

DEPARTMENT OF STATE

WASHINGTON

December 19, 2008

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date which reads as follows:

“I have the honor to refer to the recent discussions between representatives of the Government of Japan and representatives of the Government of the United States of America concerning the cooperation between the Japan Aerospace Exploration Agency (hereinafter referred to as "JAXA") and the National Aeronautics and Space Administration of the United States of America (hereinafter referred to as "NASA") on the Development and Operations Activity of the Global Precipitation Measurement (GPM) mission for the development, launch and operation of a core observatory, carrying a dual frequency precipitation radar and a multi-channel passive microwave radiometer, to measure precipitation with an international constellation of satellites carrying passive microwave radiometers, and related science and application activities (hereinafter referred to as "the Program"), of which JAXA's contribution will be undertaken as a part of the "Japanese Long-Term Program of Space Activities" of the Government of Japan. I have the further honor to request that Your Excellency confirms the understanding of the Government of the United States of America that the Development and Operations Activity of the Program corresponds to the activity in the Development Phase and Operations Phase as defined by JAXA, and to the activity in Phase C, Phase D, Phase E and Phase F as defined by NASA.

His Excellency,
Ichiro Fujisaki,
Ambassador of Japan

DIPLOMATIC NOTE

In consideration of the continuing mutually beneficial relationship between the two Governments in the field of peaceful exploration and use of outer space; and taking into account the Agreement between the Government of Japan and the Government of the United States of America on Cooperation in Research and Development in Science and Technology, signed at Toronto, on June 20, 1988, as extended and amended; and reaffirming that the provisions of the Agreement between the Government of Japan and the Government of the United States of America Concerning Cross-Waiver of Liability for Cooperation in the Exploration and Use of Space for Peaceful Purposes, signed at Washington on April 24, 1995, and the Exchange of Notes of the same date between the two Governments concerning subrogated claims shall apply to the Program, I have the further honor to propose on behalf of the Government of Japan the following arrangements:

1. The cooperation between JAXA and NASA on the Development and Operations Activity of the Program (hereinafter referred to as "the Cooperation") will be conducted in accordance with the terms and conditions of implementing arrangements (Memorandum of Understanding) to be agreed upon by JAXA and NASA.
2. The Cooperation will be conducted in accordance with the laws and regulations in force in each country and subject to the availability of appropriated funds.
3. JAXA and NASA will consult with each other on any matter that may arise from or in connection with the Cooperation with a view to finding a mutually acceptable solution. If the matter cannot be resolved through such consultations, consultations between the Government of Japan and the Government of the United States of America shall be held through diplomatic channels with a view to finding a mutually acceptable solution.
4. The present arrangements shall remain in force for ten years and shall continue in force thereafter unless terminated by either Government at the end of the initial ten-year period or at any time thereafter by giving to the other Government at least six months' written advance notice of its intention to terminate them through diplomatic channels. The present arrangements may be amended by mutual written agreement of the two Governments.

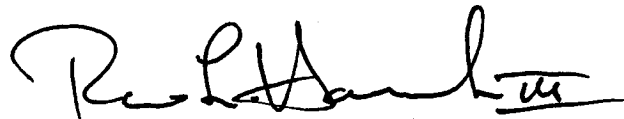
I have the further honor to propose that, if the foregoing arrangements are acceptable to the Government of the United States of America, this Note and Your Excellency's Note in reply shall constitute an agreement between the two Governments, which shall enter into force on the date of Your Excellency's Note in reply."

I have the further honor to confirm the understanding of the Government of the United States of America that the Development and Operations Activity of the Program corresponds to the activity in Phase C, Phase D, Phase E and Phase F as defined by NASA, and to the activity in the Development Phase and Operations Phase as defined by JAXA.

I have the further honor to confirm on behalf of the Government of the United States of America that the foregoing arrangements are acceptable to the Government of the United States of America and to agree that Your Excellency's Note and this Note in reply shall constitute an agreement between the two Governments, which shall enter into force on the date of this Note in reply.

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

For the Secretary of State:

A handwritten signature in black ink, appearing to read "Robert L. Anderson", with a horizontal line extending from the end of the signature.



EMBASSY OF JAPAN
WASHINGTON, D. C.

December 19, 2008

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In consideration of the continuing mutually beneficial relationship between the two Governments in the field of peaceful exploration and use of outer space; and taking into account the Agreement between the Government of Japan and the Government of the United States of America on Cooperation in Research and Development in Science and Technology, signed at Toronto, on June 20, 1988, as extended and amended; and reaffirming that the provisions of the Agreement between the Government of Japan and the Government of the United States of America Concerning Cross-Waiver of Liability for Cooperation in the Exploration and Use of Space for Peaceful Purposes, signed at Washington on April 24, 1995, and the Exchange of Notes of the same date between the two Governments concerning subrogated claims shall apply to the Program, I have the further honor to propose on behalf of the Government of Japan the following arrangements:

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I have the further honor to propose that, if the foregoing arrangements are acceptable to the Government of the United States of America, this Note and Your Excellency's Note in reply shall constitute an agreement between the two Governments, which shall enter into force on the date of Your Excellency's Note in reply.

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

For the Ambassador Extraordinary
And Plenipotentiary of Japan



Her Excellency
Condoleezza Rice
The Secretary of State