



PERSONNEL AND  
READINESS

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



NOV - 3 2006

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  
DIRECTOR, FORCE TRANSFORMATION  
DIRECTORS OF THE DEFENSE AGENCIES  
DIRECTORS OF THE DEFENSE FIELD ACTIVITIES

Subject: Foreign Language Proficiency Pay for Department of Defense (DoD)  
Civilian Employees Performing Non-Intelligence Duties

The attached guidance establishes DoD policy and delegates authority for payment of foreign language proficiency pay (FLPP) to eligible DoD employees assigned non-intelligence duties requiring proficiency in foreign languages identified as necessary for national security interests under section 1596a of title 10, United States Code (U.S.C.), as amended by section 1102 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Pub. L. 108-375 (October 28, 2004). Employees who receive FLPP under 10 U.S.C. 1596a may not concurrently receive FLPP under 10 U.S.C. 1596.

This memorandum is effective immediately.

David S. C. Chu

Attachment:  
As stated



## Department of Defense

### Foreign Language Proficiency Pay for Non-Intelligence Positions Guidance and Procedures

#### A. General Information

1. Section 1102 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Pub. L. 108-375 (October 28, 2004), amended section 1596a of title 10, United States Code (U.S.C.), to permit foreign language proficiency payments (FLPP) to any qualified Department of Defense (DoD) employee who meets the criteria established in the law.
2. The Under Secretary of Defense (Personnel & Readiness) (USD(P&R)) has been designated primary responsibility for overall policy guidance in matters related to compensation (to include bonuses, special pay, and incentives) for all DoD personnel in DoD Directive 5124.02. In addition, the USD(P&R) has policy oversight for the Defense Language Program. In this capacity, the USD(P&R) publishes a DoD strategic language list (SLL) annually, which outlines languages in which the DoD has current and projected requirements.
3. 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 a foreign language identified on the SLL using the Interagency Language Roundtable (ILR) criteria. This authority may be further delegated, in writing, to managers and supervisors for use in accordance with this policy.
4. This policy applies to the Office of the Secretary of Defense (OSD), 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, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department (hereafter collectively referred to as the "DoD Components").

#### 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 as identified on the SLL or as determined by the Secretary as necessary for national security interests;
  - b. Affirmation that the employee is assigned duties requiring proficiency in that foreign language;
  - c. Affirmation that the employee does not currently receive comparable pay under 10 U.S.C. 1596; and
  - d. Affirmation that the employee does not currently receive comparable pay under Subchapter 1930 of DoD 1400.25-M, Department of Defense Civilian Personnel Manual.
2. Certification of the employee's foreign language proficiency level must be renewed annually.
  3. Certification consists of a qualitative statement about the degree of skill that the employee possesses in a foreign language, based on B.4. below. Proficiency levels range from 0 (no proficiency) to 5 (functional native proficiency) in the skill areas of reading, listening, speaking, and writing as described by the ILR criteria. The minimum qualifying level for FLPP should not be less than ILR Level 2 proficiency in at least two of the skills listed in B.4.a., unless the authorizing official seeks and receives an exception from the USD(P&R) based on DoD operational needs.
  4. Certification is based on:
    - a. An employee's performance on the Defense Language Proficiency Test (DLPT) and/or the Oral Proficiency Interview (OPI), which are DoD official tests designed to measure an individual's ability to communicate in a foreign language in two or more modalities (i.e., listening, reading, speaking, and writing); or
    - b. An employee's performance, in the absence of the DLPT or the OPI, on a test that has been certified by the Commandant, Defense Language Institute Foreign Language Center, and approved by the USD(P&R).

5. Foreign National Employees.

- a. Foreign nationals hired by DoD in the United States into the civil service are eligible for FLPP.
- b. DoD Components also may pay FLPP to foreign nationals hired directly as employees of DoD overseas (i.e., direct hires), depending upon agreements between the United States and foreign governments, local national law, and DoD Component policy for awarding FLPP. Case-by-case determinations are required.
- c. Foreign nationals hired as employees of the host government and assigned to work with DoD on a reimbursable or other financial basis (i.e., indirect hires) are not eligible for FLPP.

6. Amount and Method of Payment.

- a. The amount of FLPP received by the employee shall be based on one or more of the following considerations:
  - i. The employee's measured proficiency level in the necessary language;
  - ii. The operational need for the employee's 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 necessary languages in which the employee is proficient; and
  - vi. Other criteria the DoD Component determines are significant.
- b. FLPP shall be calculated as a percentage of the employee's adjusted rate of basic pay not to exceed five percent, and paid in the same manner and at the same time as basic pay (i.e., the allowance shall be paid at an hourly rate for each hour during which the employee receives basic pay).
- c. FLPP may be paid for proficiency in multiple languages; however, the total amount may not exceed 5 percent of the employee's adjusted rate of basic pay.

- d. FLPP is not considered as basic pay for any purpose and does not count toward retirement (including Thrift Savings Plan), insurance, or any other benefit 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.
- e. 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.
- f. 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.
- g. The reduction or termination of FLPP may not be appealed; however, the preceding shall not be construed to extinguish or lessen any right or remedy an employee might have under other laws.

### **C. Documentation**

1. DoD Components shall use the Defense Civilian Personnel Data System (or personnel database of record) to document the employee's foreign language; the employee's level of proficiency in that language; and the amount of proficiency pay.
2. DoD Components also shall maintain records of employee eligibility determinations as described in B.1. of this policy.

### **D. Accountability**

1. The Heads of DoD Components shall ensure appropriate and effective use of this authority to support mission requirements.
2. The Authorizing Officials shall:
  - a. Determine which positions require the payment of FLPP within their organizations to support organizational mission requirements;

- b. Determine the amount of FLPP payable to each employee;
- c. Annually certify employee language proficiency;
- d. Keep accurate records of FLPP recipients and their eligibility determinations; and
- e. Conform to merit principles in all decisions/actions concerning FLPP.