities and areas used by [the U.S.] shall be returned to [the ROK] under such conditions as may be agreed through the Joint Committee."

d. Article II, SOFA, paragraph 4b provides: "With respect to facilities and areas which are to be used by [the U.S.] armed forces for limited periods of time, the Joint Committee shall specify in the agreements covering such facilities and areas the extent to which the provisions of [the SOFA] shall not apply."

e. In addition, aside from the determination of facilities and areas to be used by U.S. armed forces, there are several other provisions that expressly assign the decision-making authority related to the implementation of the SOFA to the Joint Committee. For example:

(1) Article IX, Agreed Minutes, paragraph 3 states, in part: "The extent of the pertinent information [on military cargo] will be determined by the Joint Committee."

(2) Article XVII, paragraph 4(a)(iii) states, in part: "In the event the [labor] dispute is not settled by the procedures outlined above, the Joint Committee will resolve the dispute, assuring that expeditious procedures are followed. The decisions of the Joint Committee shall be binding."

(3) Article XVII, paragraph 4(b) states, in part: "Employees of any employee organization shall have the right of further collective action in the event a labor dispute is not resolved by the foregoing procedures except in cases where the Joint Committee determines such action seriously hampers military operations..."

(4) Article XVII, Agreed Minutes, Paragraph 4 states: "When employers cannot conform with provisions of labor legislation of [the ROK] ... the matter shall be referred to the Joint Committee for consideration and appropriate action."

(5) Article XXII, Agreed Minute Re Paragraph 9, sixth unnumbered paragraph states, in part: "Necessary implementing provisions shall be agreed upon between the two Governments through the Joint Committee."

(6) Article XXII, Agreed Minute Re Paragraph 9, seventh unnumbered paragraph states, in part: "Facilities utilized for the execution of a sentence to death or a period of confinement, imprisonment or penal servitude, or for the detention of [U.S. personnel] will meet minimum standards as agreed by the Joint Committee."

(7) Article XXVII, states, in part: "... matters of mutual concern [regarding health and sanitation] shall be resolved by the authorities of the two Governments in the Joint Committee."

3. Organization. The Joint Committee is composed of one U.S. Representative and one ROK Representative.

a. The U.S. Ambassador to the ROK appoints the U.S. Representative to the Joint Committee via diplomatic note (example at Appendix C to Enclosure D). The Deputy Commander, USFK, serves as the U.S. Representative to the Joint Committee.

b. The ROK Minister of Foreign Affairs appoints the ROK Representative to the Joint Committee. The Director General, North American Affairs Bureau, Ministry of Foreign Affairs, serves as the ROK Representative to the Joint Committee.

4. Responsibilities.

a. The U.S. Representative receives policy guidance from the U.S. Ambassador to the ROK and the Commander, USFK.

b. The U.S. Representative is assisted by the following personnel:

(1) An Alternate U.S. Representative (Assistant Chief of Staff, J5, USFK) appointed via diplomatic note of the U.S. Embassy to the ROK.

(2) An American Embassy representative appointed by the U.S. Ambassador.

(3) A permanent secretariat (hereinafter referred to as “the SOFA Secretariat”), staffed by the Secretary for the U.S. Component of the Joint Committee (U.S. Secretary to the Joint Committee), Deputy Secretary, two Assistant Secretaries, an administrative officer, a language specialist, and an interpreter-translator qualified to certify dual-language agreements in accordance with DoDI 5530.03, International Agreements, and USFKI 2300.01, International Agreements.

5. Meeting Procedures. The Joint Committee approved the following procedures at the 1st Joint Committee meeting, 9 February 1967 (Encl 5, pp. 53-55), in accordance with SOFA Article XXVIII, paragraph 2.

a. Formal Meetings. The Joint Committee holds regularly scheduled formal and numbered meetings at times and locations mutually agreed on by the Joint Committee Representatives. Either the U.S. or ROK Representative may call additional sessions of the Joint Committee at any time. Meetings are held at least once a year with an aspirational goal of meeting twice a year.

(1) Host. The host of Joint Committee meetings rotates between the ROK and U.S. Representatives. When the ROK Representative presides, the meeting is held in a ROK Government facility conference room; when the U.S. Representative presides, the meeting is held in a USFK conference room. Meetings may also be conducted virtually via video teleconference when it is determined that in-person meetings are not practicable.

(2) Agenda. To promote efficiency, the Joint Committee shall conduct formal meetings based upon an agenda, which the two sides jointly prepare and approve, in writing, preferably at least one week prior to the meeting.

(3) Attendance. The Joint Committee Representatives, their alternates and staffs, as referred to in Article XXVIII, paragraph 2 of the SOFA, and pertinent Subcommittee Chairs and subject matter experts (SMEs), based upon the agenda, shall attend formal Joint Committee meetings. Appropriate government officials may observe

the meetings as needed. Both sides shall agree to the delegation membership and observers prior to the meeting, which is often pragmatically constrained based upon the size of the facility used for the meeting.

(4) Joint Press Statement. If agreed to by both the U.S. and ROK Joint Committee Representatives, they can issue a joint press release at the conclusion of a U.S.-ROK Joint Committee meeting. It is considered a breach of the Joint Committee procedures if there is a unilateral statement release concerning Joint Committee meetings.

(5) Official Minutes/Records. The U.S. SOFA Secretariat prepares the minutes of the formal Joint Committee meetings and coordinates with the ROK Secretariat to obtain joint U.S.-ROK approval. The U.S. and ROK Representatives approve the official minutes before the next Joint Committee meeting. The minutes shall include a brief summary of the substantive discussion of the meeting and a list with attachment of all exigent actions and correspondence of the Joint Committee since the last formal meeting. The composition/enclosures of the minutes will be agreed to by both sides prior to the execution of the Joint Committee meeting. The U.S. Secretariat is responsible for distributing and archiving the official minutes for the U.S. side.

b. Informal Meetings. Informal meetings may be held periodically in addition to the existing formal, numbered meetings of the Joint Committee.

(1) Host. The host of Joint Committee informal meetings normally rotates between the U.S. and ROK Representatives. However, availability and scheduling may determine the host and location. Details for informal meetings are coordinated between the two Secretariats.

(2) Purpose and Agenda. The purpose of informal meetings of the Joint Committee is to foster constructive and candid dialogue to expedite the resolution of pending issues assigned to specific Subcommittees with the guidance of the Joint Committee Representatives. Prior to the meeting, the two sides shall exchange an agenda of the discussion topics.

(3) Attendance. The two Joint Committee Representatives, their alternates and staffs, and specified Subcommittee Chairs and their staffs, as required, shall attend informal meetings based upon the discussion topics. Appropriate government officials may observe the meeting with the consent of both sides.

(4) Records. Official minutes of informal meetings are not required. If the Joint Committee Representatives reach an agreement during an informal meeting, the U.S. SOFA Secretariat may prepare a memorandum of the Joint Committee for inclusion in the minutes of the next formal meeting. The U.S. SOFA Secretariat will prepare and distribute, as appropriate, informal and unilateral U.S. minutes or an executive summary of the meeting for the use of the U.S. side.

ENCLOSURE B
SPECIAL JOINT COMMITTEE

1. Establishment.

a. The SOFA Joint Committee established a Special Joint Task Force for Improved Implementation of the SOFA during the 182nd Joint Committee, 5 February 2003.

b. The Special Joint Task Force for Improved Implementation of the SOFA evolved into a Special Joint Committee for Improved Implementation of the SOFA and was institutionalized during the 184th Joint Committee, 7 July 2004.

2. Organization. The Special Joint Committee is Chaired by the USFK Assistant Chief of Staff, J5 and the Deputy Director General, North American Affairs Bureau, ROK Ministry of Foreign Affairs in their capacity as the Alternate Joint Committee Representatives to the U.S.-ROK SOFA Joint Committee.

3. Responsibilities. The Special Joint Committee is responsible for:

a. Making recommendations to the Joint Committee which improve the implementation of the SOFA through cooperation and collaboration at the General Officer, Flag Grade, and Deputy Director General level;

b. Consulting on SOFA affairs, significant incidents of ROK public concern related to USFK, and challenges unresolved at the Subcommittee level;

c. Providing guidance for actions regarding environmental issues related to camp returns referred to it by the Environmental Subcommittee in accordance with the Joint Environmental Assessment Procedure (JEAP);

d. Providing guidance and direction, when appropriate, to Subcommittees; and

e. Providing recommendations to the Joint Committee.

4. Meeting Procedures.

a. The Special Joint Committee shall meet as directed by the Joint Committee or as requested by either side.

b. Agenda. To promote efficiency, the Special Joint Committee shall conduct meetings based upon an agenda, which the two sides jointly prepare and approve, in written form, at least one week prior to the meeting.

c. Attendance. With mutual consent, the two Alternate Joint Committee Representatives to the U.S.-ROK SOFA Joint Committee may invite other appropriate government officials from either side as needed. The Special Joint Committee is supported by the U.S. and ROK SOFA Secretariats and Subcommittee Chairs as appropriate based upon the coordinated agenda.

d. Meeting Minutes. The U.S. SOFA Secretariat may prepare minutes of the Special Joint Committee meetings, as required. These may be for unilateral U.S. documentation and coordination, or for more formal bilateral documentation, which requires coordination and mutual consent of both parties. The minutes may include a brief summary of the substantive discussion of the meeting.

e. The findings and/or recommendations of the Special Joint Committee will be submitted to the Joint Committee for review and/or approval.

ENCLOSURE C
SUBCOMMITTEES/AD HOC SUBCOMMITTEES/JOINT WORKING GROUPS

1. Establishment. Pursuant to the SOFA, Article XXVIII, the Joint Committee establishes permanent and ad hoc Subcommittees and Joint Working Groups to render advice and formulate recommendations on technical and specialized matters referred to them by the Joint Committee except as outlined in paragraph 2a below. Enclosure E lists current Subcommittees and Joint Working Groups that report directly to the Joint Committee. This list includes the U.S. staff proponents and general responsibilities in accordance with official documents of the Joint Committee.

2. Authorities.

a. The Joint Committee authorizes the Animal and Plant Health Inspection, Civil-Military Relations, Disease Prevention and Control, Illegal Transactions in Duty Free Goods, and Utilities Subcommittees to render advice and formulate recommendations in the absence of formal taskings within the stipulated limits of responsibility.

b. The U.S. component Subcommittee Chair and other U.S. personnel of the Subcommittee are empowered and authorized to negotiate with their ROK counterparts within the provisions of their appointment and assigned Joint Committee tasks to develop and document recommended agreements to the Joint Committee.

3. Organization.

a. Appointment. The Deputy Commander, USFK, as the U.S. Representative to the Joint Committee, in consultation with USFK component commanders and supervisors, appoints the U.S. component Chair of each Subcommittee in writing (example at Appendix D to Enclosure D). In this regard, the Deputy Commander may call upon the services of any active-duty military officer or member of the civilian component serving in the ROK, as necessary, to perform these duties. The U.S. SOFA Secretariat advises the U.S. Joint Committee Representative and facilitates the coordination of the appointments with the ROK Ministry of Foreign Affairs, relevant ministries of the Government of the ROK, and the U.S. Embassy.

b. Support to Subcommittee Activities. The USFK Joint Staff, U.S. military service component staffs, and supporting DoD agencies in Korea support the U.S. component of Subcommittees provide subject matter experts, as needed, to ensure effective discharge of the responsibilities levied by the Joint Committee. The U.S. component of each Subcommittee should include a representative of the SOFA Secretariat (FKDC-SA); the Office of the Judge Advocate, HQ USFK (FKJA); the Public Affairs Office, HQ USFK (FKPA); and the U.S. Embassy (Office of Political-Military Affairs) for coordination and guidance.

4. Responsibilities.

a. General. Subcommittees are responsible only to the Joint Committee, which has exclusive authority to assign tasks to, and act upon recommendations from, the Subcommittees. USFK and USFK Component Commands may not directly assign projects to the bilateral Subcommittees and may not act upon Subcommittee recommendations until the Joint Committee has approved the recommendations.

b. Members of the U.S. Component of a Subcommittee. The Chair of the U.S. component of each Subcommittee, in consultation with the U.S. SOFA Secretariat to the Joint Committee, relevant USFK service components, staff directorates, and other stake holders (DoD agencies in Korea providing support to USFK), will determine U.S. component membership for the Subcommittee. The U.S. component should include appropriate subject matter experts and a representative of the U.S. SOFA Secretariat, the FKJA, FKPA, and the U.S. Embassy, as necessary. The appointed U.S. Chair may make changes to the U.S. component membership, as appropriate, based upon the nature of the Subcommittee actions. The U.S. Chair will notify the U.S. SOFA Secretariat of changes to the ROK Chair and of significant changes to membership for the U.S. or ROK components.

c. U.S. Subcommittee Chair Authority to Task. The members of the U.S. component of each Subcommittee serve under the guidance of the U.S. Chair of that Subcommittee. The Chair may assign specific tasks to the members, generally based upon each member's field of special expertise and capacity. The Chair shall coordinate with the member's organization when there is a perceived conflict of duty or inadequate resources to perform the task.

d. U.S. Component in Subcommittee Meetings. The U.S. Chair will determine the U.S. narrative and strategy for bilateral meetings. The Chair will lead the U.S. component with regard to determining the message appropriate for the bilateral Subcommittee meetings and which U.S. component members should present such message.

5. Meeting Procedures. The following procedures govern meetings and internal operations of the U.S. components of Subcommittees and Joint Working Groups:

a. U.S. Chair for Subcommittee and Joint Working Groups will:

(1) Advise and formulate recommendations on matters specifically tasked to them by the Joint Committee.

(2) Identify, coordinate support from, and inform the members of the U.S. component to the Subcommittee.

(3) Plan, coordinate, and lead U.S. internal preparation for Subcommittee meetings.

(4) Ensure a U.S. position is established and coordinated as appropriate prior to formally communicating this position to the ROK component.

(5) Coordinate Subcommittee meetings with their ROK counterparts to include mutually agreed upon location, date, time, component attendees, and agenda.

(6) Coordinate for appropriate interpretation and translation support for the Subcommittee activity. (In execution of a Subcommittee meeting, both U.S. and ROK components shall provide a competent interpreter who interprets comments of their respective component.)

(7) Coordinate for transportation of the U.S. component to and from the meeting location, as appropriate.

(8) Coordinate with the ROK counterpart for appropriate access to the installation or meeting facility if conducted at a ROK facility; coordinate access for the ROK component members for meetings conducted on a U.S. installation and in a U.S. facility.

(9) Document internal U.S. minutes regarding the Subcommittee meeting and provide a copy to the U.S. SOFA Secretariat. (Minutes should include who, what, when, where, agenda, significant discussion points, outcome of the meeting, and the U.S. assessment.)

(10) Inform the U.S. SOFA Secretariat of formal and informal Subcommittee meetings, agenda, participants, status of formal tasks, outcome of significant engagements concerning the tasks, or other matters of SOFA implementation with recommendations for the way ahead, and support or resources required to perform their duties.

(11) Invite representatives from the U.S. SOFA Secretariat, U.S. Embassy Political-Military Affairs, FKPA, and FKJA to all formal Subcommittee meetings.

(12) Establish auxiliary organs or Joint Working Groups to focus efforts on specific tasks or issues under the Subcommittee. Subcommittees generally dissolve working groups upon completion of the assigned task. The U.S. Chair for the Subcommittee appoints in writing a U.S. Chair for a subordinate Joint Working Group, based upon coordination with the chain-of-command of the prospective U.S. Chair (example at Appendix E to Enclosure D). The Joint Working Group U.S. Chair is generally selected based upon their expertise, functional alignment with the task, and capacity for such duty. The U.S. Subcommittee Chair coordinates with the ROK Subcommittee Chair to ensure the appointed Joint Working Group Chairs are known to both sides and can immediately initiate actions pursuant to the task.

b. U.S. SOFA Secretariat Support. Within capacity and available resources, the U.S. SOFA Secretariat will provide support and advice to the Subcommittee Chairs regarding:

- (1) Procedures, technical matters, and protocol of the Joint Committee.
- (2) Historical and cultural insights regarding the issue.
- (3) Research of SOFA Secretariat and Joint Committee records.
- (4) Identification of U.S. stakeholders and potential U.S. component membership.
- (5) Development of a negotiation strategy.
- (6) Development of a U.S. engagement strategy with ROK counterparts.
- (7) Building advocacy for resolution with USFK, U.S. Embassy, and the ROK Government.
- (8) Facilitating coordination and guidance from the Deputy Commander, USFK, as U.S. Representative to the Joint Committee.
- (9) Facilitating requests for resourcing or support from USFK chief of staff required for effective operation of the Subcommittee.
- (10) Interpreter support for formal meetings.
- (11) Providing translation certification.

c. Members of the U.S. Component. Members of the U.S. component to a Subcommittee will keep their organization, command, or agency informed and coordinate internally with their respective organization. This is to ensure members represent their organization's position within the U.S.-only Subcommittee preparation for bilateral meetings. During U.S. component internal meetings, each member will be afforded an opportunity to present the views of their respective command, agency, or organization. The U.S. Chair of the Subcommittee will determine, prior to bilateral meetings with the ROK component, the U.S. position on an issue. A member who does not concur with the U.S. position may submit a minority report to the U.S. Representative before the U.S. position is presented to the ROK component of the Subcommittee.

d. U.S. Positions Presented in Subcommittee Meetings. U.S. Chairs of Subcommittees may provide a draft U.S. position or official correspondence to an official of the ROK Government only after it has been reviewed and cleared by the U.S. SOFA Secretariat for conformance with the SOFA and Joint Committee procedures and by the Office of the Judge Advocate for legal sufficiency. Based upon the issue, prior to presenting to the ROK component, the Public Affairs Officer and U.S. Embassy representative to SOFA Joint Committee should be afforded the opportunity to review the correspondence.

e. U.S. Representation in Subcommittee. The Chair of the U.S. component is the official U.S. spokesperson during bilateral Subcommittee meetings. Attending U.S. participants will not express divergence from a consolidated U.S. position, unless pre-coordinated and approved by the U.S. Chair.

f. Meeting Minutes. The U.S. Chair of the Subcommittee may prepare minutes of meetings. Meeting minutes or notes have proven to be valuable due to the time to reach agreement and the high turn-over of Subcommittee members. Minutes may be for unilateral U.S. documentation and coordination, or for more formal bilateral documentation, which requires coordination and mutual consent of both parties. The minutes may include a brief summary of the substantive discussion of the meeting.

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ENCLOSURE D
ADMINISTRATION

1. Joint Committee Meetings Index. The ROK component of the Joint Committee maintained an official bilateral index of Joint Committee actions and agreements through 1997, when the 177th Joint Committee agreed to convert paper-bound volumes to digital records. Since this time, the U.S. component has maintained a digital “Master Index” of Joint Committee actions and agreements.

2. Exigent Actions. The Joint Committee exercises flexibility in managing its function to implement the U.S.-ROK SOFA. By mutual agreement of the U.S. and ROK Joint Committee Representatives, the Joint Committee may complete agreements via exigent action without a formal Joint Committee meeting. Such exigent actions are recorded in the official minutes of the next formal Joint Committee meeting. Exigent actions include, but not limited to:

- a. Administrative documents, such as appointments, diplomatic notes and curricula vitae.
- b. Approved Joint Committee tasks to Subcommittees and Joint Working Groups.
- c. Approved agreed recommendations.
- d. Approved utility rate changes.
- e. Land Partnership Plan documents.
- f. Yongsan Relocation Plan documents.
- g. Invited Contractor/Technical Representative designations and withdrawals.
- h. Official correspondence of the Joint Committee.
- i. Other special agreements.

3. Issue/Task Submission and Formal Tasks. Component commands and staff agencies may submit issues for Joint Committee consideration through their respective command channels to the Office of the Special Assistant to the Deputy Commander, USFK, ATTN: FKDC-SA, APO AP 96271-5237.

4. Agreed Recommendations. Agreed Recommendation describes a recommendation of a Subcommittee or Joint Working Group for Joint Committee consideration and approval. Subcommittee Chairs, assisted by their respective SOFA Secretariat, coordinate and develop recommendations regarding issues for Joint Committee attention. Recommendations should account for an understanding and assessment of the various equities of USFK, USFK Service Components, and DoD Agencies providing support to USFK, USFK Service Components, and DoD Agencies providing support to USFK, as well as implications to PACOM and Department of Defense policy, prevalent practice, and operations.

a. Subcommittees and Joint Working Groups will prepare Agreed Recommendations in conformance with the SOFA Joint Committee style and format (example at Appendix A to Enclosure D) to report findings and recommendations.

b. Customarily, the proponent of a particular Joint Committee deliberation of an issue submits the formulated recommendation to the Joint Committee.

c. All recommendations, except routine recommendations of the Facilities and Areas Subcommittee, will be submitted in draft form by the Chair of the U.S. component of the Subcommittee to the U.S. SOFA Secretariat and the FKJA for review.

d. The U.S. position expressed in a draft Agreed Recommendation will be coordinated with the U.S. SOFA Secretariat, the FKJA and other pertinent staff agencies before it is presented to the ROK for negotiations.

e. Following the conclusion of bilateral negotiations, the Subcommittee or Joint Working Group Chair will staff the final draft Agreed Recommendation with the U.S. SOFA Secretariat and FKJA before language "certification" and prior to any U.S. official operating under the SOFA Joint Committee signing the document.

f. The U.S. component Chair will submit the Agreed Recommendation with original signatures, to the U.S. SOFA Secretariat for coordination with the ROK SOFA Secretariat (ROK-U.S. Security Cooperation Division, Ministry of Foreign Affairs) for final Joint Committee approval and signatures.

g. Subcommittee and Joint Working Group Agreed Recommendations must be approved by the Joint Committee before taking effect.

h. Agreements will comply with USFKI 2300.01 and the restrictions on U.S. assistance to foreign governments. All real estate actions will comply with established U.S.-ROK Joint Committee procedures, USFK Regulation 405-7; DoD Instruction No. 4165.69, Return of DoD Sites Overseas, dated April 6, 2005; and DoD Directive 4165.06, Real Property.

i. In the case that the ROK Component initiates or requests the SOFA Joint Committee task, the ROK component submits the Agreed Recommendation through ROK channels to the Joint Committee. The U.S. component Chair will provide a copy of all pertinent documents, to include the signed Agreed Recommendation, to the U.S. SOFA Secretariat.

5. Public Release of Documents, Discussions, and Activities of the Joint Committee or Auxiliary Organ. Most SOFA records and documents, discussions, and activities of the Joint Committee and its auxiliary organs are unclassified but sensitive in nature. SOFA Joint Committee documents, discussions, and activities are protected from public release in accordance with the agreed procedures of the Joint Committee. The SOFA Joint Committee is a body of two sovereign governments and not considered a U.S. agency. Accordingly, Joint Committee records are bilateral official documents and may not be released without mutual consent of both parties. The Joint Committee must approve any public and/or media release regarding its meetings, actions, or agreements.

6. Agreed Recommendation Summary and Public Disclosure.

a. The U.S. and the ROK value transparency and openness and acknowledge that information disclosure can contribute to support and trust of the public on strengthening the Alliance and fostering cooperation.

b. Upon reaching final agreement of an Agreed Recommendation, the Subcommittee or Joint Working Group will discuss and decide if public disclosure of a summary (example at Appendix C of Enclosure D) of the Agreed Recommendation would be beneficial. If both sides agree on public disclosure, the summary will be prepared in the following format:

(1) Pursuant to the United States-Republic of Korea Status of Forces Agreement Article (Article and paragraph related to the task), Under Article IV of the Mutual Defense Treaty between the United States of America and the Republic of Korea, Regarding Facilities and Area and the Status of United States Armed Forces in the Republic of Korea.

(2) The United States and the Republic of Korea SOFA Joint Committee.

(3) Agreed to (short summary of the agreement, i.e., task requestor, location, size, etc.).

(4) The agreement was signed and approved by the U.S.-ROK SOFA Joint Committee on (date the agreement was approved by the Joint Committee).

c. If a summary is mutually agreed to, The U.S. component Chair will submit the summary, accompanying the Agreed Recommendation, to the U.S. SOFA Secretariat for coordination with the ROK SOFA Secretariat (U.S.-ROK Security Cooperation Division, Ministry of Foreign Affairs) for final Joint Committee approval.

d. The summary will not disclose specific information without mutual agreement. Confidential information which may affect the interests of the U.S. and/or ROK, such as security and national interest, shall be excluded from disclosure.

e. The Joint Committee will provide oversight of the information disclosure and may provide additional guidelines or adjustments on a case-by-case basis.

7. Language Requirements.

a. Under Joint Committee procedures, tasks assigned to, and findings and recommendations from Subcommittees and working groups are to be prepared in English. When the ROK component requires Korean text of an agreement, the Korean text will be provided by the ROK component only after conclusion of negotiation of the English text.

b. DoD Instruction 5530.03, International Agreements, dated December 4, 2019, paragraph 5.1.n requires international agreements concluded by any DoD official to be in English text unless one of the following criteria is met:

(1) The agreement expressly provides that the English language text shall be considered by the parties as the governing text in case of conflict between the different language texts; or

(2) The agreement expressly provides that the English language text and the foreign language text are equally authentic, and each foreign language text of the agreement is made the subject of a certification, executed before the agreement is concluded in any language, stating that the foreign language text and the English language text are in conformity with each other and that both texts have the same meaning in all substantive respects. The certification shall be dated and signed by a civilian, military, or local national translator who has been designated as qualified, consistent with local practices, by the DoD official authorized to negotiate and conclude the agreement (emphasis added) or by an appropriate DoS official.

c. Language Certification. The following “language certification” procedures apply to all documents of the Joint Committee and of its auxiliary organs (Subcommittees and Joint Working Groups):

(1) Both the U.S. and ROK components prepare and agree to the English text.

(2) The ROK component then translates the English text into Korean text and provides the translated version to the U.S. component.

(3) The USFK SOFA Secretariat’s certified translator compares the Korean text to the authoritative English text and identifies any non-conforming text.

(4) As necessary to resolve translation issues, the U.S. and ROK Chairs, with their respective translators, will coordinate directly to determine the best conforming language which enables the English and Korean texts to “have the same meaning in all

substantive respects.” (Translation between English and Korean texts is not a word for word science, but rather an art in balancing accuracy in meaning, consistency with language used in similar relevant documents of the SOFA Joint Committee, optimization of common understanding across two cultures and languages, and minimization of the possibility for different interpretations.)

(5) Upon agreement of both language texts, the USFK SOFA Secretariat’s certified translator prepares, signs, and attaches a “certificate of authenticity” attesting to the fact that the “English and Korean texts are in conformity with each other and that both texts have the same meaning in all substantive respects.” The certificate of authenticity is nullified by any alteration of either the English or Korean texts. The U.S. SOFA Secretariat provides the document, certified in two languages, in a portable document format (.pdf), to the Subcommittee Chair for signatures.

(6) The U.S. official, unless fluent in both languages, shall not sign a document in two languages prior to certification.

(7) The U.S. SOFA Secretariat’s certified translator’s certificate of authenticity will accompany the document when submitted to the Joint Committee for approval.

(8) As the language certification process takes time and may require additional negotiation, U.S. Chairs will allow sufficient time for this process and for reconciling language issues prior to scheduling a “signing ceremony” for the document.

8. Information Sharing.

a. Information Sharing

b. The U.S. component Chairs are responsible to the Deputy Commander, USFK (U.S. Representative) to provide pertinent information and recommendations about the Subcommittee or Joint Working Group activities. As appropriate, the U.S. component Chair will report non-unanimous U.S. positions to the U.S. Representative prior to official U.S.-ROK Subcommittee meeting and in sufficient time to receive guidance.

c. The SOFA Secretariat maintains a SOFA page on the USFK internal portal which provides a variety of information relevant to the SOFA, the Joint Committee, and the Subcommittees. Each Subcommittee is responsible to ensure the Subcommittee information is relevant, accurate, and current on the SOFA page and links. The U.S. component Chairs are responsible to the Deputy Commander, USFK, to ensure that the portal SOFA web space for their Subcommittee is current and reflects meeting schedules, minutes, supporting documents, references, and the status of assigned tasks. Subcommittee Chairs are responsible to forward the required information to the SOFA Secretariat for posting.

9. Record Keeping Procedures.

a. Permanent Records. Joint Committee Minutes are part of the Joint Committee Records and are considered permanent records which are retained indefinitely.

(1) Joint Committee Minutes should include:

- (a) Cover (SOFA logo, title, and date);
- (b) Table of Contents;
- (c) Forward;
- (d) Index;
- (e) Meeting Minutes;
- (f) Meeting Agenda;
- (g) U.S. Delegation List;
- (h) ROK Delegation List; and
- (i) Exigent Action Memorandum, if applicable.

(2) Hard copy records are stored within the SOFA Secretariat.

(3) Digital records are considered official records and will be stored on the SOFA Secretariat “shared drive” with monthly back-up copies stored “off-site.”

(4) Digital records are saved as Adobe Acrobat (.pdf), bookmarked and searchable.

(5) Digital records will be marked “OFFICIAL MINUTES OF THE JOINT COMMITTEE ARE OFFICIAL DOCUMENTS PERTAINING TO BOTH GOVERNMENTS AND WILL NOT BE RELEASED WITHOUT MUTUAL AGREEMENT” in the header and “[Meeting Number] JC, [Date]” in the footer.

(6) Digital records are named using the following naming convention:
0800-04B [Meeting Number]JC_CUI_[Meeting Date].
Example: 0800-04B_197JC_CUI_20161122.pdf.

(7) The Master Index is updated after each Joint Committee meeting.

b. Temporary Records. Other official actions and records of the U.S.-ROK Joint Committee are considered “temporary” records and will be retained (digitally) until no longer needed. Examples of other “official actions/records” are:

- (1) Subcommittee meeting notes.
- (2) Subcommittee references.
- (3) Research documents.
- (4) Issue background/updates/briefings.

10. Periodic or Special Review for Public Release.

a. Public Release. Most SOFA records are unclassified. However, all SOFA Joint Committee records and actions are protected from public release in accordance with the agreed procedures of the Joint Committee. The SOFA Joint Committee is a body comprised of two sovereign governments and not considered an exclusive U.S. agency. Accordingly, Joint Committee records are bilateral official documents and may not be released without mutual consent of both Parties. The Joint Committee must approve any public and/or media release regarding its meetings, actions, or agreements. Any Freedom of Information Act (FOIA) requests for any SOFA-related documents must be closely coordinated through the USFK FOIA Office with guidance from the U.S. SOFA Secretariat and FKJA.

(1) In response to formal Freedom of Information Act (FOIA) requests, USFK FOIA team requires an exemption to NOT provide documentation. 10 U.S. Code § 130c - Nondisclosure of information: certain sensitive information of foreign governments and international organizations, paragraph (a) Exemption From Disclosure (The national security official concerned (as defined in subsection (h) may withhold from public disclosure otherwise required by law sensitive information of foreign governments in accordance with this section), and (b) Information Eligible for Exemption (For the purposes of this section, information is sensitive information of a foreign government only if the national security official concerned makes each of the following determinations with respect to the information), subparagraph (3) validates negative response requirements.

(2) 10 U.S. Code § 130c, (b), subparagraph 3 allows the U.S. Government to withhold information when a statute specifically exempts the information from disclosure. USFK Legal has determined that the 1967 Agreement states USFK will not publicly disclose SOFA-related documents, if said documents fall within exemption of the statute. To this point, 10 U.S. Code § 130c subparagraph 3 conditions include:

(a) The foreign government or international organization requests, in writing, that the information be withheld.

(b) The information was provided or made available to the United States Government on the condition that it not be released to the public.

(c) The information is an item of information, or is in a category of information, that the national security official concerned has specified in regulations prescribed under subsection (g) as being information the release of which would have an adverse effect on

the ability of the United States Government to obtain the same or similar information in the future.

b. Periodic Review of Records. The ROK Ministry of Foreign Affairs (MOFA), via the Secretariat of the Joint Committee, annually requests the opinion of the U.S. component to make bilateral SOFA records which are older than 30 years available for public release or access. Upon such request, the U.S. SOFA Secretariat staffs the documents with relevant and current Subcommittee Chairs and the USFK staff (J2 – Intelligence, J34 – Anti-terrorism/Force Protection, FKPA, and FKJA) for coordinated response to ROK MOFA.

c. Special Considerations for Public Release.

(1) SOFA Joint Committee records are not owned by, produced by or for, or under the exclusive control of the U.S. Government. Accordingly, these records are not considered subject to President Executive Order 13526 or the Freedom of Information Act (FOIA).

(2) SOFA Joint Committee records often contain information that could create operational risk to U.S. Force Korea and or the U.S.-ROK Alliance. In these cases, the information must not be made available for public release.

(3) If a document contains information potentially harmful to foreign relations or national security, withholding public release requires justification in accordance with one of the following exceptions:

(a) Documents reveal information that would impair U.S. cryptologic systems or activities.

(b) Documents reveal information that would impair the application of state-of-the-art technology within a U.S. weapon system.

(c) Documents reveal formally named or numbered U.S. military war plans that remain in effect or reveal operational or tactical elements of prior plans that are contained in such active plans.

(d) Documents reveal information, including foreign government information that would cause serious harm to relations between the U.S. and a foreign government, or to ongoing diplomatic activities of the U.S.

(e) Documents reveal information that would seriously impair current national or U.S.-ROK Alliance security emergency preparedness plans or reveal current vulnerabilities of systems, installations, infrastructures, projects or plans, scientific technological or economic matters related to the national or Alliance security.

(f) Documents reveal sensitive information obtained from or in cooperation with a foreign government IAW Exemption (b)(3) 10 U.S.C. § 130c that would cause serious harm to relations between the U.S. and a foreign government.

APPENDIX A TO ENCLOSURE D

Agreed Recommendation (AR) of Subcommittees and Joint Committee

SAMPLE FORMAT



(Name of Subcommittee) SUBCOMMITTEE

UNDER

THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA
STATUS OF FORCES AGREEMENT

MEMORANDUM FOR The Joint Committee

SUBJECT: Agreed Recommendation (AR) Concerning (*Subcommittee Title & Assigned Task Number*)

1. Reference(s).
2. This AR responds to...
3. Recommendation. (*The recommendation, including appropriate references, enclosures, attachments, annexes, etc. In the event of disagreement between the U.S. and the ROK components of the Subcommittee, paragraphs or separate enclosures should present the U.S. and ROK recommendations, the portions agreed upon, and the portions in disagreement, with appropriate references to articles and sections of the SOFA. This section may include subparagraphs to delineate Mutually Agreed Conditions, and responsibilities specific to the USFK and ROK.*)
4. (*Required if English and Korean versions of the AR are to be signed*) The English and Korean texts are equally authentic. A memorandum certifying that the Korean and English texts conform to each other and have the same meaning in all substantive respects is at Enclosure (X).
5. (*Required*) This recommendation shall not become effective unless approved by the U.S.-ROK Joint Committee and may be revised or amended by the U.S.-ROK Joint Committee. Either Party to this agreement may submit proposed changes to the Joint Committee through the appropriate Subcommittee and the Secretariat of the U.S. Component or the ROK Component to the Joint Committee.

(Name)
Chair, U.S. Component
Date: _____

(Name)
Chair, ROK Component
Date: _____

(NOTE 1: The signature block of the component (U.S. or ROK) that initiated the task is placed on the left side. In the sample above, the U.S. side initiated the task. For ROK initiated tasks, the ROK Chair's signature block would be on the left.)

(INTENTIONALLY BLANK)

APPENDIX B TO ENCLOSURE D
Subcommittee Agreed Recommendation Summary

Public Disclosure Concerning [*Title of the Agreed Recommendation. Example: U.S. Request for Grant of Office Space within Commander, Republic of Korea Fleet Naval Base Busan, Facilities and Areas Subcommittee Task No. 3502*]

Pursuant to the United States-Republic of Korea Status of Forces Agreement Article [*Article and paragraph related to the task. Example: Article II, Paragraph 1*], Under Article IV of the Mutual Defense Treaty between the United States of America and the Republic of Korea, Regarding Facilities and Area and the Status of United States Armed Forces in the Republic of Korea. The United States and the Republic of Korea SOFA Joint Committee agreed to [*short summary of the agreement, Example: United States request for a grant of office space within Commander, Republic of Korea Fleet Naval Base Busan. The Republic of Korea agreed to grant the United States: 120 square meters of office space in the Republic of Korea Fleet Headquarters building for joint use; 65 square meters of office space in the Republic of Korea Chong-Hae Kwan Building for exclusive use; and 58 square meters of office space in the new Republic of Korea bunker for exclusive use.*]. The agreement was signed and approved by the U.S.-ROK SOFA Joint Committee on [*date the agreement was approved by the Joint Committee. Example: September 1, 2017*].

(INTENTIONALLY BLANK)

APPENDIX C TO ENCLOSURE D
U.S. Embassy Diplomatic Note Appointing U.S. Representative
and Alternate U.S. Representative

SAMPLE FORMAT

**EMBASSY OF THE
UNITED STATES OF AMERICA**

No. *(provided by the U.S. Embassy)*

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Korea and has the honor to inform the Ministry of the appointment of a new (Alternate United States Representative or United States Representative) to the Joint Committee established under the provisions of Article XXVIII of the Agreement under Article IV of the Mutual Defense Treaty between the Republic of Korea and the United States of America, regarding Facilities and Areas and the Status of United States Armed Forces in the Republic of Korea.

Effective (Date), the new (Alternate United States Representative or United States Representative) to the Joint Committee will be (*name of incoming*), who will replace (*name of outgoing*).

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Korea the assurances of its highest consideration.

Embassy of the United States of America
Seoul, (Date)

Enclosure: (*Biography of Incoming*)

DIPLOMATIC NOTE

(INTENTIONALLY BLANK)

APPENDIX D TO ENCLOSURE D
Subcommittee Appointment Letter from the U.S. Representative

SAMPLE FORMAT



JOINT COMMITTEE
UNDER
THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA
STATUS OF FORCES AGREEMENT

(Date)

MEMORANDUM FOR (*Grade, Full Name of New Chair, Position and Organization*)

SUBJECT: Appointment – Chair, United States Component, (*Name of the Subcommittee*)
Subcommittee

1. Pursuant to United States Forces Korea Instruction 2310.01, Enclosure C, Paragraph 3.a, you are appointed Chair, United States Component, (*Name of the Subcommittee*) Subcommittee effective (*Date of the Appointment*).
2. Coordinate with (*Name of the U.S. SOFA Secretary*), the Joint Committee's United States Secretary, to receive an orientation briefing concerning Joint Committee and Subcommittee procedures and tasks assigned to your Subcommittee.

(*U.S. Representative Name*)
Lieutenant General
United States Air Force
United States Representative

Cf
USFK, ACofS J5 (Alternate United States Representative)
USFK, FKDC-SA (Secretary, United States Component)

Republic of Korea Ministry of Foreign Affairs
ROK-U.S. Security Cooperation Division II

(INTENTIONALLY BLANK)

APPENDIX E TO ENCLOSURE D
Subcommittee Joint Working Group Chair Appointment

SAMPLE FORMAT



(Name of Subcommittee) SUBCOMMITTEE
UNDER
THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA
STATUS OF FORCES AGREEMENT

(Date)

MEMORANDUM FOR *(Grade, Full Name of New JWG Chair, Position and Organization)*

SUBJECT: Appointment – U.S. Component Chair, Joint Working Group (JWG) for *(Name Subcommittee)* Subcommittee *(Task Number)*

1. Reference(s). *(Include all relevant references to the assigned task.)*
2. Pursuant to United States Forces Korea Instruction, Enclosure C, Paragraph 5.a.(12) you are designated as the U.S. JWG Chair for *(Task Number)* effective *(Date)*. As the U.S. JWG Chair appointed by the *(Name of the Subcommittee)* under the Joint Committee, U.S.-ROK Status of Forces Agreement, you are authorized to discuss with ROK representatives' actions concerning the task in accordance with the references.
3. Task Details. *(JWG Task and required deliverables as determined by the Subcommittee).*
4. Please note that the Agreed Recommendation (AR) signed by the JWG Chair only constitutes a recommendation to the Subcommittee. The AR should not be regarded as approval to implement any recommendations. Only after the Joint Committee approves the recommendation, can the AR be implemented.
5. This office will continue to provide technical guidance on the conduct of any JWG discussions as well as coordinate all staff reviews prior to any discussions with the ROK.

(U.S. Subcommittee Chair's Name)
(Grade)
Chair, U.S. Component

(INTENTIONALLY BLANK)

ENCLOSURE E
SUBCOMMITTEES AND AUXILIARY ORGANS OF THE JOINT COMMITTEE

Special Joint Committee

- U.S. Chair. Assistant Chief of Staff, J5, USFK / Alternate U.S. Representative to the SOFA Joint Committee.
- ROK Chair. Deputy Director General, North American Affairs Bureau, Ministry of Foreign Affairs.
- Responsibility. To improve implementation of the SOFA through cooperation and collaboration at the 2-star / Deputy Director General level; to consult on SOFA affairs, significant incidents of Korean public concern related to USFK, and challenges unresolved at the Subcommittee level; to review and provide guidance for actions regarding environmental issues related to camp returns referred to it by the Environmental Subcommittee under the “Joint Environmental Assessment Procedure” (JEAP); to provide guidance and direction when appropriate to Subcommittees; and to provide recommendations to the Joint Committee.
- References. Status of Forces Agreement (as amended), 184th JC, 7 July 2004, 187th JC, 1 December 2010.

Permanent Subcommittees (18)

1. **Animal and Plant Health Inspection Subcommittee**

- U.S. Chair. CDR, 106th Medical Detachment (Veterinary Services), 65th Medical Brigade, Eighth Army.
- ROK Chair. Ministry of Agriculture, Food and Rural Affairs; General Division of International Cooperation.
- Responsibility. To consult and render advice and recommendations on matters pertaining to health and sanitation referred to it by the Joint Committee in accordance with Article XXVI (Health and Sanitation) and XXVIII (Joint Committee) of the SOFA and other matters as deemed expedient and proper.
- Reference. 180th JC, 2 April 2001, p. 786.

2. **Civil Jurisdiction (Claims) Subcommittee**

- U.S. Chair. Deputy Judge Advocate, USFK (FKJA-D).

- ROK Chair. Ministry of Justice, Litigation Division.
- Responsibility. To consult and give advice and recommendations on civil jurisdiction (claims) matters referred to it by the Joint Committee concerning Article XXIII (Civil Jurisdiction – Claims) of the SOFA, and other matters as deemed expedient and proper.
- Reference. 2nd PWG, 19 January 1967, pp. 22 and 29.

3. **Civil-Military Relations Subcommittee**

- U.S. Chair. Public Affairs Officer, USFK (FKPA).
- ROK Chair. ROK Ministry of Foreign Affairs, SOFA Affairs Division.
- Responsibility. To promote positive images of the USFK, expand programs between USFK and Korean communities, inform community leaders and organizations about the USFK mission and conduct or sponsor studies to help resolve community grievances against USFK.
- Reference. 182nd JC, 5 February 2003, p. 353.

4. **Commerce Subcommittee**

- U.S. Chair. Assistant Chief of Staff, Acquisition Management, USFK (FKAQ).
- ROK Chair. Ministry of Trade, Industry and Energy, Europe and Americas Division.
- Responsibility. To consult and give advice and recommendations on matters referred to it by the Joint Committee concerning Article XV (Invited Contractors) (except Criminal Jurisdiction and Vehicle Licensing Provisions) and Article XVI (Local Procurement) of the SOFA and other matters as deemed expedient and proper by the Joint Committee.
- Reference. 2nd PWG, 19 January 1967, pp. 22 and 30.

5. **Criminal Jurisdiction Subcommittee**

- U.S. Chair. Judge Advocate, USFK (FKJA).
- ROK Chair. Ministry of Justice, International Criminal Affairs Division.
- Responsibility. To consult and give advice and recommendations on criminal jurisdiction matters referred to it by the Joint Committee concerning Article VII (Respect for Local Law), XV, § 8, (Invited Contractor), and XXII (Criminal Jurisdiction) of the SOFA and other matters as deemed expedient and proper by the Joint Committee.

- Reference. 2nd PWG, 19 January 1967, pp. 22 and 29.

6. **Cultural Properties Protection Subcommittee**

- U.S. Chair. Command Engineer, USFK (FKEN).
- ROK Chair. Cultural Heritage Administration, Buried Cultural Properties Division.
- Responsibility. To consult and report findings and recommendations on matters concerning cultural properties protection referred to it by the Joint Committee and other matters as deemed expedient and proper by the Joint Committee.
- Reference. 184th JC, 7 July 2005, p. 51.

7. **Disease Prevention and Control Subcommittee**

- U.S. Chair. Command Surgeon, USFK (FKSG).
- ROK Chair. Korea Disease Control and Prevention Agency (KDCA), Division of International Cooperation.
- Responsibility. To consult and give advice and recommendations on matters pertaining to SOFA Article XXVI, Health and Sanitation and other matters as deemed expedient and proper by the Joint Committee. To implement provisions of the Cooperative Agreement between Korea Disease Control and Prevention Agency, Division of International Cooperation and United States Forces Korea Command Surgeon.
- Reference. 187th JC, 1 December 2010, p. 15.

8. **Entry and Exit Subcommittee**

- U.S. Chair. Assistant Chief of Staff, J1, USFK (FKJ1).
- ROK Chair. Ministry of Justice, Residence Policy Division.
- Responsibility. To consult and give advice and recommendations on entry and exit matters referred to it by the Joint Committee concerning Article VIII (Entry and Exit) of the SOFA, and other matters as deemed expedient and proper by the Joint Committee.
- References. 2nd PWG, 19 January 1967, pp. 22 and 30 and 171st JC, 26 June 1992, p. 14170, § 26.

9. **Environmental Subcommittee**

- U.S. Chair. Command Engineer, USFK (FKEN).

- ROK Chair. Ministry of Environment, Soil & Ground Water Management Division.
- Responsibility. To undertake directed actions and make recommendations to the Joint Committee on matters of mutual environmental concern pertaining to public health and sanitation; to study issues and make recommendations to the Joint Committee concerning environmental matters involving the US armed forces in Korea.
- Reference. 173rd JC, 8 October 1993, pp. 14941-14943

10. **Facilities and Areas Subcommittee**

- U.S. Chair. Command Engineer, USFK (FKEN).
- ROK Chair. Ministry of National Defense, Government Properties Division.
- Responsibility. To consult and give advice and recommendations on facilities and areas matters referred to it by the Joint Committee concerning Articles II through V of the SOFA, and other matters as deemed expedient and proper by the Joint Committee. [Article II – Facilities and Areas – Grant and Return; Article III – Facilities and Areas – Security Measures; Article IV – Facilities and Areas – Return of Facilities; Article V – Facilities and Areas – Cost and Maintenance]
- References. 2nd PWG, 19 January 1967, p. 29; 5th JC, 11 April 1967, p. 146; and 21st JC, 21 February 1968, pp. 685-686.

11. **Finance (Financial Affairs) Subcommittee**

- U.S. Chair. USFK Comptroller, (FKJ8).
- ROK Chair. Ministry of Strategy and Finance, Customs Cooperation Division.
- Responsibility. To consult and give advice and recommendations on financial matters referred to it by the Joint Committee concerning Articles XIV (Taxation), XVIII (Non-appropriated Fund Organizations), XIX (Military Payment Certificates), XXI (Accounting Procedures) and the part of Article XVII (Labor) concerning withholding taxes of the SOFA and other matters as deemed expedient and proper by the Joint Committee.
- Reference. 2nd PWG, 19 January 1967, pp. 22-23.

12. **Finance (Personnel Affairs) Subcommittee**

- U.S. Chair. Assistant Chief of Staff, J1, USFK (FKJ1).
- ROK Chair. Ministry of Strategy and Finance, Customs Cooperation Division.

- Responsibility. To consult and give advice and recommendations on personnel affairs matters referred to it by the Joint Committee concerning Articles IX (Customs and Duties), XIII (Non-appropriated Fund Organizations) and XX (Military Post Offices) of the SOFA and other matters as deemed expedient and proper by the Joint Committee.

- Reference. 2nd PWG, 19 January 1967, pp. 22-23.

13. **Illegal Transactions in Duty-Free Goods Subcommittee**

- U.S. Chair. Assistant Chief of Staff, J1, USFK (FKJ1).
- ROK Chair. Ministry of Strategy and Finance, Korea Customs Service, Investigation Division.

- Responsibility. To study and analyze problems involving the black marketing of goods imported by the USFK and U.S. SOFA personnel and to make recommendations for necessary actions, both preventive and corrective, designed to eliminate black marketing in accordance with Article VII (Respect for Local Law), IX (Customs and Duties), § 6 through 9 and XXV (Security Measures) of the SOFA.

- References. 95th JC, 5 June 1974, p. 5947 and 171st JC, 26 June 1992, p. 14170.

14. **Labor Subcommittee**

- U.S. Chair. Director, Human Resource Management, USFK (FKCP).
- ROK Chair. Ministry of Employment and Labor, Development Cooperation Division.

- Responsibility. To consult and give advice and recommendations on labor matters referred to it by the Joint Committee concerning Article XVII (Labor) of the SOFA excepting so much of that Article and § 3 of the Agreed Minutes for that Article as it pertains to withholding taxes, the Korean Service Corps agreement and other matters as deemed expedient and proper by the Joint Committee.

- Reference. 2nd PWG, 19 January 1967, pp. 22 and 29.

15. **Noise Mitigation Subcommittee**

- U.S. Chair. Deputy Assistant Chief of Staff, J3, USFK (FKJ3-D).
- ROK Chair. Ministry of National Defense, Environmental Preservation Team.

- Responsibility. To consult on means to reduce noise and mitigate effects caused by military operations; the relevance of current and future ROK laws; and measures to inform the public about government / military noise abatement programs and policies.

- Reference. 187th JC, 1 December 2010, p. 14.

16. **Security and Law Enforcement Subcommittee**

- U.S. Chair. Provost Marshal, USFK (FKPM).
- ROK Chair. Ministry of Justice, Fourth Prosecution Division.
- Responsibility. To consult and give advice and recommendations on security and law enforcement matters referred to it by the Joint Committee concerning Article XXV (Security Measures) of the SOFA and other matters as deemed expedient and proper by the Joint Committee.

- Reference. 39th JC, 19 June 1969, p. 1756.

17. **Transportation Subcommittee**

- U.S. Chair. Chief, Joint Sustainment Division, USFK (FKJ4).
- ROK Chair. Ministry of Land, Infrastructure and Transport, Motor Vehicles Team.
- Responsibility. To consult and give advice and recommendations on matters referred to it by the Joint Committee concerning Articles X (Access of Vessels and Aircraft), XI (Meteorological Services), XII (Air Traffic Control and Navigational Aids), XV (Invited Contractors) (as it refers to licensing of privately owned vehicles of invited contractors), and XXIV (Vehicle and Driver's Licenses) of the SOFA and other matters as deemed expedient and proper by the Joint Committee.

- Reference. 2nd PWG, 19 January 1967, pp. 22 and 30.

18. **Utilities Subcommittee**

- U.S. Chair. Deputy, Command Engineer, USFK (FKEN).
- ROK Chair. Ministry of Strategy and Finance, Welfare & Price Policy Division.
- Responsibility. To consult and give advice and recommendations on utilities and services matters referred to it by the Joint Committee concerning Article VI of the SOFA, and other matters as deemed expedient and proper by the Joint Committee.

- Reference. 20th JC, 18 January 1968, pp. 613-614.

Ad Hoc Subcommittees (3)

1. Land Partnership Plan Ad Hoc Subcommittee

- U.S. Chair. Command Engineer (FKEN).
- ROK Chair. Director General, Ministry of National Defense United States Forces Korea Relocation Office (MURO).
- Responsibility. To consult, negotiate and present recommendations on all matters pertaining to the U.S.-ROK Land Partnership Plan (LPP) until its completion, in accordance with Articles II, III, IV and V of the SOFA. [Article II – Facilities and Areas – Grant and Return; Article III – Facilities and Areas – Security Measures; Article IV – Facilities and Areas – Return of Facilities; Article V – Facilities and Areas – Cost and Maintenance]
- Reference. 181st JC, 24 May 2002, pp. 45 and 112.

2. Relocation of United States Facilities and Areas within ROK Military Air Bases Ad Hoc Subcommittee

- U.S. Chair. Command Engineer, USFK (FKEN).
- ROK Chair. Ministry of National Defense, Military Installation Planning Bureau.
- Responsibility. To consult, give advice and make recommendations to the Joint Committee on matters pertaining to the relocation of facilities and areas granted for use by United States armed forces under the U.S.-ROK SOFA, which are located within ROK Military Air Bases.
- Reference. 201st JC, 11 December 2020, Encl 4-30, pp. 240-269.

3. Yongsan Relocation Plan Ad Hoc Subcommittee

- U.S. Chair. Command Engineer (FKEN).
- ROK Chair. Director General, Ministry of National Defense United States Forces Korea Relocation Office (MURO).
- Responsibility. To consult, negotiate and present recommendations on all matters pertaining to the relocation of U.S. forces from the Seoul metropolitan area until its completion, in accordance with Articles II, III, IV and V of the SOFA. [Article II – Facilities and Areas – Grant and Return; Article III – Facilities and Areas – Security Measures; Article IV – Facilities and Areas – Return of Facilities; Article V – Facilities and Areas – Cost and Maintenance.
- References. 183rd JC, 11 June 2004, p. 35; 184th JC, 7 July 2005, p. 243.

Ad Hoc Joint Working Groups (3)

1. Occupational Health and Safety Ad Hoc Joint Working Group

- U.S. Chair. Special Assistant to Deputy Commander, SOFA Secretariat, USFK (FKDC-SA).
- ROK Chair. Ministry of Employment and Labor, Development Cooperation Division.
- Responsibility. To hold consultations and report findings and recommendations concerning the application of the ROK Industrial Safety and Health Act (ISHA) to Korean companies engaged in construction projects under contract to the U.S. armed forces at U.S. granted facilities in Korea. Specifically, the JWG will conduct a review of health and safety related requirements of the ISHA with the U.S. armed forces' health and safety requirements stated in projects' contracts with the goal of harmonizing the requirements and reducing them to the greatest degree possible while continuing to maintain the highest standards of workplace health and safety for all employees.
- Reference. 185th JC, 24 October 2006, pp. 51-52

2. Kunsan and Regional Development Ad Hoc Joint Working Group

- U.S. Chair. Operations and Plans (A3/5), 7th USAF.
- ROK Chair. Ministry of National Defense, Military Installation Planning Bureau.
- Responsibility. To address impacts on, and harmonization of, Alliance military requirements and regional development in the vicinity of Kunsan Military Air Base (K-8); review matters requiring coordination, serve as a communication channel between the ROK government and USFK regarding regional development near (K-8) which may impact safe and effective operations, capacity, and capability of this critical Alliance airfield.
- Reference. 198th JC, 21 November 2017, Encl 4-5, pp. 156-165.

3. **Special Ad Hoc Joint Working Group to Address Osan Munitions Storage Areas and Godeok Complex Development**

- U.S. Chair. Assistant Chief of Staff J4, USFK (FKJ4).
- ROK Chair. Director, Military Installations Planning Bureau, Ministry of National Defense.
- Responsibility. To consult on issues to include, but not limited to, ammunition safety, storage, and transfer; MSA Echo construction and cost management; real estate and protection of military facilities; and operational readiness and risk management. Areas of focus include the Munitions Activities Gained by Negotiations between U.S. Air Force/ROK Air Force Memorandum of Understanding (MAGNUM) program, ROK Funded

Enclosure E

Construction in-kind and Logistic Cost Share programs under the Special Measures Agreement (SMA), real estate and easements management, and the Godeok City Complex Development.

- Reference. 203rd JC, TBD.

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ENCLOSURE F
REFERENCES

1. Required References.

a. Agreement Under Article IV of the Mutual Defense Treaty between the United States of America and the Republic of Korea, regarding Facilities and Areas and the Status of United States Armed Forces in the Republic of Korea as amended (U.S.-ROK SOFA), last amended 18 January 2001.

b. U.S.-ROK SOFA Joint Committee Meeting Minutes and Documents (Agreed Minutes, Agreed Understandings, Memorandum of Understanding, Agreed Views, Agreed Recommendations, and Memorandum of Agreement) pertaining to implementation of the SOFA, 1966 to present.

2. Related Publications.

a. DoD Directive 4165.06, Real Property, 19 July 2022

b. DoD Instruction 5530.03, International Agreements, 4 December 2019

c. DoD Instruction 4165.69, Return of DoD Sites Overseas, 20 December, 2021

d. USFK Regulation 405-7, Facilities and Areas (Real Estate) Policies and Procedures in Korea, 8 September 2010

e. USFK Instruction 2300.01, International Agreements, 21 June 2022

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