SOCIAL SECURITY

Agreement Between the
UNITED STATES OF AMERICA
and JAPAN

Signed at Washington February 19, 2004

with

Administrative Arrangement
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.”
JAPAN

Social Security

Agreement signed at Washington February 19, 2004;
Entered into force October 1, 2005.
With administrative arrangement.
Agreement between
the United States of America and Japan
on Social Security

The United States of America and Japan,

Being desirous of regulating the relationship between them
in the field of social security,

Have agreed as follows:

Article 1

1. For the purpose of this Agreement,

(a) "United States" means the United States of America;

(b) "territory" means,

as regards Japan,
the territory of Japan,

as regards the United States,
the States thereof, the District of Columbia, the
Commonwealth of Puerto Rico, the United States Virgin
Islands, Guam, American Samoa and the Commonwealth of
the Northern Mariana Islands;

(c) "national" means,

as regards Japan,
a Japanese national within the meaning of the
national statute on nationality of Japan,

as regards the United States,
a national of the United States as defined in
Section 101, Immigration and Nationality Act, as
amended;

(d) "laws" means,

as regards Japan,
the national statutes and regulations of Japan
concerning the Japanese pension systems and the
Japanese health insurance systems specified in
paragraph 1 of Article 2,

as regards the United States,
the national statutes and regulations of the
United States specified in paragraph 2 of Article 2,

however, treaties or other international agreements
on social security concluded between one Party and a
third party, or national statutes and regulations
promulgated for the implementation of such treaties
or other international agreements shall not be
included;

(e) "competent authority" means,

as regards Japan,
any of the Governmental organizations competent for
the Japanese pension systems and the Japanese health
insurance systems specified in paragraph 1 of Article 2,
as regards the United States,
the Commissioner of Social Security;

(f) "competent institution" means,
as regards Japan,
any of the insurance institutions, or any association thereof, responsible for the implementation of the Japanese pension systems and the Japanese health insurance systems specified in paragraph 1 of Article 2,
as regards the United States,
the Social Security Administration;

(g) "period of coverage" means,
as regards Japan,
a period of contributions under the laws of Japan concerning the Japanese pension systems specified in paragraph 1(a) (i) to (v) of Article 2, and any other period taken into account under those laws for establishing entitlement to benefits,
as regards the United States,
a period credited as a quarter of coverage under the laws of the United States, or any equivalent period that may be used to establish the right to a benefit under the laws of the United States;

(h) "benefit" means any benefit provided for in the laws of either Party.

2. For the purpose of this Agreement, any term not defined in this Agreement shall have the meaning assigned to it under the respective laws of either Party.

 Article 2

This Agreement shall apply,

1. as regards Japan,

(a) to the following Japanese pension systems:

(i) the National Pension (except the National Pension Fund);

(ii) the Employees’ Pension Insurance (except the Employees’ Pension Fund);

(iii) the Mutual Aid Pension for National Public Officials;

(iv) the Mutual Aid Pension for Local Public Officials and Personnel of Similar Status (except the pension system for members of local assemblies); and

(v) the Mutual Aid Pension for Private School Personnel
(the Japanese pension systems specified in (ii) to (v) shall hereinafter be referred to as "Japanese pension systems for employees");

however, for the purpose of this Agreement, the National Pension shall not include the Old Age Welfare Pension or any other pensions which are granted on a transitional or complementary basis for the purpose of welfare and which are payable wholly or mainly out of national budgetary resources; and

(b) to the Japanese health insurance systems implemented under the following national statutes, as amended:

(i) the Health Insurance Law (Law No. 70, 1922);

(ii) the Seamen's Insurance Law (including the provisions on employment insurance and workers' accident compensation insurance) (Law No. 73, 1939);

(iii) the National Health Insurance Law (Law No. 192, 1958);

(iv) the Law Concerning Mutual Aid Association for National Public Officials (Law No. 128, 1958);

(v) the Law Concerning Mutual Aid Association for Local Public Officials and Personnel of Similar Status (Law No. 152, 1962); and

(vi) the Law Concerning Mutual Aid for Private School Personnel (Law No. 245, 1963);

however, for the purpose of this Agreement, Articles 3, 5, 6, 8, 10, 12, 13, 15 (except for paragraph 3) and 17, paragraph 2, shall not apply to the Japanese health insurance systems; and

2. as regards the United States,

the following national statutes and regulations, as amended, governing the Federal old-age, survivors and disability insurance program:

(a) Title II of the Social Security Act and regulations pertaining thereto, except sections 226, 226A and 228 of that title and regulations pertaining to those sections; and

(b) Chapters 2 and 21 of the Internal Revenue Code of 1986 and regulations pertaining to those chapters.

Article 3

1. Persons who are or have been subject to the laws of one Party, as well as family members or survivors who derive rights from such persons, who ordinarily reside in the territory of the other Party, shall receive equal treatment with nationals of that other Party in the application of the laws of that other Party regarding entitlement to and payment of benefits. However, the foregoing shall not affect the provisions on complementary periods for Japanese nationals on the basis of ordinary residence outside the territory of Japan under the laws of Japan.
2. Any provision of the laws of one Party which restricts entitlement to or payment of benefits solely because the person ordinarily resides outside or is absent from the territory of that Party shall not be applicable to persons who ordinarily reside in the territory of the other Party. However, the foregoing shall not affect the provisions of the laws of Japan which require a person who is aged 60 or over but under 65 on the date of the first medical examination or of death to reside ordinarily in the territory of Japan for the acquisition of entitlement to the Disability Basic Pension or the Survivors' Basic Pension.

Article 4

1. Unless otherwise provided in this Article, a person who works as an employee or self-employed person in the territory of one of the Parties shall, with respect to that employment or self-employment, be subject to the laws of only that Party.

2. Subject to paragraphs 5 to 7 of this Article, where a person who is covered under the laws of one Party and normally employed in the territory of that Party by an employer with a place of business in that territory is sent by that employer from that territory to work in the territory of the other Party, the employee shall be subject to the laws of only the first Party as if that employee were working in the territory of the first Party, provided that the period of such detachment is not expected to exceed five years. If the detachment continues beyond five years, the competent authority or competent institution of the second Party may grant further exemption of the employee from the laws of the second Party, subject to paragraph 8 of this Article. For the purpose of this paragraph in the case of an employee who is sent from the territory of the United States by an employer in that territory to an affiliated company of that employer (as defined under the laws of the United States) in the territory of Japan, that employer and affiliated company of that employer shall be deemed to be the same employer, provided that the employment is covered under the laws of the United States.

3. Paragraph 2 of this Article shall apply where a person who has been sent by an employer from the territory of one Party to the territory of a third country is subsequently sent by that employer from the territory of the third country to the territory of the other Party.

4. Where a person covered under the laws of one Party, who ordinarily works as a self-employed person in the territory of that Party, works temporarily as a self-employed person in the territory of the other Party, that self-employed person shall be subject to the laws of only the first Party as if that self-employed person were working in the territory of the first Party, provided that the period of such self-employment in the territory of the second Party is not expected to exceed five years. If that self-employment continues beyond five years, the competent authority or competent institution of the second Party may grant further exemption of that self-employed person from the laws of the second Party, subject to paragraph 8 of this Article.

5. A person who would otherwise be covered under the laws of both Parties with respect to employment as an officer or member of a crew on board a sea-going vessel flying the flag of Japan or an American vessel shall, with respect to that employment, be subject to the laws of the Party in whose territory the person ordinarily resides.
6. A person who would otherwise be covered under the laws of both Parties with respect to employment as an officer or member of a crew on an aircraft shall, with respect to that employment, be subject to the laws of the Party in whose territory the employer is headquartered.

7. (a) This Agreement shall not affect the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or the Vienna Convention on Consular Relations of April 24, 1963.

(b) Nationals of the United States who are employed by the Government of the United States in the territory of Japan but who are not exempted from the laws of Japan by virtue of the Conventions mentioned in subparagraph (a) shall be subject to the laws of only the United States. For the purpose of the foregoing, employment by the Government of the United States includes employment by an instrumentality thereof.

(c) Subject to subparagraph (a), where any civil servant of Japan or any person treated as such under the laws of Japan is sent to work in the territory of the United States, that person shall be subject to the laws of only Japan.

8. At the request of an employee and an employer or a self-employed person, the competent authority or competent institution of Japan and the competent authority of the United States may agree to grant an exception to the provisions of this Article in the interest of particular persons or categories of persons, provided that such persons or categories of persons shall be subject to the laws of one of the Parties.

9. As regards the accompanying spouse or children of a person who works in the territory of Japan and who is subject to the laws of the United States in accordance with paragraph 2, 4, 6, 7(b) or 8 of this Article,

(a) In cases in which the accompanying spouse or children are persons other than Japanese nationals, the laws of Japan shall not apply to them. However, when the accompanying spouse or children so request, the foregoing shall not apply.

(b) In cases in which the accompanying spouse or children are Japanese nationals, the exemption from the laws of Japan shall be determined in accordance with the laws of Japan.

10. This Article shall apply only to compulsory coverage under the laws of each Party. Paragraphs 2 and 4 of this Article shall not apply to a person who is normally employed in the territory of Japan by an employer with a place of business in that territory or ordinarily works as a self-employed person in the territory of Japan, if that person is not covered under the laws of Japan concerning the Japanese pension systems specified in paragraph 1(a)(i) to (v) of Article 2.

Article 5

The following provisions shall apply to the United States:

1. Where a person has completed at least six quarters of coverage under the laws of the United States, but does not have sufficient periods of coverage to satisfy the requirements for entitlement to benefits under the laws of the United States,
the competent institution of the United States shall take into account, for the purpose of establishing entitlement to benefits under this Article, periods of coverage which are credited under the laws of Japan and which do not coincide with periods of coverage already credited under the laws of the United States.

2. For the purpose of establishing entitlement to benefits under paragraph 1 of this Article, the competent institution of the United States shall credit, in accordance with the laws of the United States, one quarter of coverage for every three months of periods of coverage which are credited under the laws of Japan and certified by the competent institutions of Japan. Any remainder of less than three months of periods of coverage that results from this crediting shall be taken into account as one additional quarter of coverage. However, no quarter of coverage shall be credited for any calendar quarter already credited as a quarter of coverage under the laws of the United States. The total number of quarters of coverage to be credited under this paragraph and the quarters of coverage already credited under the laws of the United States shall not exceed four in a calendar year.

3. Where entitlement to a benefit under the laws of the United States is established according to paragraph 1 of this Article, the competent institution of the United States shall compute a pro rata Primary Insurance Amount in accordance with the laws of the United States based on:

(a) the person's average earnings credited exclusively under the laws of the United States and

(b) the ratio of the duration of the person's periods of coverage completed under the laws of the United States to the duration of a coverage lifetime as determined in accordance with the laws of the United States.

Benefits payable under the laws of the United States shall be based on the pro rata Primary Insurance Amount.

4. Entitlement to a benefit from the United States which results from paragraph 1 of this Article shall terminate with the acquisition of sufficient periods of coverage under the laws of the United States to establish entitlement to an equal or higher benefit without the need to apply paragraph 1 of this Article.

5. For the purpose of applying paragraphs 1 and 2 of this Article, periods of coverage credited under the laws of Japan shall include periods of contributions under the laws of Japan and any other periods taken into account under those laws for establishing entitlement to benefits, with the exception of complementary periods for Japanese nationals on the basis of ordinary residence outside the territory of Japan and periods of coverage for Category III insured persons under the National Pension. Notwithstanding the preceding sentence, the competent institution of the United States shall also credit a maximum of eleven quarters of coverage for periods of coverage for Category III insured persons, provided that the insured person has at least one month of periods of coverage for Category I insured persons or Category II insured persons, or one quarter of coverage under the laws of the United States, both before and after the periods of coverage for Category III insured persons.
Article 6

The following provisions shall apply to Japan:

1. (a) Where a person does not have sufficient periods of coverage to fulfill the requirements for entitlement to benefits under the laws of Japan, the competent institution of Japan shall take into account, for the purpose of establishing entitlement to benefits under this Article, periods of coverage which are credited under the laws of the United States.

(b) Subparagraph (a) shall not apply to the following benefits under the laws of Japan:

(i) the Disability Allowance under the Employees’ Pension Insurance;

(ii) the disability lump-sum payments under the mutual aid pensions;

(iii) the additional pension for specified occupations under the mutual aid pensions;

(iv) the lump-sum payments upon withdrawal for persons other than Japanese nationals under the Employees’ Pension Insurance and the lump-sum payments upon withdrawal for persons other than Japanese nationals under the mutual aid pensions;

(v) the allowance upon withdrawal under the Employees’ Pension Insurance and the lump-sum payments upon withdrawal under the mutual aid pensions;

(vi) the special lump-sum death payments under the mutual aid pensions; and

(vii) any other benefits similar to those specified in (i) to (vi), to be introduced after the entry into force of this Agreement, and as may be agreed upon between the two Parties.

2. In applying paragraph 1(a) of this Article,

(a) the competent institutions of Japan shall credit, in each calendar year, three months of periods of coverage for every quarter of coverage which is credited in that year under the laws of the United States and certified by the competent institution of the United States. Periods of coverage to be credited by the competent institutions of Japan, the unit of which is a month, shall be allocated in chronological order starting with the first month of the calendar year, except for the months that are already credited as periods of coverage under the laws of Japan. However, the months of periods of coverage shall be allocated in the reverse order starting with the last month of the calendar year if it is necessary to establish entitlement to a benefit under the laws of Japan. The total number of months of periods of coverage to be allocated under the provision of this subparagraph and the months that are already credited as periods of coverage under the laws of Japan shall not exceed twelve in a calendar year.
(b) periods of coverage under the laws of the United States to be credited by the competent institutions of Japan under subparagraph (a) shall be taken into account as both periods of coverage under Japanese pension systems for employees and periods of coverage for Category II insured persons under the National Pension.

3. (a) Where the laws of Japan require for entitlement to disability pensions or survivors' pensions that the date of the first medical examination or of death lie within specified periods of coverage, this requirement shall be deemed to be fulfilled for the purpose of establishing entitlement to those pensions, provided that a person:

(i) has credit for at least four quarters of coverage under the laws of the United States during a period of eight calendar quarters ending with the calendar quarter in which the date of the first medical examination or death occurs; or

(ii) has credit for at least six quarters of coverage under the laws of the United States during a period of thirteen calendar quarters ending with the calendar quarter in which the date of the first medical examination or death occurs.

However, if entitlement to disability pensions or survivors' pensions under the National Pension is established without applying this paragraph, this paragraph shall not be applied for the purpose of establishing entitlement to disability pensions or survivors' pensions based on the same insured event under Japanese pension systems for employees.

(b) In applying subparagraph (a), as regards a person who possesses periods of coverage under two or more Japanese pension systems for employees, the requirement referred to in that subparagraph shall be deemed to be fulfilled for one of those pension systems in accordance with the laws of Japan.

4. Where entitlement to a benefit under the laws of Japan is established by virtue of paragraph 1(a) or 3(a) of this Article, the competent institution of Japan shall calculate the amount of that benefit in accordance with the laws of Japan, subject to paragraphs 5 to 9 of this Article.

5. With regard to the Disability Basic Pension and other benefits, the amount of which is a fixed sum granted regardless of the period of coverage, if the requirements for receiving such benefits are fulfilled by virtue of paragraph 1(a) or 3(a) of this Article, the amount to be granted shall be calculated according to the proportion of the sum of the periods of contribution and the premium-exempted periods under the pension system from which such benefits will be paid to the theoretical period of coverage referred to in paragraph 7 of this Article.

6. With regard to disability pensions and survivors' pensions under Japanese pension systems for employees, insofar as the amount of those pensions to be granted is calculated on the basis of the specified period determined by the laws of Japan when the periods of coverage under those systems are less than that specified period, if the requirements for receiving such
pensions are fulfilled by virtue of paragraph 1(a) or 3(a) of this Article, the amount to be granted shall be calculated according to the proportion of the periods of coverage under Japanese pension systems for employees to the theoretical period of coverage referred to in paragraph 7 of this Article. However, when the theoretical period of coverage exceeds that specified period, the theoretical period of coverage shall be regarded as equal to that specified period.

7. For the purpose of paragraph 5 and 6 of this Article, "theoretical period of coverage" means the sum of the following periods (except that it shall not include the period after the month in which the day of recognition of disability occurs or the period beginning with the month in which the day following the day of death occurs):

(a) the period from the month in which the day of attainment of age 20 occurs through the month preceding the month in which the day of attainment of age 60 occurs, except the period before April 1, 1961;

(b) periods of contribution under the laws of Japan which do not coincide with the period referred to in subparagraph (a) of this paragraph; and

(c) periods of coverage under the laws of the United States which do not coincide with periods referred to in subparagraph (b) of this paragraph, in case the month in which the day of recognition of disability occurs or the month preceding the month in which the day following the day of death occurs is before the period referred to in subparagraph (a) of this paragraph.

8. With regard to the calculation of the amount of benefits under Japanese pension systems for employees in accordance with paragraphs 5 and 6 of this Article, if the person entitled to the benefits possesses periods of coverage under two or more such pension systems, the periods of contribution referred to in paragraph 5 of this Article or the periods of coverage referred to in paragraph 6 of this Article shall be the sum of the periods of coverage under all such pension systems. However, when the sum of the periods of coverage equals or exceeds the specified period determined by the laws of Japan within the meaning of paragraph 6 of this Article, the method of calculation stipulated in paragraph 6 of this Article and this paragraph shall not apply.

9. With regard to the Additional Pension for Spouses which is included in the Old-age Employees' Pension and any other benefits that may be granted as a fixed sum in cases where the period of coverage under Japanese pension systems for employees equals or exceeds the specified period determined by the laws of Japan, if the requirements for receiving such benefits are fulfilled by virtue of paragraph 1(a) of this Article, the amount to be granted shall be calculated according to the proportion of the periods of coverage under the Japanese pension system for employees from which such benefits will be paid to that specified period.

Article 7

The competent authorities of the two Parties shall:

(a) agree on the administrative measures necessary for the implementation of this Agreement;
(b) designate liaison agencies for the implementation of this Agreement; and
(c) communicate to each other, as soon as possible, all information about changes to their respective laws insofar as those changes affect the implementation of this Agreement.

Article 8

The competent authorities and competent institutions of the two Parties, within the scope of their respective authorities, shall assist each other in implementing this Agreement. Regular personnel and operating costs of the competent authorities and competent institutions providing the assistance shall be free of charge.

Article 9

1. In accordance with measures to be agreed upon by virtue of subparagraph (a) of Article 7, the competent authorities or competent institutions of one Party shall, in accordance with its national statutes and regulations, send to the competent authorities or competent institutions of the other Party information about an individual collected under its laws insofar as that information is necessary for the implementation of this Agreement.

2. Unless otherwise required by the national statutes and regulations of one Party, information about an individual which is transmitted in accordance with this Agreement to that Party by the other Party shall be used exclusively for the purpose of implementing this Agreement. Such information received by a Party shall be governed by the national statutes and regulations of that Party for the protection of confidentiality of personal data.

Article 10

1. Insofar as the laws of one Party, and in the case of Japan, other national statutes and regulations, contain provisions on an exemption or reduction of administrative charges or consular fees for documents to be submitted under the laws of that Party, those provisions shall also apply to documents to be submitted in the application of this Agreement and the laws of the other Party.

2. Documents which are presented for the purpose of this Agreement and the laws of a Party shall be exempted from requirements for authentication or any other similar formality by diplomatic or consular authorities.

3. Copies of documents which are certified as true and exact copies by a competent institution of one Party shall be accepted as true and exact copies by a competent institution of the other Party, without further certification. The competent institution receiving the copies shall be the final judge of the probative value of the evidence submitted to it from whatever source.

Article 11

1. The competent authorities and competent institutions of the Parties may communicate directly with each other and with any concerned person wherever the person may reside whenever it is necessary for the administration of this Agreement. The
communication may be in the respective languages of the Parties.

2. In implementing this Agreement, the competent authorities and competent institutions of one Party may not reject applications or any other documents for the reason that they are written in the language of the other Party.

Article 12

1. When a written application for benefits, an appeal or any other declaration under the laws of one Party is submitted to a competent authority or competent institution of the other Party which is competent to receive similar applications, appeals or declarations under the laws of that other Party, that application, appeal or declaration shall be deemed to be submitted on the same date to the competent authority or competent institution of the first Party and shall be dealt with according to the procedure and laws of the first Party.

2. In any case to which this Article applies, the competent authority or competent institution of one Party to which the application for benefits, appeal or any other declaration has been submitted shall transmit it without delay to the competent authority or competent institution of the other Party.

Article 13

Payments of benefits under this Agreement may be made in the currency of either Party.

Article 14

Any disagreement regarding the interpretation or application of this Agreement shall be resolved by consultation between the Parties.

Article 15

1. This Agreement shall not establish any entitlement to benefits for any period prior to its entry into force or, as regards the United States, to a lump-sum death benefit if the person died prior to its entry into force.

2. In the implementation of this Agreement, periods of coverage completed and other legally relevant events occurring before its entry into force shall also be taken into account.

3. In applying paragraph 2 or 4 of Article 4, in the case of persons whose detachment or self-employment referred to in those paragraphs commenced prior to the date of entry into force of this Agreement, the period of such detachment or self-employment shall be considered to begin on the date of entry into force of this Agreement.

4. Decisions made before the entry into force of this Agreement shall not affect any rights to be established by virtue of this Agreement.

5. Articles 5 and 6 shall apply only to benefits for which an application is filed on or after the date this Agreement enters into force.

6. The application of this Agreement shall not result in any reduction in the amount of a benefit to which entitlement was established prior to its entry into force.
Article 16

This Agreement shall enter into force on the first day of the third month following the month in which the Parties shall have completed an exchange of diplomatic notes informing each other that their respective statutory and constitutional requirements necessary to give effect to this Agreement have been fulfilled.

Article 17

1. This Agreement shall remain in force and effect until the last day of the twelfth month following the month in which either Party gives the other Party written notification through diplomatic channels of its termination.

2. If this Agreement is terminated in accordance with paragraph 1 of this Article, rights regarding entitlement to and payment of benefits acquired under it shall be retained.

In witness whereof, the undersigned, being duly authorized thereunto, have signed this Agreement.

Done at Washington on February 19, 2004, in duplicate in the English and Japanese languages, the two texts being equally authentic.

For the United States of America: For Japan:

[Signature]

[Signature]
社会保障に関するアメリカ合衆国及び日本国との間の協定

第一条

この協定の適用上、アメリカ合衆国及び日本国は、社会保障の分野における両国間の関係を規律することを希望して、次のような協定した。

(a)「合衆国」とは、アメリカ合衆国をいう。
(b)「領域」とは、日本国においては、日本国の領域をいい、合衆国については、合衆国の領土、プエルトリコ、合衆国領バージン諸島、グアム、合衆国領サモア及び北マリアナ諸島をいい。

(c)「国民」とは、日本国においては、日本国の国籍に関する法律にいう日本国民をいい、合衆国については、移民国藉法（その改正を含む）第百二十四条に定義された合衆国の国民をいい。

二条

この協定の適用のためには、アメリカ合衆国及び日本国の法律において必要な手続を講ずる。
(d) 「法令」は、日本国については、次条1に掲げる日本の年金制度及び日本国の医療保険制度に関
する日本の法律及び規則をいう。合衆国については、次条2に掲げる合衆国の法律及び規則をいう。

ただし、法令には、一方の締約国と第三国との間で締結された社会保険に関する条約その他の国際約
束又はそれらの条約その他の国際約束の実施のために制定された法律及び規則を含まない。

(e) 「権限のある当局」とは、日本国については、次条1に掲げる日本の年金制度及び日本国の医療保
険制度を管轄する政府機関をいい、合衆国については、社会保障庁長官をいう。

(f) 「実施機関」とは、日本国については、次条1に掲げる日本の年金制度及び日本国の医療保
険制度に関するものによる保険料納付期間及び日本国法令において給付を受ける権利の確立に際し
て考慮されるその他の期間をいい、合衆国については、合衆国法令により加入、退保及び同様の期間をい
う。
条

この協定の適用上、この協定において定義されていない用語は、両国が締結国の法令において用いられ

第二条

この協定は、日本国については、

(1)

国民年金（国民年金制度について適用する）

(a) 次の日本国年金制度について適用する。

(i) 本年金

(ii) 国民年金（厚生年金基金を除く）

(iii) 公務員年金（厚生年金基金を除く）

(iv) 国家公務員共済年金

(v) 地方公務員共済年金

(vi) 地方議会議員の年金制度を含む

(vii) 私立学校教職員共済年金
合衆国については、

2
連邦老齢・遺族・障害保険制度に関する次の法律及び規則（その改正を含む）について適用する。

条並びにこれらに関する規則（同編第二百十六条、第二百十六条A条及び第二百十八条並びにこれらに関する規則）

条

一方の締約国の法令の適用を受けているか又は受けたことがある者並びにこれらの者に由来する権利を有する家族及び遺族であって、他方の締約国がその領域内にある者に通常居住するものは、給付の支払に関し、当該他方の締約国がその領域内にある者に通常居住するものに、当該締約国がその領域内にある者に対して認められることを理由として給付を受け得る。ただし、この規定は、日本国がその領域内に通常居住すること又は当該締約国がその領域内にいないことの理由を理由として給付を受ける権利の取得又は給付の支払を制限する当該一方の締約国がその法令の規定は、他方の締約国がその領域内に通常居住しない者に対しても適用する。
住する者は適用しない。ただし、この規定は、初診日又は死亡日において六十歳以上六十五歳未満である
った者が間接で直実基礎年金又は遺族基礎年金を受ける権利を取得するために日本国の領域内に通常居住し
ていることを要件として定めた日本国の法令の規定に影響を及ぼすものではない。

第四条

1 この条において間接で直実基礎年金又は遺族基礎年金を受ける権利の取得のために日本国の領域内に通常居住し

2 ある者に関して間接で直実基礎年金又は遺族基礎年金を受ける権利の取得のために日本国の領域内に通常居住し

3 いる者又は、当該雇用者により当該一方の締約国の領域内に事業を有する雇用者に当該領域内において通常雇用され

4 る事業に従事するためのサービスを提供するものとみなして当該一方の締約国の法令の規定を適用する。
3 2の規定は、雇用者により一方の締約国の領域から他方の締約国の領域に派遣される場合にも適用される。雇用者により当該第三国の領域から他方の締約国の領域に派遣される場合については、同一の雇用者とみなす。

4 一方の締約国の法令に基づく年金制度及び医療保険制度に入加入か。通常当該一方の締約国の領域内における自営活動の期間が五年を超えるものを派遣することができる。
日本の国籍を掲げる海上航行船舶又は合衆国の船舶の乗組員としての雇用については、両国間の領土に対する適用に関する条約の規定を適用する。
営業者の申請に基づき、特定の者又は特定の範囲の者の利益のため、これらの特定の者又は特定の範囲の者にいずれか一方の締約国の法令が適用されることを条件として、この条の規定の例外を認めることにつきて合意することができる。

9 日本国の領域内において就労する者が、その他の締約国の法令の適用を受けるものに随伴する配偶者又は子については、(a)当該配偶者又は子が別段の申出を行う場合には、この条の規定は、適用しない。
(b)当該配偶者又は子が日本国民である場合には、日本の法令の適用の除外は、日本国の法令に従って決定する。

この条の規定は、各締約国の法令における強制加入についてのみ適用する。2及び4の規定は、日本国の法令に従って適用しないためには、適用しない。
第五条
合衆国の法令により四半期以上の保険期間を有するが、合衆国の法令による給付を受ける権利の
取得のための要件を満たすために十分な保険期間を有しない者について、この条の規定に基づいて給付を
受ける権利を確立するため、合衆国の実施機関は、合衆国の法令により給付を受ける権利の
2 1の規定に基づいて給付を受ける権利を確立するため、合衆国の実施機関は、合
本国の法令により給付を受ける三参考保険期間を有しない者について、合
一入四半期を付与する。その結果生じた三参考保険期間（合本国の実施機関により証明されたものに限る）の四半期を付与する。ただ、合
本国の法令により既に四半期が付与されている四半期及び合
四半期の総数は、一入四半期に四を超えない。
は、合衆国の法令に従い、次のようにに基づいて比例配分された基本年金額を算定する。
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（a）日本国の実施機関により持付される保険期間を除き、当該保険期間における一定の月から開始する逆における順序で持付当てる。この（a）の規定により持付当てる月数の総数は、一歳年齢において十二を超えならない。

（b）の規定により日本国実施機関により持付されるものを除く。合衆国の法令による保険期間における一定の月から開始する順序で持付当てる。
日本の法令が、障害年金又は遺族年金を受ける権利の確立のために初診日又は死亡日が特定の保険期間中にあることを要件として定めている場合において、次のいずれかのときは、当該年金を受ける権利の確立に当たり当該要件は満たされたものとみなす。

(i) 初診日又は死亡日が属する暦四半期までの八暦四半期中に合衆国の法令による四加入四半期以上の保険期間を有するとき。

ただし、国民年金の下での障害年金又は遺族年金を受ける権利がこの3の規定を適用しなくても確立される場合には、この3の規定は、日本の被用者年金制度の下での同一の保険事故に基づく障害年金又は遺族年金を受ける権利の確立に当たりては、適用しない。

(a)の規定の適用に当たっては、二以上の日本の被用者年金制度における保険期間を有する者については、(a)に規定する要件は、日本の法令に従って、一の被用者年金制度につき満たされたものとみなす。
障害基礎年金その他の保険期間中にかかわらず一定額が支給される場合に関しては、支給される当該給付の額は、7に規定する理諭的加入期間に対する基礎給付の額を計算した上で、障害基礎年金及び遺族年金の下での障害年金及び遺族年金（当該制度における保険料納付期間及び保険料免除期間に関する被用者年金制度における保険期間の比率に基づいて計算する。ただし、理諭的加入期間が当該定められた期間に満たない場合に支給されるものである。支給される当該年金の額が当該定められた期間に満たない場合には、支給される当該年金の額は、7に規定する理諭的加入期間に対する基礎給付の額を計算する。
7 5及び6の規定の適用上の「理論的加入期間」とは、次に掲げる期間を合算した期間（障害が認定されている日を含む）をいう。
(a) 二十歳に達した日の属する月から六十歳に達した日の属する月の前月までを除く。
(b) に規定する期間と重複しない日本国の法令による保険料納付期間。
(c) に規定する期間と重複しない合衆国の法令による保険期間。

8 5及び6の規定による日本国の被用者年金制度における保険期間を有する場合には、5に規定する保険料納付期間又は6に規定する保険期間、当該合計した期間に当該合計した期間が6に規定する日本国の法令上の期間に等しいか又はこれを超える場合には、6及びこの8に規定する計算方法は適用しない。
老齢厚生年金の一部である配偶者加給の他の日本の被用者年金制度における保険期間が日本国の法
令上定められた期間に等しいか又はこれをを超える場合には、当該給付を受けるための要件が1(a)の規定の適用により満たされる場合には、当該給付を
算する。

第七条

両締約国の権限のある当局は、

(a) この協定の実施のために必要な連絡機関を指定する。

(b) この協定の実施に必要な行政上の措置について合意する。

(c) 自国法令の変更（この協定の実施に影響を及ぼすものに限る）に関すること、当該給付の額を、当該給付の額を計算する。

第八条

両締約国の権限のある当局及び実施機関は、それぞれの権限の範囲内で、この協定の実施のために相互に
援助する。権限のある当局及び実施機関が援助を行うのに要する通常の入金費及び業務上の経費は、無償とする。

第九条

一方の締約国の権限のある当局又は実施機関は、第七条(a)の規定により合意する措置に従い、当該一方の締約国の法令の下で収集された個人に関する情報(この協定の実施のために必要なものに限る)を当該一方の締約国に対し伝達される個人に関する情報は、主にこの協定を実施する目的のために使用する。一方の締約国の法令(日本国内においては、他の法律及び規則を含む)において、当該一方の締約国の法令及び規則により規定される。

第十七条

一方の締約国の法令(日本国内においては、他の法律及び規則を含む)において、当該一方の締約国の法令及び規則により規定される。
第十二条

1. 一方の締約国の法令による書面による給付の申請、不服申立て又はその他の申告が他方の締約国の法令による類似の申請、不服申立て又は申告を受理する権限を有する当該他方の締約国の権限のある当局又は実施機関に対して提出された場合には、当該給付の申請、不服申立て又はその他の申告が他方の締約国の法令による類似の申請、不服申立て又は申告を受理する権限を有する当該他方の締約国の権限のある当局又は実施機関に対して提出された場合についても、当該一方の締約国の給付の申請、不服申立て又は申告を受理する権限のある当局又は実施機関に対して提出されたものとみなし、当該一方の締約国の給付の支払は、いずれの締約国の通貨によっても行うことができる。

2. この条の規定が適用される場合には、給付の申請、不服申立て又はその他の申告が提出された方の締約国の権限のある当局又は実施機関は、これを速やかに他方の締約国の権限のある当局又は実施機関に伝達する。

第十三条

第十四条

この協定の解釈又は適用についての意見の相違は、両締約国間の協議により解決する。
第十一条

1 この協定は、その効力発生前に給付を受ける権利を確立させられるものではない。また、この協定は、合

衆国については、その効力発生前に死亡した場合の死亡一時金を受ける権利についても確立させるもので

2 この協定の実施に当たっては、この協定の効力発生前の保険期間その他法的に関連する事実も考慮す

3 第四条２又は４の規定の適用に当たっては、これらの規定にいう派遣又は自営活動をこの協定の効力発

生前に開始した者については、当該派遣又は自営活動の期間は、この協定の効力発生の日から開始したもの

とみなす。この協定の効力発生前に行われた決定は、この協定により確立されるいかなる権利にも影響を及ぼす

4 のではない。

5 第五条及び第六条の規定は、この協定の効力発生の日以後に申請が提出される給付についてのみ適用す

る。
この条約の適用の結果として、この条約の効力発生前に権利が確立された給付の額を減額してはならない

第十六条
この条約は、二国間条約が、この条約の効力発生に必要となるそれぞれの法律及び条約上の要件が満たされた旨を相互に通告する外交上文書を交換した月の後三箇月目の月の初日に効力を生ずる。

第十七条
1 この条約は、いずれかの締約国が他方の締約国に対し、外交上文書を通じて書面による条約の終了の通告を行う月の後十二箇月目の月の末日まで効力を有する。
2 この条約が1の規定に従って終了する場合においても、この条約の下で取得された給付を受けける権利及び給付の支払に関する権利は維持される。

以上の証拠として、下記は、各自の政府から正当に委任を受けてこの条約に署名した。
Administrative Arrangement
for the Implementation of the Agreement
between the United States of America and Japan
on Social Security

The competent authority of the United States of America and the competent authorities of Japan,
in conformity with Article 7(a) of the Agreement between the United States of America and Japan on Social Security of this date, herinafter referred to as the "Agreement", have agreed as follows:

Article 1

Where terms which appear in the Agreement are used in this Administrative Arrangement, they shall have the same meaning as they have in the Agreement.

Article 2

The liaison agencies referred to in Article 7(b) of the Agreement shall be:

(a) for the United States,

the Social Security Administration,

(b) for Japan:

i) for the National Pension and the Employees' Pension Insurance,

the Social Insurance Agency,

ii) for the Mutual Aid Pension for National Public Officials,

the Federation of National Public Service Personnel Mutual Aid Associations;

iii) for the Mutual Aid Pension for Local Public Officials and Personnel of Similar Status,

the Pension Fund Association for Local Government Officials;
iv) for the Mutual Aid Pension for Private School Personnel,

the Promotion and Mutual Aid Corporation for Private Schools of Japan.

Article 3

The liaison agencies referred to in Article 2, in cooperation with the competent authorities, shall agree upon the joint procedures and forms necessary and appropriate for the implementation of the Agreement and this Administrative Arrangement.

Article 4

1. Where the laws of a Party apply to an employee or self-employed person in accordance with the provisions of paragraph 1, 2, 4, 5, 6, subparagraph (b) or (c) of paragraph 7, or paragraph 8 of Article 4 of the Agreement, the liaison agency of that Party, upon request of the persons concerned, shall issue a certificate stating that the employee or self-employed person is subject to those laws and indicating the duration for which the certificate shall be valid. The certificate shall be evidence that the employee or self-employed person is exempt from the laws on compulsory coverage of the other Party.

2. The liaison agency of a Party which issues a certificate referred to in paragraph 1 of this Article shall furnish a copy of the certificate or information from the certificate as may be agreed upon by the liaison agencies of both Parties to the liaison agency of the other Party as needed by the liaison agency of that other Party.

3. Where a person is exempt from Japanese laws solely by virtue of Article 4 of the Agreement, the employer and employee or self-employed person and any accompanying spouse or children shall nevertheless be subject to the laws of Japan as they relate to health insurance, unless the employer or self-employed person has certified to the competent institution of the United States that the employee or self-employed person and any accompanying spouse and children are covered under appropriate insurance against the cost of health care in Japan.
Article 5

1. Applications for benefits under the Agreement shall be submitted on forms to be agreed upon by the liaison agencies of both Parties.

2. The competent institution of the Party with which an application for benefits is first filed in accordance with Article 12 of the Agreement shall provide the liaison agency of the other Party with such evidence and other information in its possession as may be required to complete action on the claim.

3. The competent institution of the Party which receives an application that was first filed with a competent institution of the other Party shall, upon the request of the competent institution of that other Party, without delay provide the liaison agency of that other Party with such evidence and other available information in its possession as may be required for the competent institution of that other Party to complete action on the claim.

4. The competent institution of the Party with which an application for benefits has been filed shall verify the information pertaining to the applicant and the applicant’s family members. The types of information to be verified shall be agreed upon by the liaison agencies of both Parties.

5. Upon request, the liaison agency of either Party shall furnish without cost to the liaison agency of the other Party any medical information and documentation in its possession relevant to the disability of the claimant or beneficiary.

6. In any case to which the provisions of Article 12 of the Agreement apply, the competent authority or competent institution to which the application, appeal, or declaration has been submitted shall indicate the date of receipt on the document or on a form to be agreed upon for this purpose pursuant to Article 7(a) of the Agreement prior to sending it to the appropriate competent authority or competent institution of the other Party.

Article 6

The Social Security Administration of the United States and the Social Insurance Agency of Japan shall exchange statistics on the number of certificates issued under Article 4 of this Administrative Arrangement and on the payments made under each Party’s laws to beneficiaries in the territory of the other Party. These statistics shall be furnished annually in a form to be agreed upon.
Article 7

Where assistance is requested under Article 8 of the Agreement, expenses required to provide this assistance, other than regular personnel and operating costs, shall be borne by the competent authority or competent institution requesting the assistance, except as may be agreed upon in advance by the competent authorities or competent institutions of both Parties.

Article 8

1. This Administrative Arrangement shall enter into force at the same time as the Agreement enters into force and shall remain in force as long as the Agreement remains in force.

2. The competent authorities may notify each other, in writing, of changes in the names of the liaison agencies without the need to modify the Administrative Arrangement.

Done at Washington on February 19, 2004 in duplicate in the English and Japanese languages, both texts being equally authentic.

For the Competent Authority of the United States of America:

James K. Bannhart

For the Competent Authorities of Japan:

安藤隆文
National Police Agency

須田和博
Ministry of Public Management, Home Affairs, Posts and Telecommunications

杉本知行
Ministry of Finance

加茂川幸夫
Ministry of Education, Culture, Sports, Science and Technology

登川尚史
Ministry of Health, Labor and Welfare
第三条

第二条に掲げる連絡機関は、権限のある当局の協力を得て、協定及びこの行政取決めの実施のために必要かつ適切な共同の手続き及び様式について合意する。

第四条

一方の締約国の法令が協定第四条1、2、4、5、6、7(b)若しくは(c)又は8の規定に従って被用者又は自営業者に適用される場合、当該締約国の連絡機関は、関係者の申請に基づき、当該被用者又は自営業
第十五条

協定による給付の申請者は、両国間の連絡機関内で合意される様式により提出される。
協定第十二条に従い、提出の申請が最初に提出された締約国の実施機関は、他方の締約国の連絡機関に対し、当該請求に関する手続を完了するために必要とされる証拠及びその他の情報を保有する範囲で提出する。他方の締約国の実施機関が当該請求に関する手続を完了するために必要とされる証拠及びその他の情報を保有する範囲で提出する。他方の締約国の実施機関が当該請求に関する手続を完了するために必要とされる証拠及びその他の情報を保有する範囲で提出する。
(a) に従いこの目的のために合意される様式に入力するものとする。

第六条

合衆国の社会保障庁及び日本国の社会保障庁は、この行政取決めの第四条により発給された証明書の数及び互いの国内の法令により他方の締結国の領域内の受給者になった支払いに関する統計を交換する。

第七条

援助が協定第八条に基づき要請される場合、当該援助を提供するため必要と認められる通常の手数料及び運営費以外の費用は、両締結国の権限のある当局又は実施機関が事前に合意した権限がある当局又は実施機関が負担するものとする。

第八条

1 この行政取決めは、協定と同時に発効し、協定が有効である限り効力を有する。

2 権限のある当局は、この行政取決めを修正する必要なく、相互に連絡機関の名称の変更を書面で通知することができる。
二千四四年三月十九日にワシントンで、ひそしく正式である英語及び日本語により、本書を通を作成した。