



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

DEC 27 2011

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.

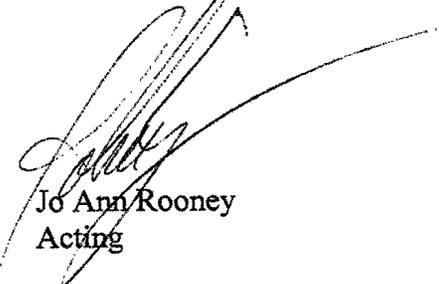
Section 1603 of P.L. 109-234, "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery", as amended, authorized agencies to provide employees on official duty in Iraq or Afghanistan benefits, allowances, and gratuities comparable to those provided to members 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
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Attachments:
As stated