

UNITED STATES MARINE CORPS

III MARINE EXPEDITIONARY FORCE
UNIT 35601
FPO AP 96606-5601
AND
MARINE CORPS INSTALLATIONS PACIFIC

CAMP SMEDLEY D. BUTLER, OKINAWA
UNIT 35001
FPO AP 96373-5001

III MEF/MCIPACO 5300.1 SJA/ILAW JUL 2 0 2012

III MARINE EXPEDITIONARY FORCE/MARINE CORPS INSTALLATIONS PACIFIC ORDER 5300.1

From: Commanding General, III Marine Expeditionary Force

Commanding General, Marine Corps Installations Pacific

To: Distribution List

Subj: COMMERCIAL ACTIVITIES AND PRIVATE EMPLOYMENT IN JAPAN

Ref: (a) SOFA between the United States and Japan

(b) MCBJO 5800.6C

(c) USFJINST 36-1001

(d) 18WGI36-2901

(e) AFI 32-6001

(f) MCO P1710.30E

(g) MCBJO 5340.2

Encl: (1) Request to Engage in Commercial Activities or Private Employment in Japan

- (2) Additional Requirements for Massage Therapists, Cosmetologists, Family Child Care Providers and Dietary/Nutritional Supplement Distributors
- (3) Certification of Compliance for Dietary/Nutritional Supplement Sales
- (4) Authorization Certificate
- 1. <u>Situation</u>. III Marine Expeditionary Force (MEF) and Marine Corps Installations Pacific (MCIPAC) require regulations to ensure all III MEF and MCIPAC personnel in Japan and all other United States Forces personnel living or working on MCIPAC facilities and areas located in Japan who engage in commercial activities and private employment in Japan do so properly.
- Cancellation. MCBJO 5300.1D.
- 3. <u>Mission</u>. To establish regulations to ensure that any engagement in commercial activity or private employment of III MEF and MCIPAC personnel in Japan and any other United States Forces personnel living or working on MCIPAC facilities and areas located in Japan is in accordance with the references.

4. Execution

a. Commander's Intent and Concept of Operations

(1) <u>Commander's Intent</u>. III MEF and MCIPAC personnel in Japan and all other United States Forces personnel living or working on MCIPAC

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facilities and areas located in Japan shall respect the laws of Japan and abstain from activities that are:

- (a) Inconsistent with reference (a);
- (b) Detrimental to morale;
- (c) Contrary to good order and discipline;
- (d) Contrary to the best interest of the United States or its armed forces;
- (e) Contrary to the high standards of conduct required of the United States Forces personnel; or
- (f) Injurious to the dignity and stature of the United States or its armed forces.

(2) Concept of Operations

- (a) This is a punitive order the violation of which by military service members may result in prosecution under the Uniform Code of Military Justice or other adverse action. Violations of this Order by members of the civilian component or dependents may result in appropriate administrative remedies in accordance with reference (b).
- (b) Reference (c) establishes responsibilities, policies, and procedures for United States Forces personnel engaging in commercial activity or private employment in Japan. Any language in this Order producing a more stringent responsibility, policy, or procedure than reference (c) establishes a requirement for all III MEF and MCIPAC personnel in Japan and all United States Forces personnel living or working on MCIPAC facilities and areas located in Japan.
- (c) The Commander, 18th Wing, Kadena Air Base, manages all military family housing on Okinawa. Therefore, the requirements in references (d) and (e) regulating commercial activities in military family housing apply to all personnel residing in military family housing on Okinawa. Any language within this Order that establishes stricter requirements than those in references (d) and (e) is binding on all III MEF and MCIPAC personnel in Okinawa and all other United States Forces personnel living or working on MCIPAC facilities and areas located in Okinawa.
- (d) The Deputy Commander, MCIPAC (via the MCIPAC Staff Judge Advocate (SJA)), is the final approval authority for III MEF and MCIPAC personnel commercial activity or private employment requests originating in Okinawa. The Deputy Commander, MCIPAC (via the Marine Corps Air Station (MCAS) Iwakuni SJA), is the final approval authority for III MEF and MCIPAC personnel commercial activities or private employment requests originating in mainland Japan. The final approval authority may, for good cause (e.g., substantiation of any violation of the regulations within this Order or one of the references) revoke command approval for an individual to engage in commercial activity or private employment on MCIPAC facilities and areas in Japan.

- <u>1</u>. To obtain final approval of a commercial activity or private employment request, a military member must obtain his or her commanding officer's recommendation and signature in section III of enclosure (1) before submitting it to the appropriate SJA. Other favorable endorsements may also be required on enclosure (1) depending on the nature and location of the commercial activity or private employment.
- Z. To obtain final approval of a commercial activity or private employment request, a member of the civilian component must obtain his or her department head's recommendation and signature in section III of enclosure (1) before submitting it to the appropriate SJA. Other favorable endorsements may also be required on enclosure (1) depending on the nature and location of the commercial activity or private employment.
- $\underline{3}$. To obtain final approval of a commercial activity or private employment request, a dependent must obtain the signature of his or her sponsor in section IV of enclosure (1) before submitting it to the appropriate SJA. Other favorable endorsements may also be required on enclosure (1) depending on the nature and location of the commercial activity or private employment.

b. Definitions

- (1) "United States Forces personnel" means a member of the United States armed forces, members of the civilian component, and family members as described in Article I of reference (a).
- (2) "III MEF and MCIPAC personnel" means United States Forces personnel assigned to III MEF or MCIPAC.
- (3) "Commercial activity or private employment" includes any private action which affects the Japanese economy and which involves the exchange of items of value for services or goods. Commercial activity or private employment includes, but is not limited to: the sale of merchandise, commercial food preparation, home child care services, commercial solicitation, teaching, and other personal services. The following are excluded from this definition: employment with the United States Government, and employment with persons or governments conducting business with or on behalf of the United States Government.
- (4) "Personal services" includes, but is not limited to: massage therapy, cosmetology, hairdressing, barbers, and nail salon services.
- (5) "Commercial solicitation" refers to a practice in which an agent (i.e., a representative, broker, salesman, or dealer) offers consumer services or goods for sale. A sale need not be completed in order for commercial solicitation to have occurred. An attempt to conduct business, including via electronic contact or in person contact, providing meals, making appointments, distributing business cards, asking personnel if they want to review their personal finances or military benefits, and/or explaining investments or insurance with the intent to sell the same, also fall within this definition.

(6) "Commercial boarding of pets" means temporary care for domestic animals (e.g., "family pets," dogs, cats, hamsters, guinea pigs, caged birds, and aquarium fish) wherein something of value is received as consideration for providing such services.

c. Regulations

- (1) III MEF and MCIPAC military members and members of the civilian component shall not engage in commercial activity or private employment if such activities interfere with, or are not compatible with the performance of their official duties.
- (2) All III MEF and MCIPAC personnel in Japan and those other United States Forces personnel living or working on MCIPAC facilities and areas located in Japan shall not do any of the following:
- (a) Engage in commercial activity or private employment with any off-base liquor stores, bars, nightclubs, or other establishments in which the sale, service, or distribution of alcoholic beverages are primary or exclusive activities. This prohibition includes performing in musical acts, providing commercial entertainment, acting as a bouncer, or providing security for such establishments. Personnel may engage in commercial activities and private employment with Japanese restaurants and other commercial dining facilities in which alcoholic beverages are served merely as an accompaniment to food. At no time may III MEF and MCIPAC personnel serve alcoholic beverages while employed with a Japanese restaurant or other commercial dining facility.
- (b) Engage in commercial activity or private employment on or off base - with any establishment or person known or suspected to be associated in any way with organized crime, subversive groups, or terrorist groups.
- (c) Engage in commercial activity or private employment on or off base with persons or establishments known to be directly or indirectly connected with prostitution, pornography, gambling, weapons manufacturing or trafficking, illegal drugs, black market commodities, or any other service or commodity that may violate United States or Japanese law.
- (d) Engage in commercial activity or private employment on or off base - that is offensive to the Japanese public, lewd, or which appeals to the prurient interests of the audience.
- (e) Engage in commercial activity or private employment on or off base - directly or indirectly involving the distribution, sale, or promotion of "adult," pornographic, or obscene sexual use items (e.g., toys, videos, magazines, or other media depicting sexual activity or erotic behavior in a way that is designed to arouse sexual excitement).
- (f) Engage in commercial activity or private employment requiring appearances on or in: television, radio, or internet programming; commercial advertisements; stage plays; motion pictures; video or audio recordings; or other commercial public entertainment. When engaged in commercial activity or private employment as public entertainers, personnel shall not wear

military uniforms and shall not reference their service affiliations, ranks, or organizations.

- (g) Engage in commercial activity or private employment on or off base involving real estate, bonds, insurance, securities (e.g., stocks or mutual funds), or other financial investments unless licensed to engage in such commercial activity or private employment by the appropriate authority of any state or territory of the United States or the District of Columbia. Persons desiring to engage in these activities must also comply with the applicable laws of Japan and reference (f).
- (h) Operate a food establishment in their residential kitchen. A "food establishment" includes any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. A "food establishment" does not include the following:
- 1. Preparing and serving food for children within a Family Child Care (FCC) home business (discussed further below); or
- 2. Preparing food within military family housing to donate to a non-federal entity so that the non-federal entity may sell the food (e.g., "bake sale") or give the food away (e.g., "cake walk") as part of an authorized fundraising activity.
- (i) Use United States Government personal property, real property, or personnel resources without proper authority.
- (j) Engage in commercial activity or private employment which uses the Military Postal Service (i.e., FPO or APO addresses) to receive or mail items for resale. Home businesses that require postal service must either have the goods shipped directly to the purchaser or receive the goods at an off-base post office.
- (k) Engage in commercial activity or private employment involving telecommunications products or services on MCIPAC facilities and areas.
- (1) Engage in commercial activity or private employment on or off base - involving invasive procedures or breaking of intact skin. This prohibition includes body piercing, body tattooing (including application of permanent eye and lip liners), body mutilation (e.g., body burning, branding, and intentional scarring; tongue splitting; ear gauging) or any other services requiring the use of sterilized needles or machinery, which may cause injury, infection, or the spread of communicable disease through exposure to blood and other body fluids.
- (m) Engage in commercial activity or private employment that competes with products or services offered by Marine Corps Community Services (MCCS) or the Army and Air Force Exchange Service (AAFES) without the approval, as applicable, of MCCS or AAFES. Offering the sale of brand name merchandise unavailable through the AAFES retail supply system is not in competition with AAFES.
- (n) Engage in commercial activity or private employment on or off base - involving:

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- 1. Ephedrine-based dietary supplements, nutritional supplements, vitamins, or ergogenic agents containing Ephedrine or Ephedra alkaloids (also identified as "Ma Huang"); or
- 2. Androstenedione-based dietary supplements, nutritional supplements, vitamins, or ergogenic agents containing Androstenedione or Andro alkaloids.
- (o) Engage in commercial activity or private employment involving any commercial cultural exchange program, commercial "home stay" program, or other activity where something of value is received as consideration for granting access to MCIPAC facilities and areas.
- (p) Engage in commercial activity or private employment on or off base - involving domestic animals (e.g., "family pets," dogs, cats, hamsters, guinea pigs, caged birds, and aquarium fish) except as provided immediately below:
- $\underline{1}$. Boarding of pets may be conducted on MCIPAC facilities and areas in the following situations:
- <u>a</u>. When boarding is temporary and based on a previously existing personal relationship, enclosure (1) need not be used to request approval.
- \underline{b} . When boarding for commercial gain, and not due to a personal relationship, however, enclosure (1) must be used to request approval.
- 2. Military family housing residents living on MCIPAC facilities and areas shall limit the number of dogs or cats to not more than two per household. While temporary possession of a dog or cat shall not apply to this limit, commercial boarding of pets shall not cause more than three dogs and/or cats to be present in any single household at any time.
- $\underline{\mathbf{3}}$. United States Forces personnel residing in military family housing on MCIPAC facilities and areas on Okinawa must ask the 718th Civil Engineering Housing Flight, Kadena Family Housing Office (KFHO), for permission prior to operating a domestic animal grooming home business. See reference (d).
- (q) Engage in commercial activity or private employment in bachelor enlisted quarters, bachelor officer quarters, or while in places of government work.
- (3) All III MEF and MCIPAC personnel in Japan and those other United States Forces personnel living or working on MCIPAC facilities and areas located in Japan shall not engage in unauthorized commercial activity in military family housing.
- (a) To receive authorization to operate a business on MCIPAC facilities and areas in Japan, each applicant must satisfy any applicable provisions of enclosures (2) and (3). If enclosure (2) requires them to obtain a signature from the Director, Occupational Health/Preventive

Medicine, the applicant must obtain such approval and signature in section V of enclosure (1) prior to submitting it to the MCIPAC SJA.

- (b) To receive authorization to operate any home business on MCIPAC facilities and areas in Japan, the applicant must obtain his or her camp commander's approval and signature in section VI of enclosure (1) prior to submitting it to the appropriate SJA.
- (c) To receive authorization to operate any home business on MCIPAC facilities and areas in Okinawa, the applicant must obtain an endorsement from KFHO in section VII of enclosure (1) prior to submitting it to the MCIPAC SJA. Reference (d) establishes procedures for obtaining approval from KFHO when seeking to conduct commercial activities in military family housing.
- (d) To receive authorization to operate and continue operating a home business on MCIPAC facilities and areas in Japan, applicants must meet, maintain, and comply with all the applicable professional requirements of their licensing state or territory. Home businesses requiring a license and certification in the United States must maintain a current license from the applicable state or United States Territory during operation. Enclosure (2) contains a non-exhaustive list of common home businesses requiring licenses to operate.
- (e) Any approval of commercial activity in military family housing on MCIPAC facilities and areas in Japan shall not exceed any of the following: (1) the professional license's expiration date; (2) the expiration date of any required commercial activity insurance; or (3) the commercial activity applicant's rotation date.
- (f) Reference (f) establishes Marine Corps requirements applicable to FCC home businesses. To receive authorization to operate a FCC home business in military family housing on Japan, III MEF and MCIPAC personnel must first contact the MCCS FCC Director to receive information on the FCC Certification Course.
- $\underline{1}$. After completing the FCC Certification Course, the applicant will receive an "Official Certification Family Child Care Program" certificate. The certificate serves as verification that the requirements of reference (f) have been met.
- 2. Applicants must attach a copy of their "Official Certification Family Child Care Program" certificate when forwarding enclosure (1) to the appropriate SJA.
- (g) To engage in authorized commercial activities, all III MEF and MCIPAC personnel in Japan, and all other United States Forces personnel living or working on MCIPAC facilities and areas located in Japan, must prominently display a signed copy of enclosure (4) in their home business and have it immediately available for inspection when conducting commercial activities outside of their home business.
- (4) Reference (g) prescribes the procedures for obtaining authorization for commercial solicitation.

- (a) Commercial solicitation may be conducted within a military family house if a resident of the house requests and sponsors the vendor. The invitation will not be effective if obtained through unauthorized solicitation. Commercial activity is prohibited in enlisted service member barracks and government workspaces.
- (b) Director, MCCS may approve requests to allow minor dependents participating in authorized non-profit, benevolent, or charitable youth organizations of interest to the military family housing community to engage in limited, infrequent charitable fundraising in military family housing areas on MCIPAC facilities and areas in Japan.
- (c) Minor family members living in military family housing aboard MCIPAC facilities and areas in Japan may engage in limited, infrequent, and individually insignificant charitable fundraising within their own military family housing areas when such fundraising is based on personal relationships (i.e., among friends) and benefits a youth organization or program authorized to operate on MCIPAC facilities and areas.
- (5) Except as provided below, no person shall advertise any commercial activity or private employment undertaking while on MCIPAC facilities and areas in Japan.
- (a) The Deputy Commander, MCIPAC, and Director, MCCS may approve commercial activity or private employment advertisement to take place within military family housing, bachelor officer quarters, bachelor enlisted quarters, and temporary lodging facilities on-base. Requests for approval of on-base advertisement can be sent to the MCCS Commercial Sponsorship Coordinator via phone at DSN 645-2245/3942, or e-mail at sales@okinawa.usmc-mccs.org.
- (b) Minor family members living in military family housing aboard MCIPAC facilities and areas in Japan may, immediately at or outside their residences, advertise in support of limited, infrequent, and individually insignificant fundraising when such advertising benefits fundraising for a youth organization or program authorized to operate on MCIPAC facilities and areas.
- (c) All III MEF and MCIPAC personnel and other United States Forces personnel living or working on MCIPAC facilities and areas located in Japan may advertise on nonappropriated fund bulletin boards (e.g., "community bulletin boards") posted in federal nonappropriated fund entity facilities and areas. Such advertising is subject to federal nonappropriated fund entity regulations.
- 5. Administration and Logistics. The MCIPAC SJA shall administer the MCIPAC commercial activity and private employment program in Okinawa. The MCAS Iwakuni SJA shall administer the MCIPAC commercial activity and private employment program in mainland Japan. In administering this program, the SJA shall:
- a. Cause the contents of this Order to be briefed to military and civilian personnel as part of their in-processing upon arrival in Japan;

- Process requests to engage in commercial activity or private employment pursuant to this Order;
- c. Periodically publicize the requirements of this Order to the public; and
- d. With the Pacific Area Counsel Office, monitor non-federal entity compliance with this Order and advise the command on when actions to enforce the regulations within this Order may be appropriate.

6. Command and Signal

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

PETER J. TALLERI

DISTRIBUTION: III MEF List I, II,

MCIPAC List B

Copy to: CO, 718th CES/CEH

Request to Engage in Commercial Activities or Private Employment in Japan

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INITIAL							
	28. I will not engage	in commercial activity or private employs	ment contrary to the best	interest of the United States or its armed forces.			
	 29. I will not engage in commercial activity or private employment that interferes with, or is not compatible with, my official duties. 30. I will not engage in any commercial activity or private employment involving any establishment or person known or suspected to be associated in any way with organized crime, subversive groups, or terrorist groups. 						
	 I will not be directly or indirectly connected with prostitution, pornography, gambling, weapons manufacturing or trafficking, illegal drugs, black market commodities, or any other service or commodity that may violate U.S. or Japanese law. I will not engage in any commercial activity or private employment involving an activity that is offensive to the Japanese public, is lewd, 						
		or appeals to the prurient interests of the audience. 33. I will not engage in any commercial activity or private employment directly or indirectly involving "adult", pornographic, or obscene					
	33. I will not engage in any commercial activity or private employment directly of indirectly involving addit , pornographic, or observe sexual use items (e.g., toys, videos, magazines, or other media depicting sexual activity or erotic behavior in a way that is designed to arouse sexual excitement). 34. I will not compete with a similar product or service offered by Marine Corps Community Services (MCCS) or the Army and Air Force Exchange System (AAFES). I will also not resell items purchased from the commissary, MCCS, or AAFES.						
	35. I will not engage in a commercial cultural exchange program, commercial "home stay" program, or other activity where I receive something of value for providing access to MCIPAC facilities and areas.						
	-	or providing access to MCIPAC facilities a panese laws and will promptly pay Japan		ived from Jananese sources			
37. APPLI	CANT'S SIGNATURE			DATE SIGNED			
SECTION	III. COMMANDING O	FFICER / DEPARTMENT HEAD RECO	MMENDATION				
02011011		PROVAL		42 DISAPPROVAL			
43. REMAI		HOVIL		42 Biologia			
44 DATE	SIGNED	45. NAME, GRADE, & TITLE		46. SIGNATURE			
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SECTION	IV: SPONSOR - Lam	aware that my family member intends to	enga je in ine eferenor	t oned activity			
47. DATE		40 NAME & GRADE	engage in the alther let	49. SIGNATURE			
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SECTION	V- DIRECTOR OCCI	PATIONAL HEALTH PREVENTIVE N	AEDICINE .				
SECTION		PROVAL	NED CINE	51. DISAPPROVAL			
52. REMAI		PROMAL	1	31. DISAFFROVAL			
JZ. INLINO	NAS	(0)1					
53. DATE	SIGNED	54. NAME, GRADE, & TITLE		55. SIGNATURE			
SECTION	VI: CAMP COMMAN	DER					
		PROVAL		57. DISAPPROVAL			
58. REMA	RKS						
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59. DATE	SIGNED	60. NAME, GRADE, & TITLE		61. SIGNATURE			
SECTION	VII: DOD CHIEF OF	NATIONAL TRACEOUPS	•				
		PROVAL		63. DISAPPROVAL			
64. REMAI	RKS						
65. DATE :	SIGNED	66. NAME, GRADE, & TITLE		67. SIGNATURE			
SECTION Y	VIII: FINAL APPROV	AL AUTHORITY (MCIPAC STAFF JUD	GE ADVOCATE)				
	68. AP	PROVAL		69. DISAPPROVAL			
70. REMAI	RKS						
				T			
71. DATE :	SIGNED	72. NAME, GRADE, & TITLE		73. SIGNATURE			
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Additional Requirements for Massage Therapists, Cosmetologists, Family Child Care Providers, and Dietary/Nutritional Supplement Distributors

Massage Therapists and Cosmetologists Must:

- Possess a current license or certification from any of the United States or Untied States territories. Meet, maintain, and comply with applicable professional requirements of your licensing state or territory. (No state license is required for hair braiding where no chemicals products will be used).
- 2. Obtain a physical from Occupational Health, U.S. Naval Hospital Okinawa. Call 643-7803/7804 for an appointment.
- 3. Have military family housing quarters inspected by Preventive Medicine, U.S. Naval Hospital Okinawa. Call 643-3028/7622 for an appointment.
- 4. Include in your application specific information on what your business will entail, to include a detailed description of the exact services provided and types of equipment used to conduct you business.
- 5. Attach copies of the physical card, inspection report, and state license (if required) to your Commercial Activity and Private Employment Application.

Family Child Care (FCC) Applicants Must:

- 1. Successfully complete the FCC Certification Course. Call 645-2110/2174 for more information.
- Attach a copy of your "Official Certification Family Child Care Program" certificate to your Commercial Activity and Private Employment Application.
- 3. Meet, maintain, and comply with the requirements of MCO P1710.30E and any additional requirements established by the Director, FCC.

Dietary/Nutritional Supplement Sales Applicants Must:

- 1. Submit enclosure (3), including a complete list of the dietary/nutritional supplements you intend to sell, to Preventive Medicine, U.S. Naval Hospital Okinawa for review and approval. Call 643-3028/7622 for more information.
- 2. Attach enclosure (3), endorsed by Preventive Medicine, to your Commercial Activity and Private Employment Application.
- 3. Refrain from adding additional products without first obtaining review and approval from Preventive Medicine.

Certification of Compliance for Dietary/Nutritional Supplement Sales

To be completed by Consolidated Preventive Medicine Unit:

The undersigned home business owner has presented to the Consolidated Preventive Medicine Unit, U.S. Naval Hospital Okinawa, Camp Lester, Building 6021 a list of dietary/nutritional supplements he/she requests to sell pursuant to III Marine Expeditionary Force/Marine Corps Installations Pacific Order 5300.1. I certify that the products contain no Ephedrine, alkaloids, or Androstenedione.

Signature:
Printed name:
Remarks:
To be completed by home business owner/sponsor:
I certify that (I) (my family member) will not sell any product containing Ephedrine, alkaloids or Androstenedione. I further understand that any sale of other dietary supplements will require point-of-sale consumer information. (I)/(my family member) also understand(s) that any future sale of products containing Ephedrine, alkaloids or Androstenedione may subject (me)/(my family member) to administrative and/or disciplinary measures.
Signature of home business owner:
Printed name of home business owner:
Signature of sponsor:
Printed name of sponsor:
The home business owner or sponsor must return this form to the Office of the Staff Judge Advocate, Marine Corps Installations Pacific.

United States Marine Corps

[Applicant] is approved to provide [type of service] aboard Marine Corps Installations on Okinawa. This approval does not constitute an endorsement of such service by III Marine Expeditionary Force, Marine Corps Installations Pacific, the United States Armed Forces, or the United States. The Marine Corps will not be responsible for the quality or adequacy of any service provided. Individuals using these services do so at their own risk.

DATE

I. M. APPROVING

MEF/MCIPACO 5300.1