VOLUME 7A, CHAPTER 19: "FOREIGN LANGUAGE PROFICIENCY BONUS (FLPB)"

SUMMARY OF MAJOR CHANGES

Changes are identified in this table and also denoted by blue font.

Substantive revisions are denoted by an asterisk (*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold**, **italic**, **blue**, **and underlined font**.

The previous version dated March 2023 is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
2.0	Revised the "FLPB Entitlement" section to include implementation of "Table 1 FLPB Monthly Payment Calculated by Critical Skill Modality Proficiency (Table 1)" to comply with DoD Instruction (DoDI) 1340.27, dated August 17, 2022.	Revision
2.4	Replaced the "FLPB Installment Rates" table with "Table 1" table on DFAS.MIL in accordance with the DoDI 1340.27, dated August 17, 2022.	Revision
3.5	Updated the termination date for the "Duration of Authority" table on DFAS.MIL to comply with the National Defense Authorization Act for Fiscal Year 2022, Public Law 118-31, dated January 3, 2023.	Revision
References	Updated supporting statutes and references.	Revision

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CHAPTER 19

FOREIGN LANGUAGE PROFICIENCY BONUS (FLPB)

1.0 GENERAL

1.1 Purpose

This chapter establishes policy pertaining to FLPB for members of an Active Component (AC) or Reserve Component (RC) of the Military Services (less the Coast Guard).

1.2 Authoritative Guidance

The pay policies and requirements established by the DoD in this chapter are derived primarily from and prepared in accordance with the United States Code (U.S.C.), including Title 37. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

*2.0 FLPB ENTITLEMENT

2.1 Eligibility for Payment

The Secretary of the Military Department concerned will pay FLPB, in accordance with *Title 37, U.S.C., section 353(b)*, to a Service member who is:

2.1.1. Entitled to basic pay pursuant to 37 U.S.C. § 204;

- 2.1.2. A member of the National Guard who is not a Reserve of the Army or the Air Force, who is participating in full-time training, training duty with pay, or other full-time duty, provided by law, including participation in exercises or the performance of duty under 10 U.S.C § 10302, 10 U.S.C. § 10305, 10 U.S.C. § 10502, 10 U.S.C. § 12402, or 32 U.S.C. § 503, 32 U.S.C. § 504, 32 U.S.C. § 505, 32 U.S.C. § 506; or
- 2.1.3. Entitled to compensation pursuant to <u>37 U.S.C. § 206</u> (See Chapter 58, paragraphs 2.1 and 4.2 for Service-specific instructions and other criteria (other than drill pay) that satisfies qualifying compensation in accordance with 37 U.S.C. § 206); or
- 2.1.4. Determined to have and is maintaining certified foreign language or dialect proficiency in accordance with <u>37 U.S.C. § 353(b)(1)(B)</u> in a skill the Secretary of the Military Department designates as critical.

2.1.5. A critical language skill is:

- 2.1.5.1. Required by any Service language—related career field or military specialty, designated by a Secretary of the Military Department, where the Service member's primary duties require an Interagency Language Roundtable (ILR) skill level 2+ or higher level (ILR skill level 2 and higher for special operations forces (SOF) personnel, but only if the Service has those SOF language requirements) of proficiency in a foreign language that directly supports the national defense strategy or Service-specific language-related missions.
- 2.1.5.2. A foreign language on the DoD or Service Strategic Language List or any foreign language for which the Secretary of the Military Department has language-designated requirements.
- 2.1.6. The member must execute a written agreement with the Secretary concerned that includes:
 - 2.1.6.1. The amount of FLPB awarded;
 - 2.1.6.2. The period for which the FLPB will be paid;
- 2.1.6.3. The initial certification or recertification necessary for the FLPB payment; and
- 2.1.6.4. The repayment provision discussing repayment of the unearned portion of any remaining FLPB if the member does not satisfy the eligibility and certification requirements for the length of the written agreement.

2.2 RC Eligibility

- 2.2.1. In order to receive FLPB a member of an RC must:
- 2.2.1.1. Meet the eligibility and proficiency requirements outlined in paragraphs 2.1, 2.3, 2.6, and 2.7; and
- 2.2.1.2. Fulfill the minimum annual service requirements for retirement eligibility, as defined in 10 U.S.C. § 12732, unless waived by the Secretary of the Military Department concerned.
- 2.2.2. An RC member must earn a minimum of 50 retirement points, regardless of the RC source, in each full anniversary year to have that year count as creditable towards verification of the total years of qualifying service for non-regular retired pay and payment of FLPB.
- 2.2.2.1. A partial qualifying year is any period of less than 12 full months during which the RC member earns a prorated share of the required 50 retirement points and earns an identical prorated share (or smaller percentage of full FLPB annual payment) of FLPB.

- 2.2.2.2. An RC member who performs a partial qualifying year of less than 12 full months and earns less than 50 retirement points in a year will have their FLPB prorated at a value of 2 percent for each retirement point less than 50 points.
- 2.2.3. The total of FLPB paid to an RC member who is in good standing and has not been adjudicated as an unsatisfactory performer in the previous 12 months, must equal the annual FLPB paid to an AC member with the same certified language proficiency.
- 2.2.3.1. For RC members, the requirement to attain 50 retirement points is waived for FLPB calculation if the Service member separates before 12 months in the anniversary year. The RC member will be paid the standard FLPB monthly allotment for months in good standing, with the last month of service prorated if separation occurs before the last day of the month. A separating RC member who serves the entire 12 months of the anniversary year must earn 50 points to collect the last month of FLPB prior to separation.
- 2.2.3.2. RC members in a separation year, who are no longer in good standing will have their FLPB terminated in the month in which they are determined to be no longer "in good standing."
- 2.2.4. Members of the Ready Reserve who are transferred to the Standby Reserve, in accordance with DoDIs <u>1200.07</u> and <u>1304.31</u>, will have their bonus suspended during this period and will not be entitled to any future bonus payments while in the Standby Reserve. This suspension period may not exceed 1 year. In cases with unusual and extenuating circumstances, the Secretary of the Military Department concerned may grant a one-time suspension up to 3 years on a case-by-case basis. If a member is transferred back to the Ready Reserve with the same skill for which they had previously contracted, they may be reinstated in the bonus program.
- 2.2.4.1. To qualify, Service members must extend their term of service, or service obligation, to serve the original bonus agreement period.
- 2.2.4.2. Subsequent payment entitlement will resume on the adjusted anniversary date of satisfactory and creditable Reserve service. The date must be adjusted for the period spent in the Standby Reserve.
- 2.2.4.3. Failure to report after a suspension period or not meeting reinstatement criteria in accordance with the bonus agreement will result in bonus termination and repayment of any unearned bonus money. See paragraph 3.3 for additional information.

2.3 Certification

2.3.1. Approved DoD Certification Method Associated with FLPBs

The Secretary of the Military Department must use the DoD-approved Defense Language Proficiency (DLP) System of tests in accordance with <u>DoDI 5160.71</u> to certify their Service members proficient in foreign language or dialect proficiency for FLPB payment.

- 2.3.2. Annual Certification Expiration Date Calculation of Foreign Language or Dialect Proficiency
- 2.3.3. In accordance with <u>37 U.S.C. § 353(d)(2)</u>, the certification of a Service member's foreign language or dialect proficiency must expire 1-year from the first day of the first month beginning on or after the certification date, unless they are recertified or excepted.
- 2.3.3.1. For example, if a Service member certifies proficient for a FLPB payment on January 2, 2021, their recertification date is calculated to be February 1, 2022. First, the 1-year calculation is applied to reach January 2, 2022. The first day of the first month beginning on or after January 2, 2022, is February 1, 2022.
- 2.3.3.2. In the event that FLPB eligibility requires two or more modalities, the test date of the last modality received should be used to calculate the start payment date and the recertification (stop payment) date for FLPB. All testing should be completed within a consecutive 30-day period. For example, a Service member scores an L2+ on January 2, 2022, and an S2 on January 31, 2022. The effective FLPB start date would be January 31, 2022.
- 2.3.4. In accordance with <u>37 U.S.C. § 353(d)(1)</u>, Service members receiving FLPB must recertify annually in the foreign language or dialect for which they are receiving a FLPB. (See exceptions and a waiver in paragraphs 2.6 through 2.8). The Secretary of the Military Department concerned may retest Service members in accordance with DoDI 5160.71, paragraph 2.6.h. (See DoDI 5160.71 for other Secretary of the Military Department concerned retest qualifying events).

*2.4 FLPB Pay Table

- 2.4.1. Table 1 incorporates must-pay and may-pay FLPB policies for the Secretary of the Military Department concerned to calculate and pay one monthly payment of FLPB based on the Service member's critical skill of possessing certified proficiency at and above ILR skill level 2+ (or 2 for SOF), by modality skill. (See *Table 1*.) Specifically, Table 1 is grouped by ILR skill level proficiencies (from 1 to 4 or higher) and modalities (L, R, and S). Table 1 allows the Secretary of Military Department to calculate a single FLPB monthly payment, not to exceed \$1,000, for any possible ILR skill level proficiency (except ILR skill 0 and 0+) and any single modality or combination of modalities (except for the writing modality) associated with critical skill requirements.
- 2.4.2. The Secretary of the Military Department must pay FLPB to their Service members serving in language professional career fields that require Service members to have certified foreign language proficiency at and above ILR skill level L2+, R2+, or S2 to perform their primary language related duties. Applicable DoD or Service instructions establish required FLPB-related modalities associated with these career fields.
- 2.4.2.1. Must-pay language professional career fields or military specialties include Service:

2.4.2.1.1. Cryptologic Language Analysts (CLAs).

- 2.4.2.1.2. Foreign area officers (FAOs).
- 2.4.2.1.3. Defense Threat Reduction Agency interpreters and translators.
- 2.4.2.1.4. Other select Service language professional career fields or military specialties designated by the Secretary of the Military Department concerned.
- 2.4.2.2. Additionally, the Secretary of the Military Department concerned must pay:
- 2.4.2.2.1. Service SOF personnel at and above ILR skill level 2 (but only if the Service has documented SOF language requirements at ILR skill level 2 and above). The applicable Service FLPB instruction establishes required FLPB payable modalities associated with SOF personnel.
- 2.4.2.2.2. All Service members who are ILR skill level S2 proficient or above in their primary language and have speaking as a required modality associated with their primary language-related duties.
- 2.4.3. For all other Service members with a certified foreign language proficiency below ILR skill level L2+, R2+, or S2 who are not designated as a must pay FLPB recipient, the Secretary of the Military Department may or may not pay FLPB.
- 2.4.3.1. If paid at ILR skill levels 1 or 1+ in any modality or at ILR skill level 2 in listening or reading, the Secretary of the Military Department may choose to pay only one of the monthly modality FLPB dollar amounts depicted in Table 1. For example, an L1+ modality and proficiency combination may either be calculated at one of the three payment amounts depicted for L1+ (\$0, \$50 or \$80).
- 2.4.3.2. The Secretary of the Military Department has discretion to pay or not pay FLPB to their Service members who have additional or multiple certified foreign language or dialect proficiencies.
- 2.4.3.3. FLPB payment calculation for a certified S2 or higher score, to any Service member whose required modalities do not include speaking, is at the Secretary of the Military Department's discretion.
 - 2.4.4. Pay table calculation and must pay, may pay or may not pay examples:
- 2.4.4.1. The Secretary of the Military Department has discretion to calculate a monthly FLPB payment for one, two or three skill modalities associated with the Service member's certified language proficiency in those modalities (L, R, and/or S) that the Service Secretary determines are critical to performing their language-related duties. In Table 1, ILR skill levels with a single dollar amount depicted are "must pay" and 2 or 3 dollar amounts depicted are "may or may not pay" FLPB policies for the Secretary of the Military Department.

- 2.4.4.2. <u>A CLA scores L2+/R3 on a DLP Test (DLPT)</u>. The Secretary of the Military Department "must pay" FLPB for L2+(\$200) and R3+(\$300). Testing and payment of FLPB for S1-S5 is at the discretion of the Secretary of the Military Department.
- 2.4.4.3. <u>Another CLA scores L2/R2 on a DLPT</u>. The Secretary of the Military Department "may or may not pay" FLPB for L2 (at \$0, \$50 or \$100) and R2 (at \$0, \$50 or \$100) in accordance with Service FLPB policy. Testing and payment of FLPB for S1-S5 is at the discretion of the Secretary of the Military Department.
- 2.4.4.4. Similarly, a FAO scores L2/R2 on a DLPT and an S2+ on an oral proficiency interview (OPI). The Secretary of the Military Department "may or may not pay" FLPB for L2 (at \$0, \$50 or \$100) and R2 (at \$0, \$50 or \$100) in accordance with Service FLPB policy. In accordance with DoDI 1315.20, FAOs must take an OPI every 2 years. The S2 is "must pay" at \$100.
- 2.4.4.5. <u>A linguist scores L1/R1+ on a Very Low Range DLPT and an L1+/S1+ on a 2SOPI</u>. Because of Note 2 in Table 1, the linguist's scores are now L1+ (inferred listening from the 2SOPI)/R1+/S1+. The linguist requires L and S proficiency as part of their military duties, so the Secretary of the Military Department "may or may not pay" FLPB for L1+ (at \$0, \$50 or \$80) and S1+ (at \$0, \$50 or \$80). FLPB payment for the R1+ (at \$0, \$50 or \$80) is at the discretion of the Secretary of the Military Department.
- 2.4.4.6. <u>Another linguist scores an L2/S2 on a 2SOPI</u>. S2 is a "must pay" FLPB calculation requirement, so FLPB for the S2 is \$100. The L2 is a "may or may not pay" at \$0, \$50, or \$80.
- 2.4.4.7. <u>A FAO scores L2/R2 on a DLPT and an S3 on an OPI</u>. The FAOs scores are now L2/R2/S3. For the L2 and R2, the Secretary of the Military Department "may pay" \$0, \$50 or \$100 for each L2 and R2 modality. In this example, the Secretary of the Military Department options to pay FLPB at \$100 for both the L2 and R2 (or \$200). Additionally, the S3 is "must pay" at \$300, so this FAO's total FLPB is \$500 per month.

2.4.5. Additional payment considerations:

2.4.5.1. For Service members who have a combination of must-pay and may-pay ILR skill proficiencies and modalities (e.g., L2+ (must pay) and R2 (may pay)), the Secretary of the Military Department must pay for the L2+ but may pay or not pay for the R2. If the R2 is not calculated in the monthly payment by the Secretary concerned, the Service member would only receive a monthly FLPB payment for the L2+ alone.

2.4.5.2. Pursuant to <u>37 U.S.C.</u> § <u>353(c)(2)</u>, the Secretary of the Military Department concerned may not vary the criteria or rates for FLPB paid for officers and enlisted members.

Note: Upon publication of the chapter, the Military Department must cease use of FLPB pay table rates associated with cancelled DoDI 1340.27, dated May 21, 2013, and commence use of Table 1 for setting FLPB amounts upon certification or recertification by a Service member. Monthly FLPB rates set prior to or during the transition remain in effect until reset following recertification.

2.5 Maximum Amounts and Payment Methods

- 2.5.1. The FLPB may not exceed \$12,000 per 1-year certification period. The Secretary of the Military Department concerned may pay a bonus in monthly installments (not to exceed an aggregate of \$1,000 per month) or a lump sum during the certification period.
- 2.6 Waiver of Certification of Proficiency Recertification Interrupted by a Contingency Operation
- 2.6.1. The Secretary of the Military Department concerned may waive the annual certification requirements and pay a FLPB to a Service member who:
 - 2.6.1.1. Is assigned to duty in connection with contingency operation.
- 2.6.1.2. Is unable to schedule or complete the certification test because of that assignment.
- 2.6.1.3. Except for the lack of such certification, satisfies the eligibility requirements cited in paragraphs 2.1 and 2.2.
- 2.6.2. The Secretary of the Military Department concerned may treat the date the Service member was assigned to duty in connection with the contingency operation as equivalent to a recertification date.
- 2.6.3. In the case of a Service member whose certification expires during such a contingency operation, the Secretary of the Military Department must authorize the Service member a 180-day period after returning as a mandatory grace period to recertify for an FLPB.
- 2.6.4. If a Service member fails to obtain the required certification by the end of the 180-day period, then the Secretary of Military Department concerned may require the Service member to repay all or a portion of the FLPB received in accordance with paragraph 3.3.
- 2.6.5. Service members who receive a wound, injury, or illness in the line of duty while serving in a combat operation or a combat zone, in a hostile fire area, or while exposed to a hostile fire event and is hospitalized may continue to receive an FLPB in accordance with 37 U.S.C. § 372.

2.7 Exceptions to Recertification of Foreign Language or Dialect Proficiency Regarding Attendance at a Significant Language Training Event (SLTE)

In the case of Service members whose certification expires while they are attending an SLTE, their next 1-year certification period begins when they successfully retest after they complete the SLTE as follows:

- 2.7.1. The Service member's FLPB continues until they can complete the recertification requirements of paragraph 2.4.2. Further FLPB entitlement is based on the modality proficiency test scores resulting from that event.
- 2.7.2. If a Service member has an additional (e.g., second language) foreign language recertification date that will expire during the Service member's primary SLTE, the Secretary of the Military Department concerned may either:
- 2.7.2.1. Require the Service member to recertify in that additional foreign language before the primary SLTE begins; or
- 2.7.2.2. Extend the certification periods for each language not associated with the SLTE to a recertification date up to 45 calendar days after the SLTE graduation date.
- 2.7.3. To the maximum extent possible, the SLTE should be uninterrupted to give the Service member the greatest opportunity for SLTE success.
- 2.8 Annual DLPT Recertification of ILR Skill Level 3 Proficient Personnel in All Required Modalities Exception

This ILR skill level 3 (and higher) exception applies to all the modalities to which the Service member is being paid FLPB, otherwise the exception does not apply.

- 2.8.1. If applicable, at the end of the Service member's 1-year annual recertification date, the Secretary of the Military Department concerned must recertify the Service member proficiency levels pursuant to Section 353(d)(1) of Title 37, U.S.C., which cites that FLPB payment proficiency is subject to annual recertification by the Secretary of the Military Department concerned. For individuals who are initially certified by a DLPT or OPI as proficient at levels L3, R3 or S3 or higher, the Secretaries of the Military Departments may extend certification for up to 24 months.
- 2.8.2. The Secretaries of the Military Departments must require recertification when necessary and establish a process to document and track a Service member's extended certification period.

2.9 Waiver of Certificate and Certification Duration

In accordance with <u>37 U.S.C.</u> § <u>353(d)(3)</u>, the Secretary concerned may waive the annual certification in paragraph 2.3 and the duration of certification requirements in paragraphs 2.6 and

2.7, if the Service FLPB regulation addresses the specific circumstances under which the Service Secretary may waive either or both of these certification requirements.

3.0 CONDITIONS OF ENTITLEMENT

3.1 Requirements

A member must qualify under any additional eligibility requirements prescribed by the Secretaries concerned, and is subject to Service specific certification requirements and amount of payment restrictions as outlined in these "pay-by-modality" DoD and Service references:

- 3.1.1. DoD: DoDI 1340.27, Military Foreign Language Skill Proficiency Bonuses and DoDI 5160.71, DoD Language Testing Program;
 - 3.1.2. Army: Army Regulation 11-6;
 - 3.1.3. Navy: Chief of Naval Operations Instruction 7220.7H;
- 3.1.4. Air Force and U.S. Space Force: <u>Department of Air Force Manual 36-2664</u>, Attachment 10, and *Air Force Instruction 36-4005*; or
 - 3.1.5. Marine Corps: *Marine Administrative Message 496/23*.

NOTE: Pay authorizing officials must access the current DoD SLL and the Component's unique foreign language bonus pay authorizations, additional eligibility rules, and certification requirements in order to ensure the correct FLPB payment is authorized.

3.2 Tax

FLPB is an item of pay subject to federal withholding tax. It is not subject to the Federal Insurance Contributions Act tax.

3.3 Repayment

A member who receives FLPB but does not satisfy eligibility and certification requirements specified in section 2.0 may be subject to repayment in accordance with Chapter 2.

3.4 Relationship to Other Pay and Allowances

A member may not be paid more than one Skill Incentive Pay or Proficiency Bonus in any month for the same period of service and skill. A member may be paid skill incentive pay or the proficiency bonus in addition to any other pay and allowances to which the member is entitled, except that a member may not be paid skill incentive pay or a proficiency bonus and hazardous duty pay, in accordance with Chapter 24, for the same period of service in the same career field or skill.

*3.5 Duration of Authority

Unless reauthorized by Congress, FLPB entitlement may not be paid after the date on the <u>Duration of Authority</u> table unless an FLPB agreement was entered into prior to the date on the table.

*REFERENCES

CHAPTER 19 – FOREIGN LANGUAGE PROFICIENCY BONUS

2.0 - ENTITLEMENT

DoDI 1340.27, August 17, 2022
37 U.S.C. § 353(b)
37 U.S.C. § 353(b)(1)(B)
Office of the Assistant Secretary of Defense Memo,
November 25, 2019
37 U.S.C. § 353(d)(1) and (2)
DoDI 5160.71, June 30, 2022
37 U.S.C. § 353(c)
37 U.S.C. § 353(c)(1) and (2)
37 U.S.C. § 372
Public Law (P.L.) 110-181, section 661, January 28, 2008
37 U.S.C. § 353(d)(3)
37 U.S.C. § 353(e)(2)

3.0 – CONDITIONS OF ENTITLEMENT

P.L. 116-92, section 952, December 20, 2019 Secretary of the Air Force Memo, December 20, 2019 37 U.S.C. § 353(g) 37 U.S.C. § 353(h) 37 U.S.C. § 353(i)