UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

DEC 27 2011

PERSONNEL AND
READINESS

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Continuation of Certain Benefits, Allowances and Gratuities for Department of Defense (DoD) Civilian Employees Assigned to Iraq or Afghanistan Under the Authority of 5 U.S.C. § 9904 Upon the Expiration of Section 1603 of Public Law 109-234, as amended.

References: (a) "Benefits, Allowances and Gratuities for Department of Defense (DoD) Civilian Employees under Public Law (P.L.) 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, June 2006", May 4, 2007.

(b) "Clarification to Policy Memorandum, 'Benefits, Allowances and Gratuities for Department of Defense (DoD) Civilian Employees under Public Law (P.L.) 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, June 2006', Dated May 4, 2007", August 27, 2008.

(c) "Death Benefits for Department of Defense (DoD) Civilian Employees under Public Law (P.L.) 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery", April 3, 2007.

(d) "Clarification of Memoranda Regarding Benefits, Allowances and Gratuities for Department of Defense (DoD) Civilian Employees on official duty in Pakistan", August 25, 2010.

Section 1603 of P.L. 109-234, "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery", as amended, authorized agencies to provide employees on official duty in Iraq or Afghanistan benefits, allowances, and gratuities comparable to those provided to members in the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act (22 U.S.C. 3973; and 4081 et seq.). Under this authority, as set forth in references (a), (b) and (c), attached, DoD has been providing certain benefits, allowances and gratuities for DoD civilian employees performing official duty in Iraq and Afghanistan. Section 1603 was further amended by Section 1102 of P.L. 110-417, the Duncan Hunter National Defense Authorization Act for FY 2009, to authorize the same benefits, allowances and gratuities through the end of FY 2011 for employees on official duty in a combat zone (as defined by Section 112(c) of the Internal Revenue Code (I.R.C.) of 1986). DoD used this authority to provide such benefits, allowances and gratuities to employees on official duty in Iraq or Afghanistan, but not other combat zones. Subsequently, Section 1107 of P.L. 111-84, National Defense Authorization Act for Fiscal Year 2010, amended Section 1603 to include

employees on official duty in Pakistan. Reference (d) extended the authorities to employees on official duty in Pakistan effective the date of the memorandum, reference (d), also attached.

Pending further extension of the Section 1603 of P.L. 109-234 authority, I am directing that the same benefits, allowances, and gratuities previously provided under Section 1603, be provided for DoD employees performing official duty in Iraq, Afghanistan and Pakistan under the authority of Section 9904 of title 5, United States Code (U.S.C.). Section 9904 authorizes the Secretary of Defense to provide civilian employees of DoD assigned outside the United States in support of DoD activities abroad hazardous to life or health, or so specialized because of security requirements as to be clearly distinguishable from normal Government employment, allowances and benefits comparable to those provided by the Secretary of State to members of the Foreign Service. I have determined that DoD civilian employees assigned to Iraq, Afghanistan and Pakistan are supporting DoD activities abroad hazardous to life and health. The benefits and allowances to be provided under Section 9904 are to be the same as what is provided for under references (a), (b), (c), and (d) which remain in effect, except that they are now authorized by Section 9904 of title 5, U.S.C., rather than Section 1603 of P.L. 109-234.

This policy is effective as of October 1, 2011. These benefits, allowances, and gratuities will continue to be authorized under Section 9904 of title 5, U.S.C., for personnel assigned to either Iraq or Afghanistan, as long as Iraq or Afghanistan are designated as combat zones as defined by Executive Order 12744, dated January 21, 1991, and Executive Order 13239, dated December 14, 2001, or assigned to Pakistan, until Section 1603 authorities are extended by subsequent legislation, or the extension of these benefits, allowances, and gratuities is otherwise terminated.

Questions may be addressed to Mr. Seth Shulman, Director of Compensation, Defense Civilian Personnel Advisory Service, at seth.shulman@cpms.osd.mil or 703-696-2104.

Jo Ann Rooney
Acting

Attachments:
As stated

DISTRIBUTION:
SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTYCHIEF MANAGEMENT OFFICER
COMMANDERS OF THE COMBATANT COMMANDS
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
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ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

NB. This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see http://www.law.cornell.edu/uscode/uscprint.html)

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart I - Miscellaneous
CHAPTER 99 - DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM

§ 9904. Special pay and benefits for certain employees outside the United States

The Secretary may provide to certain civilian employees of the Department of Defense assigned to activities outside the United States as determined by the Secretary to be in support of Department of Defense activities abroad hazardous to life or health or so specialized because of security requirements as to be clearly distinguishable from normal Government employment—

(1) allowances and benefits—

(A) comparable to those provided by the Secretary of State to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (Public Law 96–465, 22 U.S.C. 4081 et seq.) or any other provision of law; or

(B) comparable to those provided by the Director of Central Intelligence to personnel of the Central Intelligence Agency; and

(2) special retirement accrual benefits and disability in the same manner provided for by the Central Intelligence Agency Retirement Act (50 U.S.C. 2001 et seq.) and in section 18 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403r).

(Added Pub. L. 108–136, div. A, title XI, § 1101(a)(1), Nov. 24, 2003, 117 Stat. 1633.)

References in Text

The Foreign Service Act of 1980, referred to in par. (1)(A), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended. Chapter 9 of title I of the Act is classified generally to subchapter IX (§ 4081 et seq.) of chapter 52 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of Title 22 and Tables.

The Central Intelligence Agency Retirement Act, referred to in par. (2), is Pub. L. 88–643, as revised generally by Pub. L. 102–496, title VIII, § 802, Oct. 24, 1992, 106 Stat. 3196, which is classified generally to chapter 38 (§ 2001 et seq.) of chapter 38 of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of Title 50 and Tables.

Change of Name

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 401 of Title 50, War and National Defense.

MAY 4 2007

MEMORANDUM FOR: SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
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ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Benefits, Allowances and Gratuities for Department of Defense (DoD) Civilian Employees under Public Law (P.L.) 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, June 2006

Section 1603 of P.L. 109-234, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, effective June 15, 2006, gives Heads of Agencies the discretion to provide to employees on official duty in Iraq or Afghanistan during Fiscal Year (FY) 2006, 2007, and 2008, allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act (22 U.S.C. 3973; and 4081 et seq.). The provisions granted under P.L. 109-234 are limited to the authorities specified in the Public Law, and do not include others applicable to the Foreign Service, such as those for regular compensation, retirement, etc.

This memorandum establishes policy for the implementation of provisions of P.L. 109-234 within DoD, with the exception of provisions addressing death benefits; i.e. the death gratuity provided for members of the Foreign Service who die as a result of injuries sustained in the performance of duty abroad, and related provisions for travel and related expenses. DoD policy regarding the new death benefits was issued by memorandum dated April 3, 2007, subject: Death Benefits for Department of Defense (DoD) Civilian

Employees under Public Law (P.L.) 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, June 2006.

The Secretaries of the Military Departments, and heads of Defense Agencies and DoD Field Activities with independent appointing authority for themselves and their serviced organizations are redelegated the authority to authorize the provision of the benefits and gratuities described in the attached policy to their employees who are assigned to Iraq or Afghanistan during FY 2006, 2007, and 2008, in accordance with the subject Public Law. This authority may be redelegated to the lowest practical level. Components should ensure that their civilian employees assigned to Iraq or Afghanistan during this period are informed of these new benefits.

This authority is effective only for the period June 15, 2006, through September 30, 2008. Benefits and gratuities also shall be granted retroactively for DoD employees assigned to Iraq or Afghanistan between June 15, 2006, and the date of this implementing policy, when eligibility criteria are met. Components must review the circumstances of any employee's assignment to Iraq or Afghanistan between June 15, 2006, and the date of this implementing policy, to determine retroactive eligibility. The attached guidance provides implementing policy and procedures.

David S. C. Chu

Attachment
As stated

Department of Defense

Benefits, Allowances and Gratuities for Department of Defense (DoD) Civilian Employees Under Public Law (P.L.) 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, June 15, 2006
Guidance and Procedures

A. General Information

1. Section 1603 of P.L. 109-234 authorizes the Secretary of Defense, at his discretion, to provide to employees on official duty in Iraq or Afghanistan during Fiscal Years (FY) 2006, 2007, and 2008, allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act (22 U.S.C. 3973; and 4081 et seq).

2. This guidance addresses provisions consistent with 22 U.S.C. 4081 (Travel and Related Expenses), excluding travel benefits associated with an employee's death, and 4083 (Required Leave). DoD policy memorandum dated April 3, 2007, issued guidance to address provisions consistent with 22 U.S.C. 3973 and 4081 applicable in the event of the death of a DoD civilian employee, when the death is the result of injuries sustained in the performance of duty, and the employee is officially assigned to Iraq or Afghanistan.

3. Provisions of 22 U.S.C. 4081 not specifically addressed in this policy, and provisions of 22 U.S.C. 4082 (Loan of Household Effects), 4084 (Health Care), 4085 (Entertainment and Representation Expenses), and 4086 (Voting) are comparable to authority already granted to DoD under other statutes.

4. These benefits shall be provided retroactively to DoD employees assigned to Iraq or Afghanistan between the period June 15, 2006 and the date of this implementing policy, if eligibility criteria established in this policy are met.

5. This guidance applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter collectively referred to as the "DoD Components").

6. The provisions apply to all DoD U.S. citizen appropriated fund and nonappropriated fund (NAF) employees who are officially assigned by means of Temporary Duty (TDY), Temporary Change of Station (TCS), or Permanent Change of Station (PCS), or detail to another Federal agency to Iraq or Afghanistan during the period June 15, 2006, through September 30, 2008.

7. The provisions are in addition to any other allowances, benefits, or gratuities applicable to DoD civilian employees, and supercede any more restrictive policies currently applicable for DoD civilian personnel.

8. The Secretaries of the Military Departments, and Heads of Defense Agencies and DoD Field Activities with independent appointing authority for themselves and their serviced organizations are redelegated approval authority consistent with this policy. This authority may be redelegated to the lowest practical level.

9. The provisions are effective retroactively to June 15, 2006, and shall expire effective September 30, 2008.

B. Definitions

The following additional provisions apply for the purpose of this guidance.

1. "United States" means all the States and the District of Columbia.

2. "Actual Residence" has the meaning established in the DoD Joint Travel Regulations (JTR), Volume II, Appendix A.

C. Policy

1. Home Leave

a. Under authority provided by P.L. 109-234, and consistent with provisions of 22 U.S.C. 4083, a DoD employee who is officially assigned to Iraq or Afghanistan by means of Temporary Duty (TDY), Temporary Change of Station (TCS), or Permanent Change of Station (PCS) shall earn, and may be granted home leave, if the following criteria are met:

(1) The employee must serve a period of continuous service in Iraq or Afghanistan of at least 12 months, and

(2) The employee must be expected to return to service abroad to Iraq or Afghanistan, or to another overseas location upon completion of the home leave period, or upon completion of an assignment in the United States.

Home leave is not granted unless it is expected that the employee will return to service abroad.

b. DoD employees assigned to Iraq or Afghanistan are not required to complete the basic one-time service requirement of 24 months of continuous service abroad specified in Title 5, Code of Federal Regulations (CFR), 5 CFR 630.606 in order to earn home leave under the provisions of this policy. Further, employees are not required to be eligible to accumulate a maximum of 45 days of annual leave under 5 U.S.C. 6304 in order to earn home leave under the provisions of this policy.

c. The 12-month continuous service requirement specified in paragraph C.1.a. shall begin on the date of arrival at the post of duty in Iraq or Afghanistan. The 12-month continuous service requirement is extended by any period of time spent in the United States or a U.S. territory or possession in annual leave status (except on annual leave taken in connection with authorized rest and recuperation travel) or sick leave status (except sick leave when the employee is on official medical travel orders for up to 180 days). The 12-month continuous service requirements shall also be extended by any period of time in a leave without pay status that exceeds two work weeks.

d. Service abroad prior to official assignment to Iraq or Afghanistan is credited towards the 12-month service requirement specified in paragraph C.1.a. if it is creditable for the 24-month service requirement specified in 5 CFR 630.606. DoD employees who have previously completed the 24-month service requirement specified in 5 CFR 630.606 are not required to complete a new 12-month service requirement as specified in paragraph C.1.a. prior to taking earned and approved home leave.

e. Employees officially assigned to Iraq or Afghanistan for fewer than 12 consecutive months are not eligible to earn home leave under these provisions, unless the 12-month continuous service requirement is fulfilled in its entirety by previous creditable service abroad as specified in 5 CFR 630.606, or by a combination of previous creditable service abroad and the official assignment to Iraq or Afghanistan.

f. DoD employees assigned to Iraq or Afghanistan who have fulfilled the service requirement specified in paragraph C.1.a. shall earn home leave on a monthly basis at the rate prescribed by 5 CFR 630.604 and 5 CFR 630.605. The post differential of 35 percent currently authorized for Iraq and Afghanistan establishes a home leave earning rate of 15 days per 12 months.

g. Home leave under these provisions shall be granted in consideration of mission needs. However, management officials must be mindful of the exceptionally difficult working conditions associated with duty assignments in Iraq and Afghanistan. Only extremely urgent mission requirements should interfere with granting home leave when it is requested by an eligible employee.

h. Home leave earned but not used under these provisions shall remain credited to the employee's account without limitation for future use, in accordance with 5 CFR 630.606 and 5 CFR 630.607.

2. Travel for Home Leave

a. Under authority provided by P.L. 109-234, and consistent with provisions of 22 U.S.C. 4081(2), employees on official duty in Iraq or Afghanistan during Fiscal Years (FY) 2006, 2007, and 2008, who are granted home leave under provisions in paragraph 1, above, shall be provided round-trip transportation to the employee's actual residence within the United States or its territories or possessions.

b. Transportation expenses of such employee's family members shall also be paid, when family members are residing abroad incident to the employee's assignment to an overseas duty station, except that such expenses shall not be paid for family members already on Separate Maintenance Allowance (SMA) authorization.

c. Payments shall be in accordance with the DoD, Volume II, Chapter 6, Part Q, "Rest And Recuperation (R&R) Leave Travel," paragraphs D, F, and G. Home leave must be used only in the United States, or its territories and possessions.

d. Employees shall be in an approved leave status (e.g., home leave, annual leave, or leave without pay) while traveling.

3. Travel for Rest and Recuperation (R&R)

a. Under authority provided by P.L. 109-234, and consistent with provisions of 22 U.S.C. 4081(6), DoD employees on official duty in Iraq or Afghanistan during Fiscal Years (FY) 2006, 2007, and 2008 are entitled to round-trip transportation to designated locations as provided in the DoD JTR, Volume II, Appendix U, as follows:

(1) Employees assigned to Iraq or Afghanistan by means of TDY, TCS, or PCS for 12 consecutive months are eligible for three R&R trips within the 12 month service period. Employees must serve a minimum of 60 days in Iraq or Afghanistan in order to be eligible for the first R&R trip. These R&R trips should

be taken at reasonable intervals; for example, the first break after 60 days, and subsequent breaks every 50 to 60 days.

(2) Employees assigned to Iraq or Afghanistan by means of TDY, TCS, or PCS for 6 or more months, but fewer than 12 months, are eligible for one R&R trip. Employees must serve a minimum of 60 days in Iraq or Afghanistan in order to be eligible for the R&R trip.

b. Individual R&R trips should not exceed a maximum of 21 calendar days away from the official duty station in Iraq or Afghanistan (including travel time). R&R trips shall be granted in consideration of mission needs. However, management officials must be mindful of the exceptionally difficult working conditions associated with duty assignments in Iraq and Afghanistan. Only extremely urgent mission requirements should interfere with granting home leave when it is requested by an eligible employee.

c. Provisions in DoD JTR, Volume II, Chapter 6, Part Q (Rest And Recuperation (R&R) Leave Travel) shall be applied in requesting and authorizing R&R travel. Employees shall be in approved leave status while traveling to and from and during R&R breaks in accordance with DOD Civilian Personnel Manual (DoD 1400.25-M) Subchapter 630, Leave, or Subchapter 1260, Home Leave.

D. Documentation Requirements

1. The Office of Personnel Management (OPM) Form 71 (Request for Leave or Approved Absence) shall be used to request and approve earned home leave.

2. Home leave accrued by DoD employees in accordance with these provisions shall be documented on the DoD Civilian Leave and Earnings Statement.

3. The Form DD 1610 (Request and Authorization for TDY Travel of DoD Personnel) shall be used to authorize transportation for home leave and R&R for eligible employees and family members as provided in paragraph D, above.

E. Accountability

1. DoD Components are responsible for compliance with these requirements, and for ensuring that their civilian employees assigned to Iraq or Afghanistan between June 15, 2006, and September 30, 2008, are informed of these provisions.

2. DoD Components must maintain records of payment authorizations so as to allow for reporting of payments made to employees under these provisions.

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D C 20301 4000

PERSONNEL AND
READINESS

27

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Clarification to Policy Memorandum, "Benefits, Allowances and Gratuities for Department of Defense (DoD) Civilian Employees under Public Law (P.L.) 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, June 2006", Dated May 4, 2007

This memorandum amends and clarifies the subject policy memorandum (attachment 1) to allow up to 10 workdays of excused absence for DoD civilian employees assigned to Iraq or Afghanistan, during each of the rest and recuperations (R&R) breaks authorized by the subject policy, not to exceed a total of 20 workdays for such employees during any 12 consecutive months. This clarification ensures consistency with the intent of P.L. 109-234 to allow Federal agencies to implement certain allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service, and consistency with the State Department's policy to allow "administrative leave" to be granted to its Foreign Service and General Schedule personnel assigned to Iraq and Afghanistan, during authorized R&R breaks. It promotes this Department's ability to attract and retain an effective civilian workforce deployed in Iraq and Afghanistan.

The attached Office of Personnel Management (OPM) Memorandum of June 10, 2008, subject: Consistent Compensation for Federal Civilians in Combat Zones (attachment 2), urges agencies to make every effort to apply all flexibilities and

authorities available for Federal civilian employees deployed to combat zones. Among the flexibilities identified by OPM is the authority granted to Agencies to provide excused absence with pay and without charge to leave, such as the State Department's policy for authorized R&R breaks.

In this regard, Paragraph C.3.c. of the subject DoD policy memo is amended as follows (amended provision is in italics), for consistency with Department of State policy and OPM guidance:

"c. Provisions in DoD JTR, Volume II, Chapter 6, Part Q (Rest And Recuperation (R&R) Leave Travel) shall be applied in requesting and authorizing R&R travel. Employees shall be in approved leave status while traveling to and from and during R&R breaks in accordance with DOD Civilian Personnel Manual (CPM) (DoD 1400.25-M) Subchapter 630, Leave, or Subchapter 1260, Home Leave. *Employees shall be granted up to 10 workdays of excused absence per R&R trip, not to exceed a total of 20 workdays for employees assigned to Iraq or Afghanistan for any 12 consecutive months. Employees assigned to Iraq or Afghanistan for at least 6 months, but fewer than 12 months, shall be granted excused absence not to exceed a total of 10 workdays during the R&R trip authorized by paragraph C.3.a.(2), above.*"

This amendment is effective immediately. The provisions of this amendment shall not be applied retroactively.

David S. C. Chu

Attachments
As stated

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
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APR 3 2007

50

PERSONNEL AND READINESS

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
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DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Death Benefits for Department of Defense (DoD) Civilian Employees under Public Law (P.L.) 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, June 2006

Section 1603 of P.L. 109-234, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, effective June 15, 2006, gives Heads of Agencies the authority to provide to employees on official duty in Iraq or Afghanistan during Fiscal Year (FY) 2006, 2007, and 2008, allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act (22 U.S.C. 3973; and 4081 et seq.). This memorandum issues DoD policy regarding those benefits and gratuities that shall be provided in the event of the death of a DoD civilian employee, when the death is the result of injuries sustained in the performance of duty in Iraq or Afghanistan.

The Secretaries of the Military Departments, and heads of Defense Agencies and DoD Field Activities with independent appointing authority for themselves and their serviced organizations shall pay the subject benefits and gratuities to their employees whose death is the result of injuries sustained in the performance of duty in Iraq or Afghanistan during FY 2006, 2007, and 2008, in accordance with the subject Public Law. Components should ensure that their civilian employees assigned to Iraq or Afghanistan

during this period are informed of these new benefits and gratuities. and should also ensure that eligible family members of employees whose death occurs during the covered period are informed of the as well.

This authority is effective only for the period June 15. 2006 through September 30. 2008. Benefits and gratuities also shall be paid retroactively for DoD employees whose deaths occurred as a result of injuries sustained in the performance of duty in Iraq or Afghanistan between June 15. 2006 and the date of this implementing policy, when eligibility criteria are met. Components must review the circumstances of any employee whose death occurred in Iraq or Afghanistan between June 15, 2006. and the date of this implementing policy. to determine retroactive eligibility. The attached guidance provides implementing policy and procedures.

David S. C. Chu

Attachment
As stated

Department of Defense

Death Benefits for Department of Defense (DoD) Civilian Employees
Under Public Law (P.L.) 109-234, Emergency Supplemental Appropriations
Act for Defense, the Global War on Terror, and Hurricane Recovery
June 15, 2006
Guidance and Procedures

A. General Information

1. Section 1603 of P.L. 109-234 authorizes the Secretary of Defense, at his discretion, to provide to employees on official duty in Iraq or Afghanistan during Fiscal Years (FY) 2006, 2007, and 2008, allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act (22 U.S.C. 3973; and 4081 et seq).

2. This guidance addresses provisions consistent with 22 U.S.C. 3973 and 4081, applicable in the event of the death of a DoD civilian employee, when the death is the result of injuries sustained in the performance of duty, and the employee is officially assigned to Iraq or Afghanistan by such action as an official temporary duty (TDY), Temporary Change of Station (TCS), Permanent Change of Station PCS), or detail to another Federal Agency. The death must have occurred between June 15, 2006, and September 30, 2008.

3. These benefits shall be provided retroactively in those cases where such deaths occurred between June 15, 2006, and the date of this implementing policy, if eligibility criteria established in this policy are met.

4. This guidance applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (DoD), the Defense Agencies, the Field Activities, and all other organizational entities within the Department of Defense (hereafter collectively referred to as the "DoD Components").

5. The provisions apply to all DoD U.S. citizen appropriated fund and nonappropriated fund (NAF) employees who are officially assigned by means of Temporary Duty (TDY), Temporary Change of Station (TCS), Permanent Change of Station (PCS), or detail to another Federal agency to Iraq or Afghanistan during the period June 15, 2006, through September 30, 2008.

6. The provisions are in addition to any other allowances, benefits or gratuities, applicable in the event of the death of a DoD civilian employee, such as those provided under the Federal Employees Compensation Act (FECA), P.L. 104-208, the Public Safety Officers' Benefits Program, and DoD Instruction 1341.08, Death Gratuity to Survivors of Certain DoD Personnel Assigned to Intelligence Duties.

7. The provisions are effective retroactively to June 15, 2006.

B. Definitions

The terms "widow", "widower", "child", and "parent" have the same meaning given by 5 U.S.C. 8101. The following additional provisions apply for the purpose of this guidance.

1. "Employee" means a DoD appropriated fund civilian employee whose death would permit the payment of Federal Employee Compensation Act (FECA) death benefits under 5 U.S.C. 8133(f) and 5 U.S.C. 8134(a), or a DoD NAF civilian employee whose death would, accordance with 5 U.S.C. 8171, permit payment of Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) death benefits.

2. "Child" means one who at the time of death of the employee is under 18 years of age or over that age and incapable of self-support, and includes stepchildren, adopted children, and posthumous children, but does not include married children. "Child" includes a student under 23 years of age who has not married; who has not completed four years of education beyond the high school level; and who is regularly pursuing a full-time course of study or training at a school, college, university, or other qualifying institution under the terms of 5 U.S.C. 8101(17). Such an individual is deemed not to have ceased to be a student during an interim between school years if the interim is not more than four months and if the student demonstrates a bona fide intention of continuing to pursue a full-time course of study or training during the semester or other enrollment period immediately after the interim duration during which the student is prevented by factors beyond the student's control from pursuing such education. A student whose 23rd birthday occurs during a semester or other enrollment period is deemed a student until the end of the semester or other enrollment period.

3. "Eligible Family Member" has the same meaning as "Dependent/Immediate Family" established in the DoD Joint Travel Regulations (JTR), Volume II, Appendix A.

4. "United States" means all the States and the District of Columbia, and all territories and possessions of the United States.

5. "Salary" includes the employee's full annual rate of basic pay, locality pay, and law enforcement availability pay that the employee was receiving for the position held immediately prior to the employee's death. In the case of those covered by the National Security Personnel System, salary includes any local market supplements.

6. "Household Goods" has the meaning established in the DoD JTR, Volume II, Appendix A.

C. Policy

1. Death Gratuity

a. Under authority provided by P.L. 109-234, and consistent with provisions of 22 U.S.C. 3973, a death gratuity shall be paid when a DoD employee dies as a result of injuries sustained in the performance of duty in Iraq or Afghanistan during the period June 15, 2006, through September 30, 2008. The gratuity paid under this policy shall be in an amount equal to one year's salary at the time of death.

b. To ensure consistent treatment for DoD Nonappropriated Fund (NAF) employees called to support a contingency operation, NAF employers will pay this death gratuity for its employees in the same manner as required for DoD civilian service appropriated fund employees.

c. This gratuity payment shall be made only if the survivor entitled to payment is entitled to elect monthly compensation under 5 U.S.C. 8133 for appropriated fund employees, or 5 U.S.C. 8171 for NAF employees, whether or not the survivor elects to waive this compensation, and if the death resulted from traumatic injury sustained in the performance of duty in Iraq or Afghanistan.

d. Consistent with provisions of 22 U.S.C. 3972 and, as a matter of policy for NAF employees, this gratuity payment shall be made as follows, regardless of other beneficiaries designated to receive any other benefits:

(1) First, to the widow or widower, as defined under 5 U.S.C. 8101(6) and (11).

(2) Second, to the child, or children, as defined under 5 U.S.C. 8101(9) and under paragraph B.2., above, in equal shares, if there is no widow or widower.

(3) Third, to the dependent parent, or dependent parents, as defined under 5 U.S.C. 8101(7) in equal shares, if there is no widow, widower, or child.

If there is no survivor as indicated above, this death gratuity shall not be paid.

e. For appropriated fund employees, this death gratuity shall be held to have been a gift and shall be in addition to other benefits, including any gratuities, that may also be payable under other authorities.

2. Travel and Transportation Expenses

a. Under authority provided by P.L. 109-234, and consistent with provisions of 22 U.S.C. 4081(11), and under DoD policy for NAF employees, DoD Components shall pay the expenses incurred as a result of transporting the furniture and household and personal effects, to include Personally Owned Vehicle(s) (POV), to a location within the United States or its territories or possessions, as selected by the eligible family members of a DoD employee, when a DoD employee dies as a result of injuries sustained in the performance of duty in Iraq or Afghanistan during the period June 15, 2006, through September 30, 2008. Transportation of furniture, household, and personal effects is authorized regardless of whether there was a Government-funded move to the duty station to which the employee was permanently assigned immediately prior to death, regardless of whether the employee was permanently stationed within the United States or overseas at the time of death, and regardless of whether the employee received a Government-funded move within the last 12 months.

b. Under authority provided by P.L. 109-234, and consistent with provisions of 22 U.S.C. 4081(12), and as a matter of policy for NAF employees, DoD Components shall pay the expenses incurred in packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects, to include POV, in connection with the transportation authorized in paragraph 2.a., above. Any storage expenses shall not be paid for more than 90 days, except that in extenuating circumstances, the Component Head or designee may extend this period for not more than an additional 90 days.

c. In accordance with time limitations established by P.L. 109-234, travel and transportation payments authorized by paragraphs C.2.a and C.2.b., above, must be made prior to the end of FY 2008; i.e., no later than September 30, 2008. Storage expenses, to include extensions, may be authorized beyond the end of FY 2008, as long as the authorization for storage, including any extension, occurred prior to the end of FY 2008 (but not if the first 90 days ends after September 30, 2008).

c. Items eligible for transportation and storage under this authority are those that were the property of the employee or employee's eligible family member while the employee was assigned to Iraq or Afghanistan, subject to weight restrictions provided under the DoD JTR, Volume II, Chapter 5, Part D (for transportation and storage of household goods) and Chapter 2, Part G (for baggage allowances).

d. This authority is in addition to travel and transportation authorities provided under DoD JTR, Volume II, Chapter 6, Part B, ("Death Cases, Allowable Expenses").

e. Travel expenses of the deceased employee's eligible family members to the selected location shall be paid if travel to the residence immediately preceding death of the deceased employee was at Government expense. While transportation and storage of the furniture, household, and personal effects of the employee and the eligible family members are authorized, no eligible family members' travel expense to the designated location can be paid if the eligible family member(s) did not arrive at the residence prior to death at Government expense.

f. Travel and transportation payments shall be consistent with provisions under the DoD JTR, Volume II, Chapter 5, Parts B ("Employee Travel"), Part D ("Household Goods (HHG) Transportation"), and Parts E1, E2, and E3 ("POV Transportation").

g. Eligible family members must designate a location for transportation payments under this section if any payment is to be made. Transportation may be authorized anywhere within the United States or its territories, subject to established residency requirements. No payment shall be made if eligible family members choose not to invoke this authority, or if there are no eligible family members. In accordance with time limitations established under P.L. 109-234, no transportation payments under this section shall be made after September 30, 2008, except as provided for storage expenses under paragraph C.2.c., above.

D. Documentation Requirements

1. Eligible survivors are responsible for providing required documentation in order to apply for the death benefits addressed in C.1. and C.2., above. Employing offices of deceased employees shall advise eligible survivors(s) of their potential entitlement to these benefits and assist the survivors(s) to apply for them.

2. The following forms or documentation must be submitted by the eligible survivor:

   a. A written request for death gratuity and/or payment for transportation expenses under P.L. 109-234,

   b. Copy of the death certificate.

   c. For death gratuity payments, copy of approved claim under section 5 U.S.C. 8133, or in the case of a NAF employee covered by 5 U.S.C. 8171, an approved

death benefits claim filed under the Longshore and Harbor Workers Compensation Act.

d. For travel and/or transportation payments, written designation of the location to which effects will be transported. If applicable, the travel orders that authorized the PCS of the deceased employee and eligible family members at Government expense to the permanent duty station.. Transportation of furniture, household, and personal effects is authorized regardless of whether there was a Government-funded move to the deceased employee's permanent duty station.

E. Accountability

1. DoD Components are responsible for compliance with these requirements, and for ensuring that their civilian employees assigned to Iraq or Afghanistan between June 13, 2006 and September 30, 2008, are informed of these provisions. DoD Components are additionally responsible for ensuring that eligible family members of employees whose death occurs in Iraq or Afghanistan during the covered period are informed of these provisions.

2. DoD Components are responsible for determining eligibility for retroactive benefits in those cases where employee deaths occurred as a result of injuries sustained in Iraq or Afghanistan between June 15, 2006 and the date of this implementing policy.

3. DoD Components must maintain records of payment authorizations so as to allow for reporting of payments made under these provisions.

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
COMMANDERS OF THE COMBATANT COMMANDS
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
DIRECTOR, COST ASSESSMENT AND PROGRAM EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Clarification of Memoranda Regarding Benefits, Allowances and Gratuities for Department of Defense (DoD) Civilian Employees on official duty in Pakistan

REFERENCES: (a) "Benefits, Allowances and Gratuities for Department of Defense (DoD) Civilian Employees under (P.L.) 109-234, Emergency Supplemental Appropriates Act for Defense, the Global war on Terror, and Hurricane Recovery, June 2006," May 4, 2007.

(b) "Clarification to Policy Memorandum, 'Benefits, Allowances and Gratuities for Department of Defense (DoD) Civilian Employees under (P.L.) 109-234, Emergency Supplemental Appropriates Act for Defense, the Global war on Terror, and Hurricane Recovery, June 2006,' dated May 4, 2007", August 27, 2008.

(c) "Clarification of Memoranda Regarding Benefits, Allowances and Gratuities for Department of Defense (DoD) Civilian Employees

Assigned to Iraq or Afghanistan Under the Authority of Section 1603 of Public Law (P.L.) 109-234, as amended", October 20, 2008.

Section 1603 of P.L. 109-234, "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006" originally authorized heads of agencies to provide to employees on official duty in Iraq or Afghanistan allowances, benefits and gratuities comparable to those provided to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act (22 U.S.C. § 3973; and § 4081 et seq.). Section 1603 was further amended by section 1102 of P.L. 110-417, "Duncan Hunter National Defense Authorization Act for Fiscal Year 2009," to authorize the same benefits, allowances and gratuities through the end of Fiscal Year 2011 for employees on official duty in a combat zone (as defined by Section 112 (c) of the Internal Revenue Code (I.R.C.) of 1986). DoD used this authority to provide such benefits, allowances and gratuities to employees on official duty in Iraq or Afghanistan, but not other combat zones. Subsequently, section 1107 of P.L. 111-84, "National Defense Authorization Act for Fiscal Year 2010", amended section 1603 to include employees on official duty in Pakistan.

This memorandum amends reference (a), as amended by references (b) and (c), to extend eligibility, effective immediately, for certain Foreign Service benefits, allowances and gratuities, consistent with provisions of 22 U.S.C. § 4081, to employees on official duty in Pakistan, and, per 22 USC §4081(6) and (8), authorizes round-trip commercial air transportation in accordance with JTR, pars. C2203 and C2204. Although its provisions are not retroactive, otherwise creditable prior or continuous service of individuals currently serving in Pakistan may be taken into account in determining whether such individuals presently satisfy eligibility criteria for benefits, allowances and gratuities authorized under the policy. All delegations of authority and procedures pursuant to references (a), (b) and (c), as amended, shall apply to employees on official duty in Pakistan. Round-trip commercial air transportation allowances for authorized R&Rs are not retroactive.

Questions may be addressed to Mr. Seth Shulman, Office of the Deputy Under Secretary of Defense (Civilian Personnel Policy), at seth.shulman@osd.mil or 703-571-9289.

Clifford L. Stanley

Attachments:
As Stated

Department of Defense

DIRECTIVE

NUMBER 5124.02
June 23, 2008

DA&M

SUBJECT: Under Secretary of Defense for Personnel and Readiness (USD(P&R))

References: (a) Title 10, United States Code
(b) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," October 17, 2006 (hereby canceled)
(c) Deputy Secretary of Defense Memorandum, "Policy Guidance for Provision of Medical Care to Department of Defense Civilian Employees Injured or Wounded While Forward Deployed in Support of Hostilities," September 24, 2007
(d) Deputy Secretary of Defense Memorandum, "DoD Drug Demand Reduction Program Policy," January 24, 2007
(e) through (aa), see Enclosure 1

1. PURPOSE

Under the authority vested in the Secretary of Defense by sections 113 and 136 of Reference (a), this Directive:

1.1. Reissues Reference (b) to update the responsibilities, functions, relationships, and authorities of the USD(P&R); incorporates References (c) and (d) and Deputy Secretary of Defense Memorandums, "Authority Delegation - National Security Personnel System (NSPS) Rate Range and Local Market Supplement Adjustments," "Guidelines for Implementation and Administration of Joint Officer Management Program Joint Qualification System," and "Transfer of Uniformed Services University of the Health Sciences to TRICARE Management Activity and Rescission of the Department of Navy as Department of Defense Executive Agent" (References (e) through (g)); and cancels References (e) and (g).

1.2. Authorizes the USD(P&R) to:

1.2.1. As a Principal Staff Assistant (PSA) reporting directly to the Secretary of Defense, promulgate DoD policy in DoD Instructions within the responsibilities, functions, and authorities assigned herein in accordance with DoD Instruction 5025.01 (Reference (h)).

1.2.2. Reissue, as necessary, the chartering DoD Directives for the Principal Deputy

Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R)), the Assistant Secretary of Defense for Health Affairs (ASD(HA)), and the Assistant Secretary of Defense for Reserve Affairs (ASD(RA)) in accordance with Reference (h).

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. DEFINITIONS

The following definitions are for the purposes of this Directive only:

3.1. Armed Forces. Refers to the Army, Navy, Air Force, Marine Corps, and Coast Guard.

3.2. Reserve Components. Refers collectively to the Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, and the Coast Guard Reserve, when the Coast Guard is operating as a Service of the Department of the Navy.

3.3. Total Force. The organizations, units, and individuals that comprise the DoD resources for implementing the National Security Strategy. It includes DoD Active and Reserve Component military personnel, military retired members, DoD civilian personnel (including foreign national direct- and indirect-hire, as well as nonappropriated fund employees), contractors, and host-nation support personnel.

4. RESPONSIBILITIES AND FUNCTIONS

The USD(P&R) is the PSA and advisor to the Secretary of Defense for Total Force management; National Guard and Reserve Component affairs; health affairs; readiness and training; military and civilian personnel requirements; language; dependents' education; equal opportunity; morale, welfare, recreation; and quality-of-life matters. In this capacity, the USD(P&R) shall:

4.1. Develop policies, plans, and programs for:

4.1.1. The Total Force and its allocation among the DoD Components, and between the Active and Reserve Components, to ensure efficient and effective support of wartime and peacetime operations, contingency planning, and preparedness. Within the Defense intelligence and security Components, the Under Secretary of Defense for Intelligence (USD(I)) exercises overall supervision and policy oversight of human capital and the USD(I) develops policies

associated with the Defense Civilian Intelligence Personnel System (DCIPS) in conjunction with the USD(P&R).

4.1.2. Reserve Component affairs to promote the effective integration of Reserve Component capabilities into a cohesive Total Force.

4.1.3. Health and medical affairs to:

4.1.3.1. Provide and maintain readiness.

4.1.3.2. Provide health services and support to members of the Armed Forces during military operations.

4.1.3.3. Provide health services and support to members of the Armed Forces, their dependents, and others entitled to or determined eligible for DoD medical care in accordance with Reference (c).

4.1.3.4. Provide oversight for the Drug Demand Reduction Program in accordance with Reference (d).

4.1.4. Recruitment, education, training, equal opportunity, compensation (including bonuses, special pay, and incentives), recognition, discipline, and separation of all DoD personnel, both military personnel (Active and Reserve Component, and retired) and civilian employees. Consistent with paragraph 4.1.1., the USD(I) exercises oversight and policy responsibilities for Defense intelligence and security Components.

4.1.4.1. Set and adjust National Security Personnel System (NSPS) rate ranges and set and adjust NSPS local market supplements in coordination with the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense (USD(C)/CFO), and the NSPS Program Executive Officer in accordance with part 9901, title 5, Code of Federal Regulations (CFR) (Reference (i)).

4.1.4.2. Perform oversight of the Defense Civilian Personnel Data System and the Defense Integrated Military Human Resources System (DIMHRS), to ensure accuracy, completeness, and timeliness of its information and data, its responsiveness, as well as its effective and efficient use of modern practices and technologies.

4.1.5. Interagency and intergovernmental activities, special projects, or external requests that create a demand for DoD personnel resources. With respect to such matters affecting personnel in intelligence positions, the USD(P&R) shall coordinate with USD(I).

4.1.6. Readiness to ensure forces can execute the National Military Strategy; oversight of military training and its enablers under DoD Directive 1322.18 and DoD Directive 3200.15 (References (j) and (k)); and oversight of Total Force personnel and medical readiness. Coordinate with other PSAs and cognizant officers in the Office of the Chairman of the Joint Chiefs of Staff and the Armed Forces on other aspects of readiness.

4.1.6.1. Perform oversight of the Defense Readiness Reporting System under DoD Directive 7730.65 (Reference (l)), to ensure accuracy, completeness, and timeliness of its information and data, its responsiveness, as well as its effective and efficient use of modern practices and technologies.

4.1.6.2. Establish safety and accident-reduction activities to prevent accidents and injuries to military and civilian personnel, as well as to contractors and visitors on DoD installations and facilities worldwide, in accordance with the guidelines of the Defense Safety Oversight Council.

4.1.7. Quality of life for U.S. military personnel (Active and Reserve Components) and their families. Areas of importance are family support, counseling services, financial planning, housing, child care, military spouse employment and career opportunities, dependents' education, schools, children's educational transitions, commissary and military exchange systems, support for victims of domestic violence, support during the deployment cycle, recreational opportunities, tuition assistance, and partnerships with states in furtherance of these areas.

4.2. Analyze the Total Force structure as related to quantitative and qualitative military and civilian personnel requirements, utilization, readiness, and support. Administer and implement controls over military and civilian personnel strengths and compositions for all DoD Components. Establish and issue guidance to be used by all DoD Components regarding manpower management, including manpower mix criteria and DoD function codes to determine workforce mix and annual commercial activities inventories.

4.3. Serve as the DoD Chief Human Capital Officer in carrying out authorities and functions under section 1402 of title 5, United States Code (U.S.C.) (Reference (m)).

4.4. Oversee the DoD Joint Officer Management Program and carry out the functions and responsibilities under chapter 38 of Reference (a) and establish and issue policy pertaining to this Program in accordance with Reference (f).

4.5. Review and evaluate the requirements of the Defense Acquisition Board's major defense acquisition programs and proposed weapons systems for personnel, training, and readiness implications, and the implications of weapons systems maintainability for qualitative and quantitative personnel requirements and for readiness.

4.6. Formulate policy for and ensure coordination of DoD Noncombatant Evacuation Operations.

4.7. Appoint and supervise the DoD Senior Language Authority in support of the foreign language capability in accordance with DoD Directive 5160.41E (Reference (n)).

4.7.1. Establish and oversee policy regarding the development, maintenance, and utilization of foreign language capabilities.

4.7.2. Monitor trends in the promotion, accession, and retention of individuals with critical foreign language skills.

4.7.3. Explore innovative concepts to expand foreign language capabilities.

4.8. Develop and provide overall policy guidance for the National Security Education Program and, pursuant to sections 1901-1912 of title 50, U.S.C. (Reference (o)), perform the duties to execute the Program, including coordination as needed.

4.9. Participate in those planning, programming, and budgeting activities that relate to assigned areas of responsibility.

4.10. Chair the Defense Human Resources Board consistent with the authorities under section 1402 of Reference (m).

4.11. Serve on boards, committees, and other groups pertaining to assigned functional areas and represent the Secretary of Defense on personnel, readiness, Reserve Component, health, compensation, and other matters related to USD(P&R) responsibilities and functions outside of the Department of Defense.

4.12. Periodically assess the DoD Executive Agent assignments under the cognizance of the USD(P&R) for continued need, currency, and effectiveness and efficiency in satisfying end user requirements, consistent with DoD Directive 5101.1 (Reference (p)).

4.13. Ensure that P&R policies and programs are designed and managed to improve standards of performance, economy, and efficiency, and that all Defense Agencies and DoD Field Activities under the authority, direction, and control of the USD(P&R) are attentive and responsive to the requirements of their organizational customers, both internal and external to the Department of Defense.

4.14. Ensure information is shared as broadly as possible, except where limited by law, policy, or security classification, and that data assets produced as a result of the assigned responsibilities are visible, accessible, and understandable to the rest of the Department, as appropriate, and in accordance with DoD Directive 8320.02 (Reference (q)).

4.15. Establish policy for, and oversee the operations of, the DoD Medical Examination Review Board (DODMERB). The DODMERB shall continue as a joint agency of the Military Departments, attached to the Air Force for administration and logistics support and operate under the policy direction of the ASD(HA). The designation of the Secretary of the Air Force as the DoD Executive Agent for administrative and logistic support to the DODMERB shall remain in effect until revoked or superseded by the Secretary of Defense.

4.16. Establish policy for the Senior Readiness Oversight Council (SROC). The SROC shall continue to advise the Secretary of Defense on matters pertaining to DoD readiness, oversee readiness-related activities, provide recommendations to the Secretary of Defense on readiness

policy matters, and provide reports on current and projected readiness issues. The Deputy Secretary of Defense shall continue as the Chair, SROC.

4.17. Establish policy for, and oversee the operations of, the Reserve Forces Policy Board (RFPB). The mission, functions, membership, relationships, and administration of the RFPB shall be consistent with sections 113(c)(3) and 10301 of Reference (a). The USD(P&R) may redelegate this authority to the ASD(RA).

4.18. Establish policy for participation in armed forces, national, and international sports activities. A Senior Military Sports Advisor may continue to be assigned for a 4-year term (terminating at the completion of each Summer Olympiad) to a Military Service Personnel Chief (or his or her designated flag/general officer representative) on a rotation basis among the Military Services in the following order: Marine Corps, Army, Air Force, and Navy. An Armed Forces Sports Committee (AFSC) may continue to be comprised of the Morale, Welfare, and Recreation Directors of each of the Military Services, or their designated representatives, and to act for the Department of Defense on matters pertaining to sports involving more than one Military Service. The Secretary of the Army may continue to provide administrative support to the AFSC Secretariat.

4.19. Serve on the Defense Business Systems Management Committee and perform the necessary reviews, certifications, approvals and other required actions in accordance with sections 186 and 2222 of Reference (a).

4.20. Serve as the co-chair of the Department of Veterans Affairs-Department of Defense Joint Executive Committee pursuant to sections 320 and 8111 of title 38 U.S.C. (Reference (r)).

4.21. Perform such other duties as the Secretary of Defense may prescribe.

5. RELATIONSHIPS

5.1. In the performance of assigned responsibilities and functions, the USD(P&R) shall serve under the authority, direction, and control of the Secretary of Defense and shall:

5.1.1. Report directly to the Secretary of Defense.

5.1.2. Coordinate and exchange information with other OSD officials, the Heads of the DoD Components, and Federal officials having collateral or related responsibilities and functions.

5.1.3. Use existing systems, facilities, and services of the Department of Defense and other Federal agencies, when possible, to avoid duplication and to achieve maximum efficiency and economy.

5.1.4. Exercise authority, direction, and control over:

5.1.4.1. The PDUSD(P&R).

5.1.4.2. The ASD(HA).

5.1.4.3. The ASD(RA).

5.1.4.4. The Deputy Under Secretary of Defense for Program Integration (DUSD(PI)).

5.1.4.5. The Deputy Under Secretary of Defense for Readiness.

5.1.4.6. The Deputy Under Secretary of Defense for Plans, through the PDUSD(P&R).

5.1.4.7. The Deputy Under Secretary of Defense (Military Personnel Policy), through the PDUSD(P&R).

5.1.4.8. The Deputy Under Secretary of Defense (Civilian Personnel Policy), through the PDUSD(P&R).

5.1.4.9. The Deputy Under Secretary of Defense (Military Community and Family Policy), through the PDUSD(P&R).

5.1.4.10. The Deputy Under Secretary of Defense (Equal Opportunity), through the PDUSD(P&R).

5.1.4.11. The Director, Defense Commissary Agency, through the PDUSD(P&R).

5.1.4.12. The Director, DoD Education Activity, through the PDUSD(P&R).

5.1.4.13. The Director, Defense Human Resources Activity, through the DUSD(PI).

5.1.4.14. The Director, TRICARE Management Activity (TMA), through the ASD(HA).

5.1.4.15. The President of the Uniformed Services University of the Health Sciences (USUHS), through the Director, TMA.

5.1.4.16. The RFPB, through the ASD(RA), on matters other than the content of the Board's advice to the Secretary of Defense.

5.1.4.17. The National Committee for Employer Support of the Guard and Reserve, through the ASD(RA).

5.2. The PDUSD(P&R) shall serve as the principal assistant to the USD(P&R) in carrying out the authorities, responsibilities, and functions of the USD(P&R) as specified in DoD Directive 5124.8 (Reference (s)).

5.3. The other OSD officials and the Heads of the DoD Components shall coordinate with the USD(P&R) on all matters under their purview related to the authorities, responsibilities, and functions assigned in this Directive.

6. AUTHORITIES

The USD(P&R) is hereby delegated authority to:

6.1. Establish and allocate civilian personnel authorizations of the DoD Components and review and approve military and civilian personnel authorization changes during program execution.

6.2. Exercise the authorities of the Secretary of Defense, whenever vested, relating to civilian personnel, whether established by law, regulation, or other action.

6.2.1. Exercise the authority to act for the Secretary of Defense to apportion costs and collect funds from non-appropriated fund (NAF) instrumentalities to cover expenditures resulting from the wage survey process that supports NAF pay schedules.

6.2.2. Exercise the authority of the Secretary to establish and approve pay schedules, salaries, wages, and other compensation for DoD civilian employees as determined pursuant to applicable laws (including but not limited to References (a), (l), (r), and title 20 U.S.C. (Reference (t)), regulations, and established policies.

6.3. Exercise the authorities of the Secretary of Defense under chapter 38 of Reference (a) related to Joint Officer Management and establish and issue policy pertaining to this program in accordance with Reference (f).

6.4. Promulgate in DoD Instructions, DoD policy within the authorities and responsibilities assigned herein, including authority to identify collateral responsibilities of OSD officials and the Heads of DoD Components. Such Instructions shall be fully coordinated in accordance with Reference (h). Further, in areas of assigned responsibilities and functions, the USD(P&R) has authority to issue other DoD Instructions, DoD Publications, and one-time Directive-Type Memorandums, consistent with Reference (h), which implement policy approved by the Secretary of Defense. Instructions to the Military Departments shall be issued through the Secretaries of the Military Departments. Instructions to the Combatant Commands normally shall be communicated through the Chairman of the Joint Chiefs of Staff.

6.5. Obtain reports and information consistent with DoD Instruction 8910.01 (Reference (u)), as necessary, to carry out assigned responsibilities and functions.

6.6. Communicate directly with the Heads of the DoD Components, as necessary to carry out assigned responsibilities and functions, including the transmission of requests for advice and assistance. Communications to the Military Departments shall be transmitted through the Secretaries of the Military Departments, their designees, or as otherwise provided in law or directed by the Secretary of Defense in other DoD issuances. Communications to the Commanders of the Combatant Commands normally shall be transmitted through the Chairman of the Joint Chiefs of Staff.

6.7. Communicate with other Government officials, representatives of the Legislative Branch, members of the public, and representatives of foreign governments, as appropriate, in carrying out assigned responsibilities and functions. Communications with representatives of the Legislative Branch shall be coordinated with the Assistant Secretary of Defense for Legislative Affairs or the USD(C)/CFO, as appropriate, and be consistent with the DoD Legislative Program.

6.8. Exercise the authorities of the Secretary of Defense to set bonuses and special and incentive pays under Reference (a) and title 37 U.S.C. (Reference (v)).

6.9. Reissue, as necessary, Reference (s), to update the responsibilities, functions, relationships, and authorities of the PDUSD(P&R), consistent with section 136a of Reference (a). In doing this, provide the PDUSD(P&R) authority, within assigned areas of responsibility, to issue instructions and communications to a Military Department, through the Secretary of the Military Department concerned.

6.10. Reissue, as necessary, DoD Directive 5125.01 (Reference (w)) and DoD Directive 5136.01 (Reference (x)) to update the responsibilities, functions, relationships, and authorities of the ASD(RA) and the ASD(HA), consistent with section 138 of Reference (a). In doing this, exercise the authority of the Secretary of Defense under section 138(c) of Reference (a), to delegate to those Assistant Secretaries authority, within the Assistant Secretaries' respective assigned areas of responsibility, to issue instructions and communications to a Military Department, through the Secretary of the Military Department concerned. Act for the Secretary of Defense, in accordance with section 115 of Reference (a), regarding increasing the authorized end strength for Reserve Component personnel. The USD(P&R) may redelegate this authority to the ASD(RA).

6.11. Exercise the authorities of the Secretary of Defense under sections 176 and 1471 of Reference (a) regarding the Armed Forces Institute of Pathology (AFIP). The USD(P&R) may redelegate this authority to the ASD(HA). The AFIP shall continue as a joint entity of the Military Departments, subject to the authority, direction, and control of the ASD(HA). The designation of the Secretary of the Army as the DoD Executive Agent for administrative support to the AFIP shall remain in effect until revoked or superseded by the Secretary of Defense.

6.12. Exercise the authority of the Secretary of Defense to conduct the business of the USUHS consistent with Chapter 104 of Reference (a), except the authority to appoint the President of the USUHS is reserved for the Secretary of Defense.

6.13. Act for the Presidential designee, the Secretary of Defense, to coordinate and implement actions that may be necessary to discharge Federal responsibilities assigned in section 1973ff of Reference (y). Establish policy for and administer the Federal Voting Assistance Program for the Presidential designee. Manage, coordinate, and perform the responsibilities assigned to the Presidential designee in section 1973ff of Reference (y). Be the sole Federal Executive Branch representative for obtaining, from each State, current voting information and disseminating it to other Federal Executive Departments, Agencies, and the DoD Components pursuant to section 1973ff of Reference (y).

6.14. Exercise the authorities of the Secretary of Defense under section 1973gg et seq. of Reference (y) regarding the National Voter Registration Act.

6.15. Exercise the authority of the Secretary of Defense under Subchapters I and II of Chapter 147 of Reference (a) regarding the Defense Commissary and Exchange Systems, with the exception of the authority under section 2488(e) of Reference (a), which is delegated to the USD(C)/CFO, and the authority of the Secretary of Defense concerning the governing board under section 2485(c)(3) of Reference (a). The USD(P&R) is designated as the DoD senior official to oversee operation of both the Defense Commissary System and the Defense Exchange System.

6.17. Exercise the authority of the Secretary of Defense under section 1034(g) of Reference (a) regarding review of final decisions of the Secretaries of the Military Department concerned on applications for correction of military records decided under Military Whistleblower Protection procedures. The USD(P&R) may redelegate this authority to the DUSD(PI).

6.18. Exercise the authority of the Secretary of Defense under 1074(c) of Reference (a) to designate by regulation individuals as eligible for healthcare services in medical treatment facilities of the Department of Defense when such designation advances an important DoD interest. This may not be re-delegated.

6.19. Exercise the authority of the Secretary of Defense to set and adjust the National Security Personnel System (NSPS) rate ranges under 9901.321-322 of Reference (i), and to set and adjust NSPS local market supplements under 9901.332-333 of Reference (i). This delegation includes the PDUSD(P&R) and may not be further delegated.

6.20. Exercise the authority of the Secretary of Defense under Executive Order 13150, "Federal Workforce Transportation," (Reference (z)) to establish transportation fringe benefit program policy and issue regulations implementing a program for the Department of Defense.

6.21. Exercise the authorities of the Secretary of Defense, whenever vested, under Chapter 61 of Reference (a), concerning retirement or separation for physical disability and Public Law 110-181 (Reference (aa)), concerning wounded warrior disability matters.

7. RELEASABILITY

UNLIMITED. This Directive is approved for public release. Copies may be obtained through the Internet from the DoD Issuances Web Site at http://www.dtic.mil/whs/directives.

8. EFFECTIVE DATE

This Directive is effective immediately.

Gordon England
Deputy Secretary of Defense

Enclosures - 1
E1. References, continued

E1. ENCLOSURE 1

REFERENCES, continued

(e) Deputy Secretary of Defense Memorandum, "Authority Delegation - National Security Personnel System (NSPS) Rate Range and Local Market Supplement Adjustments," September 27, 2007 (hereby canceled)
(f) Deputy Secretary of Defense Memorandum, "Guidelines for Implementation and Administration of Joint Officer Management Program Joint Qualification System," October 2, 2007
(g) Deputy Secretary of Defense Memorandum, "Transfer of Uniformed Services University of the Health Sciences to TRICARE Management Activity and Rescission of the Department of Navy as Department of Defense Executive Agent," November 29, 2006 (hereby canceled)
(h) DoD Instruction 5025.01, "DoD Directives Program," October 28, 2007
(i) Title 5, Code of Federal Regulations
(j) DoD Directive 1322.18, "Military Training," September 3, 2004
(k) DoD Directive 3200.15, "Sustainment of Ranges and Operating Areas (OPAREAs)," January 10, 2003
(l) DoD Directive 7730.65, "Department of Defense Readiness Reporting System (DRRS)," June 3, 2002
(m) Title 5, United States Code
(n) DoD Directive 5160.41E, "Defense Language Program (DLP)," October 21, 2005
(o) Title 50, United States Code
(p) DoD Directive 5101.1, "DoD Executive Agent," September 3, 2002
(q) DoD Directive 8320.02, "Data Sharing in a Net-Centric Department of Defense," December 2, 2004
(r) Title 38, United States Code
(s) DoD Directive 5124.8, "Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R))," July 16, 2003
(t) Title 20, United States Code
(u) DoD Instruction 8910.01, "Information Collection and Reporting," March 6, 2007
(v) Title 37, United States Code
(w) DoD Directive 5125.01, "Assistant Secretary of Defense for Reserve Affairs (ASD(RA))," December 27, 2006
(x) DoD Directive 5136.01, "Assistant Secretary of Defense for Health Affairs (ASD(HA))," June 4, 2008
(y) Title 42, United States Code
(z) Executive Order 13150, "Federal Workforce Transportation," April 21, 2000
(aa) Subtitle D, Title XVI of Public Law 110-181, "National Defense Authorization Act for Fiscal Year 2008," January 28, 2008