



PERSONNEL AND
READINESS

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



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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
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Subject: Revision of Foreign Language Proficiency Pay for Department of
Defense (DoD) Civilian Employees Performing Intelligence Duties

The attached guidance revises DoD policy for payment, under section 1596 of title 10, United States Code, of Foreign Language Proficiency Pay (FLPP) to eligible DoD employees performing intelligence or intelligence-related duties. Previous guidance issued by the Principal Director (Civilian Personnel Policy/Equal Opportunity) in July 1993 established a maximum FLPP pay rate of \$150 per pay period. The attached guidance increases the maximum FLPP pay rate to \$500 per pay period.

By agreement with the Under Secretary of Defense for Intelligence, this memorandum is effective immediately. Guidance will be incorporated into a future Civilian Personnel Manual issuance.


David S.C. Chu

Attachment:
As stated



Foreign Language Proficiency Pay for Intelligence Duties Guidance and Procedures

A. General Information

1. Section 1596 of title 10, United States Code (U.S.C.), authorizes the Secretary of Defense to approve foreign language proficiency pay (FLPP) for civilian employees who are:
 - a. Employed by the Department of Defense;
 - b. Certified as being proficient in a foreign language identified by the Secretary of Defense as a language in which proficiency by civilian personnel of the Department is important for the effective collection, production, or dissemination of foreign intelligence information; and
 - c. Serving in a position, or subject to assignment to a position, as determined by functional management, in which proficiency in that language facilitates performance of officially assigned intelligence or intelligence-related duties, to include support of arms control treaties or special operations-related duties.
2. The Under Secretary of Defense (Personnel & Readiness) (USD(P&R)) is authorized to publish an annual list of foreign languages critical to national security interests, to establish overall policy for administration of the Defense Language Program, which includes the Defense Foreign Language Program (DFLP), and to determine the pay range for FLPP.
3. The Defense Language Institute Foreign Language Center (DLIFLC) is responsible for oversight, standardization, testing, research and development, and evaluation of DFLP training within the Department, with the exception of specialized language training programs of Defense Agencies designed for internal use or special missions for which the Agency maintains operational responsibility. DLIFLC's responsibility includes the establishment of foreign language proficiency level criteria, adapted from the proficiency criteria developed by the Interagency Language Roundtable (ILR), and the development of methods to measure an individual's ability to speak, write, and comprehend written and spoken foreign languages designated as critical.
4. Designees. Secretaries of the Military Departments and the Heads of Defense Agencies and DoD Field Activities with independent appointing

authority for themselves and their serviced organizations may certify employee proficiency in any foreign language using the ILR criteria and procedures established by DLIFLC and may approve FLPP for eligible employees based on published language lists for which FLPP may be authorized. This authority may be further delegated, in writing, for use in accordance with this policy.

5. This policy applies to all DoD Components authorized covered positions, except the National Security Agency, for which separate legislation authorizing a similar incentive pay program already exists.

B. Approval Procedures

1. A management official delegated the authority for approving payment (hereafter referred to as the authorizing official) must document that an employee meets the minimum qualifying levels of proficiency established by the respective DoD Component before authorizing FLPP. The documentation includes:
 - a. Certification, within the last 12 months, of the employee's proficiency in a foreign language the Secretary has determined critical to national security interests; and
 - b. Affirmation that the employee is assigned to a position, or is subject to assignment to a position, in which proficiency in that language facilitates performance of officially assigned intelligence or intelligence-related duties.
2. Certification of the employee's foreign language proficiency level must be renewed annually.
3. Certification is based on the results of the Defense Language Proficiency Test and/or the Oral Proficiency Interview (standardized tests designed to measure an individual's ability to comprehend the spoken and written foreign language, and to speak and write the language when required), or other standard proficiency measurements designated by the Commandant of DLIFLC.
4. Certification consists of a qualitative statement about the degree of skill that the employee possesses in a foreign language. Proficiency levels range from 0 (no proficiency) to 5 (functional native proficiency) in the skill areas of listening, reading, speaking, and writing, as described by the Interagency Language Roundtable (ILR) criteria.

5. The authorizing official will determine the amount of FLPP payable to each employee using the criteria and limitations set forth in B.6.
6. Amount and Method of Payment.
 - a. The amount of FLPP received by the employee, not to exceed \$500 per pay period, shall be based on one or more of the following considerations as established by the authorizing officials:
 - i. The employee's measured proficiency level in the critical language;
 - ii. The operational need for the employee's particular language skills;
 - iii. The difficulty of recruiting or retaining employees with the same proficiencies;
 - iv. The extent to which the employee performs tasks requiring proficiency;
 - v. The number of critical languages in which the employee is proficient; and
 - vi. Other criteria the DoD Component determines are significant.
 - b. The minimum qualifying level should not be less than ILR Level 2 proficiency in at least two skills (listening, reading, speaking, or writing, as required). FLPP may be paid for proficiency in multiple languages, however the total amount may not exceed \$500 per pay period.
 - c. FLPP is not considered an employee's rate of basic pay for any purpose and is not counted towards retirement, insurance, or other benefits related to basic pay. FLPP is not pay for purposes of a lump-sum payment for leave under 5 U.S.C. 5551 or 5552.
 - d. FLPP is considered a discretionary continuing payment for purposes of calculating the aggregate limitation on pay under 5 U.S.C. 5307 and in 5 CFR 530.203.
 - e. The authorized approving official may reduce or terminate FLPP at any time when the official determines that:
 - i. The need for the employee's proficiencies has been reduced or eliminated;
 - ii. The employee's assigned duties no longer require the skills for which the employee is receiving FLPP; or

- iii. The employee no longer meets the certification requirements.
- f. The reduction or termination of FLPP may not be appealed. However, the preceding sentence shall not be construed to extinguish or lessen any right or remedy an employee might have under other laws.
- g. The USD(P&R), in coordination with USD(I), may update the maximum FLPP rate periodically. As necessary, the USD(P&R) will issue a memorandum notifying the DoD Components of any adjustments.

C. Documentation

- 1. DoD Components will use the Defense Civilian Personnel Data System (DCPDS) (or personnel data base of record) to document foreign language proficiency payments.
- 2. Components also will maintain records of employee eligibility determinations as described in B.1. of this policy.

D. Accountability

- 1. The Heads of the applicable DoD Components shall ensure appropriate and effective use of this authority to support mission requirements.
- 2. The Authorizing Officials shall:
 - a. Determine which employees require the payment of FLPP based on their positions within their organizations;
 - b. Determine the amount of FLPP payable to each employee;
 - c. Annually certify employee language proficiency; and
 - d. Keep accurate records of FLPP recipients.