DoD Instruction 1400.25, Volume 1412

DoD Civilian Personnel Management System: Nonappropriated Fund Overseas Allowances and Differentials, and Employment in Foreign Areas

Originating Component: Office of the Under Secretary of Defense for Personnel and Readiness

Effective: March 22, 2024


Approved by: Ashish S. Vazirani, Acting Under Secretary of Defense for Personnel and Readiness

Purpose: This issuance is composed of several volumes, each containing its own purpose. In accordance with the authority in DoD Directive 5124.02:

- This instruction establishes and implements policy, establishes procedures, provides guidelines and model programs, delegates authority, and assigns responsibilities regarding civilian personnel management within the DoD.
- This volume, in accordance with DoD Directive 1400.25, establishes and implements policy, assigns responsibilities, and prescribes procedures for:
  - Employing U.S. citizens and foreign nationals in DoD nonappropriated fund instrumentalities (NAFIs) in foreign areas.
  - Paying overseas allowances and differentials to DoD nonappropriated fund (NAF) employees in foreign areas.
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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

This issuance applies to:

a. 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 Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

(1) The Army and Air Force Exchange Service is a DoD Component for the purposes of this volume if delegated authority to oversee internal NAF foreign area employment and overseas allowances and differential policies by the Secretaries of the Army and the Air Force.

(2) The United States Marine Corps, the Navy Exchange Service Command, and the Commander, Navy Installations Command, are DoD Components for the purposes of this volume if delegated authority to oversee internal NAF foreign area employment and overseas allowances and differential policies by the Secretary of the Navy.

b. All NAF employees and positions within DoD, including those NAF positions authorized to receive appropriated funding.

1.2. POLICY.

a. To the extent permitted by applicable law and international agreements, DoD policies governing employment practices for NAF personnel in the United States will apply to U.S. citizens in foreign areas.

b. In accordance with Volume 1230 of this instruction, merit factors will be the basis for considering individuals for assignment to foreign areas. Administration of all programs and personnel practices governing NAF employees will be in accordance with applicable law and in a manner that does not discriminate based on race, sex, color, national origin, age, religion, disability, reprisal, marital status, sexual orientation, and genetic information, status as a parent, political affiliation, or labor organization membership.

c. To the extent permitted by applicable law and international agreements, locally available candidates (i.e., military spouses, family members of military and civilian personnel stationed in foreign areas, and U.S. citizens) will fill vacant NAF positions, to the maximum extent possible.

d. When recruiting from an external source for NAF vacancies in foreign areas, family members will be given employment preference in accordance with Paragraph 3.1.b. of this volume and Volume 1403 of this instruction.

e. DoD NAF Component employers will follow the established employment system in the respective foreign area, along with host nation customs and practices and the provisions of any
applicable international, implementing, and subsidiary agreements and arrangements. This will apply in each foreign area where a U.S. forces employment system is in effect for employing foreign nationals (for both the host nation and citizens of a nation other than the United States or host nation).

f. DoD NAF Component employers will use the authorized pay systems described in Volume 1405 of this instruction to pay NAF employees employed in foreign areas.

g. Pay rates for foreign national employees will be in accordance with international agreements and Volumes 1231 and 1251 of this instruction.

h. With the exception of post allowance, overseas allowance and differential payments to NAF employees in foreign areas will be made on the same basis as to DoD appropriated fund (APF) employees in accordance with Volume 1250 of this instruction. Section 3 of this volume addresses allowance and differential payments.

i. Overseas allowances and differentials are not automatic salary supplements or entitlements. They are specifically intended to be recruitment incentives for U.S. citizen employees living in the United States to accept NAF employment in a foreign area. That inducement will usually be unnecessary if a person is already living in a foreign area. Authorization of these benefits will not be automatic simply because an individual meets eligibility requirements.
SECTION 2: RESPONSIBILITIES

2.1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS.

Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Defense for Manpower and Reserve Affairs:

   a. Has overall responsibility for developing DoD civilian personnel policy covered by this volume.

   b. Is the principal DoD point of contact on all NAF policy matters relating to paying overseas allowances and differentials to NAF employees and employing NAF employees in foreign areas.

2.2. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY.

Under the authority, direction, and control of the Assistant Secretary of Defense for Manpower and Reserve Affairs, the Deputy Assistant Secretary of Defense for Civilian Personnel Policy supports developing civilian personnel policy covered by this volume and monitors its execution by DoD Components, ensuring consistent implementation and application throughout the DoD.

2.3. DIRECTOR, DEPARTMENT OF DEFENSE HUMAN RESOURCES ACTIVITY.

Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, the Director, Department of Defense Human Resources Activity, supports the Deputy Assistant Secretary of Defense for Civilian Personnel Policy, as appropriate, in executing the duties and responsibilities in this volume.

2.4. DOD COMPONENT HEADS WITH NAF EMPLOYEES.

The DoD Component heads with NAF employees:

   a. Direct compliance with this volume.

   b. Monitor NAF programs, through personnel management evaluations or other means, to confirm equitable and efficient overseas pay administration and balancing fiscal constraints with the need to recruit and retain a high-quality workforce.

   c. Oversee Component payments of overseas allowances and differentials to confirm compliance with this volume and with Volume 1250 of this instruction.
d. Comply with any applicable international, implementing, and subsidiary agreements and arrangements regarding employing and paying foreign nationals.

e. Comply with DoD Instruction (DoDI) 1315.19 for authorizing special needs family members travel overseas at U.S. Government expense.

f. Comply with Public Law 106-523, also known and referred to in this issuance as the “Military Extraterritorial Jurisdiction Act of 2000,” and DoDI 5525.11.

g. Comply with collective bargaining obligations, as applicable.
SECTION 3: NAF PERSONNEL POLICY IN FOREIGN AREAS

3.1. EMPLOYMENT.

a. Local Hires.

NAFIs in foreign areas may locally recruit U.S. citizens residing in the host country in accordance with established status of forces agreements.

b. Family Members in Foreign Areas.

Hiring preference is granted consistent with Volume 1403 of this instruction.

(1) Family members of active duty military members and civilian employees stationed in foreign areas will receive employment preference for competitive NAF job vacancies. This preference will not apply when prevented by treaties or other country-to-country agreements that give preference to locally hired non-U.S. citizens or restrict employment of certain individuals.

(2) Eligibility for family member preference for unmarried dependent children who meet the definition of “family member” will continue until their sponsor departs the foreign duty station or the commuting area or completes the current period of service requirement, whichever occurs first. To receive family member preference, a family member must physically reside with their sponsor.

(3) This preference will not apply to the family members of:

(a) Locally hired Federal civilian employees.

(b) Foreign nationals.

(4) Preference will apply to all DoD NAF positions, except NF-6 senior executive positions.

(5) Family member preference will be separate from other NAF employment preferences, such as spouse preference.

c. U.S. Citizens Recruited Outside the Local Foreign Area.

If foreign nationals or U.S. citizens residing in the host country do not possess the necessary qualifications, DoD NAF Component employers may recruit U.S. citizens from outside the local labor market for a vacant NAF position.

d. Conditions of Overseas Employment and Other Information.

DoD NAF Component employers will provide information to prospective employees regarding:
(1) Foreign area customs and practices in the host country.

(2) Conditions of employment in the foreign area.

(3) Availability of essential services, including housing, schools and education for family members, and the use of medical facilities.

e. **Domestic Employee Teleworking Overseas (DETO).**

Policy governing DETOs is contained in DoDI 1035.01. Domestic employees may not telework from a foreign location without an approved DETO agreement. Employees and supervisors desiring to enter such arrangements must consult with the DoD Component's Telework Coordinator.

### 3.2. FOREIGN AREA PRIVILEGES.

NAF employees will receive the same privileges as APF civilian personnel in the same overseas area, to the extent permitted by country-to-country agreements.

a. Depending on eligibility, these include family housing, commissary, exchange, laundry, transportation, postal services, recreation, and religious facilities.

b. Overseas commanders will determine the basis for extending the privileges of clubs and messes.

### 3.3. EDUCATION OF ELEMENTARY AND SECONDARY SCHOOL-AGE DOD FAMILY MEMBERS.

a. Space-required, tuition-free enrollment will be provided to NAF full-time local hire employees who are U.S. citizens on an equal priority basis as family members of APF full-time local hire employees consistent with Department of Defense Education Activity Regulation 1342.13.

b. The education allowance will not be authorized for payment in the DoD. Conditions for authorizing the education travel allowance specified in Section 280 of the Department of State Standardized Regulation are in Volume 1250 of this instruction.

### 3.4. AUTHORIZING SPECIAL NEEDS FAMILY MEMBER TRAVEL OVERSEAS AT GOVERNMENT EXPENSE.

This volume administratively extends the guidance and procedures in DoDI 1315.19 for processing overseas assignments for civilians who have family members with special needs to the NAFIs.
3.5. MILITARY EXTRATERRITORIAL JURISDICTION ACT OF 2000.

U.S. Federal criminal jurisdiction provisions in the Military Extraterritorial Jurisdiction Act of 2000 and DoDI 5525.11 apply to NAF employees and potential applicants who are employed by or accompany the U.S. Military Services and who commit criminal offenses outside of the United States, except for a NAF employee or potential applicant who is a national of the host country or ordinarily a resident of the host country.

3.6. OBSERVANCE OF LOCAL HOLIDAYS IN FOREIGN AREAS.

   a. Foreign National Employees.

   Volume 1261 of this instruction and country-to-country agreements will govern the authorization of time off to observe certain local holidays.

   b. NAF Employees Other Than Foreign Nationals.

   In accordance with Volume 1261 of this instruction, when all or part of an installation closes to observe a local holiday and prevents NAF employees from working, supervisors will assign other work if possible or relieve the NAF employees from duty without charge to leave or loss of pay.

3.7. SPECIFIC PAY PROCEDURES.


   (1) Part 551.212 of Title 5, Code of Federal Regulations provides foreign area exemption criteria authorized in Chapter 8 of Title 29, United States Code, also known and referred to in this issuance as the “Fair Labor Standards Act.”

   (2) Volume 1405 of this instruction contains policy regarding overtime and compensatory time for employees in foreign areas.

   (3) The Fair Labor Standards Act minimum wage, overtime, and child labor provisions will not apply to NAF employees hired under summer and student employment of dependent youths in foreign areas programs. The Defense Civilian Personnel Advisory Service, Benefits, Wage, and NAF Policy Directorate issues pay rates for dependent youths, ages 14 through 23, hired in NAF positions under those programs.

   b. Foreign Allowances and Differentials.

   (1) Authorization.

      (a) The DoD may prescribe regulations providing allowances and differentials to DoD NAF employees in foreign areas in accordance with Part 1 of Executive Order 11137.

         1. Overseas allowances and differentials are not automatic salary supplements.
2. Individuals authorized to grant overseas allowances and differentials will consider recruitment need and expense to the NAFI or employing activity prior to approval.

(b) DoD NAF Component employers will document authorization of all overseas allowance and differential payments using Standard Form 1190, “Foreign Allowances Application, Grant and Report” (found at https://www.gsa.gov/reference/forms), and through input to their Human Resources Information System. Employers may require supporting documentation for the Standard Form 1190 such as marriage certificates, birth certificates, and affidavits. Documentation requirements will apply consistently.

(2) Allowances and Differentials Other Than Post Allowance.

Payment of allowances and differentials to NAF employees in foreign areas will be made on the same basis as to DoD APF employees in accordance with the criteria in Volume 1250 of this instruction, including the eligibility criteria and delegation of authority restrictions.

(3) Post Allowance.

(a) Eligibility.

NAF employees must be U.S. citizens and regular full-time employees to be eligible for post allowance. The employing NAF employer’s definition of “full time” will apply. Regular part-time employees, employees in the Flexible employment category, and seasonal employees, as described in Volume 1403 of this instruction, are not eligible for post allowance.

(b) Application to Locally Hired Employees.

DoD Component heads with NAF employees will have discretion to determine whether to pay post allowance to eligible NAF employees who are recruited outside of the United States (i.e., locally hired employees).

(c) Discretionary Authority.

DoD Component heads with NAF employees may:

1. Prohibit post allowance payment to locally hired employees in coordination with other DoD NAF employers in the area;

2. Require payment of post allowance to all locally hired employees in coordination with other DoD NAF employers in the area; or

3. Limit post allowance to locally hired employees in specific geographic areas or to specific groups of similarly situated locally hired employees.

a. For example, a DoD Component head with NAF employees may choose to pay post allowance to locally hired employees at a specific overseas installation, to locally hired employees at all installations within a specific country, or to locally hired employees in certain occupations, such as child-care and youth services positions.
b. The DoD Components will not grant or deny post allowance payment based on employee performance or achievement levels, or on individual employee situations (e.g., status as the spouse of a military or civilian employee).

(d) Payment Eligibility.

When authorized, locally hired NAF employees will receive post allowance according to the same eligibility criteria and in the same amounts as for DoD APF employees.

(e) DETO assignments.

An employee assigned to a NAF position in the United States with a DETO agreement approved by the Department of State will not be eligible to receive post allowance.

(f) Grandfathering of Post Allowance.

Locally hired employees who were receiving post allowance as of May 5, 2009, or at a later date following a DoD Component’s decision to use its discretionary authority in Paragraph 3.7.b.(3)(c), will continue to receive the allowance.

1. The allowance will continue as long as the employee remains eligible under the post allowance eligibility criteria in Volume 1250 of this instruction and continues employment at the current installation by the current DoD NAF employer.

2. The grandfathered entitlement to post allowance will stop upon permanent departure from that installation or separation from the DoD NAF employer.

(4) Review.

NAF employers must:

(a) Ensure that quality reviews of NAF employees receiving living quarters allowance occur.

(b) Conduct these reviews in conjunction with the component reviews performed in accordance with Volume 1250 of this instruction.

c. Pay Advances.

NAF employers may authorize pay advances for NAF employees relocating to a foreign area.

(1) The amounts will not exceed those allowed for APF employees and will be in accordance with Volume 8 of DoD 7000.14-R.

(2) If a NAF employer’s policy authorizes pay advances, the policy will apply uniformly to all foreign locations.
3.8. DEPLOYMENTS.

NAF employees may deploy to support NAF deployment operations in foreign areas to meet the exigencies of military contingency operations. NAF employees may not deploy to operations where DoDI 1015.15 does not authorize NAF funding. NAF employees accepting deployments in APF positions should follow the policy in Volume 1403 of this instruction.


DoDIs 6490.03 and 6490.07 contain deployment planning and training procedures for deployment of NAF employees during contingencies and emergencies.

b. Allowances and Differentials.

Deployed NAF employees will be paid allowances and differentials according to the same criteria and in the same amounts as similarly situated APF employees.

c. Civilian Expeditionary Workforce Training.

DoD NAF Component employers will emulate the civilian expeditionary workforce educational and training efforts for NAF positions not designated as civilian expeditionary workforce but subject to deployment to support NAF operations.

d. Post-Deployment.

Pursuant to DoDI 6490.03, deployed NAF employees will have a post-deployment health assessment within 30 days after returning to the permanent duty station to:

(1) Identify and document medical conditions that might be connected to the deployment.

(2) Determine if health surveillance is required.

3.9. PAYMENT OF TRAVEL AND TRANSPORTATION.

In accordance with Volume 1405 of this instruction, payments for essential travel and transportation expenses are allowed for NAF employees and their dependents when travel is clearly in the interest of the NAFI. Payment amounts will not exceed those prescribed in the Joint Travel Regulation.

3.10. FOREIGN AREA LIMITATIONS.

The 5-year foreign area limitation, as described in Volume 1230 of this instruction, will not apply to NAF employees unless implemented by the DoD Component head. If the DoD Component head imposes a 5-year foreign area limitation on NAF employees, the limitation will mirror the 5-year foreign limitation criteria that applies to DoD APF employees.
3.11. RETURN RIGHTS.

a. DoD Components may offer return rights to NAF employees recruited from a NAFI in the United States for assignment in foreign areas. Return rights, when offered, will be to a suitable position in the United States with the same DoD NAF Component employer.

b. If the employing DoD NAF Component employer does not provide return rights to an employee in writing, the employee will have no rights to mandatory reemployment in the United States at the end of their employment in a foreign area.

3.12. RETURN TRANSPORTATION RIGHTS.

a. Transportation.

NAFIs may authorize payment of transportation costs, including transporting household goods and effects, for NAF employees and their dependents. This applies to employees entitled to return transportation rights at U.S. Government expense following the sponsor’s separation or reassignment to another position outside the foreign area.

(1) Travel cost authorizations and payments will be consistent with Volume 1405 of this instruction.

(2) Expenses for essential travel and transportation of employees and their dependents may not exceed those prescribed by the Joint Travel Regulation when the travel and transportation is clearly in the interest of the NAFI.

b. Renewal Agreement Travel.

NAFIs may provide renewal agreement travel to eligible NAF employees and accompanying family members in accordance with the Joint Travel Regulation.

3.13. LEAVE.

a. Home Leave.

DoD Component heads with NAF employees will grant home leave to NAF employees stationed in foreign areas. Eligibility, accrual, and usage will follow the criteria in Volume 1260 of this instruction for similarly situated APF employees.

b. Funded Environmental and Morale Leave (FEML).

NAF employers may extend FEML to NAF employees stationed at authorized FEML locations for 24 or more consecutive months. If FEML is granted to a NAF employee, travel authorizations and expense reimbursement will be the same as for similarly situated APF employees as authorized in the Joint Travel Regulations.
3.14. EVACUATIONS IN FOREIGN AREAS.

a. NAF Employees With Return Transportation Rights.

(1) In the event of an authorized or ordered departure, evacuation expenses for NAF employees who have return transportation rights, and their dependents, will be paid on the same basis as for DoD APF employees. The provisions of the Department of State Standardized Regulations, the Joint Travel Regulation, and Volume 1250 of this instruction apply.

(2) In accordance with DoDI 1015.15, APF may be used to pay for NAF personnel expenses incurred in an evacuation. This includes evacuation payments, evacuation transportation to and from safe-haven locations, and per diem and subsistence allowances for employees ordered to evacuate.

b. NAF Employees Without Return Transportation Rights.

DoD Components heads with NAF employees may authorize evacuation transportation at the NAFI’s expense for NAF employees and their dependents who do not have transportation rights.

(1) Only the cost of transporting employees and their dependents out of the area under the evacuation order may be paid.

(2) Evacuation pay, including pay advances, per diem, and subsistence payments for employees and their dependents is not authorized for NAF employees who do not have return transportation rights.

3.15. CARE AND DISPOSITION OF REMAINS.

Regular NAF employees who are U.S. citizens, and their dependents, will receive all benefits authorized for the care, preparation, and disposition of remains equal to the benefits for APF employees and their dependents, not to exceed the provisions authorized in the Joint Travel Regulation. Next of kin will receive support in accordance with DoDI 1300.18.

3.16. MILITARY TREATMENT FACILITIES.

NAF employee access to military medical treatment facilities will be in accordance with the March 26, 2008 Assistant Secretary of Defense for Health Affairs Memorandum.
GLOSSARY

G.1. ACRONYMS.

<table>
<thead>
<tr>
<th>ACRONYM</th>
<th>MEANING</th>
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<tbody>
<tr>
<td>APF</td>
<td>appropriated fund</td>
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<tr>
<td>DETO</td>
<td>domestic employee teleworking overseas</td>
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<tr>
<td>DoDI</td>
<td>DoD instruction</td>
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<tr>
<td>FEML</td>
<td>funded environmental and morale leave</td>
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<tr>
<td>NAF</td>
<td>nonappropriated fund</td>
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<tr>
<td>NAFI</td>
<td>nonappropriated fund instrumentality</td>
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</table>

G.2. DEFINITIONS.

These terms and their definitions are for the purpose of this issuance.

<table>
<thead>
<tr>
<th>TERM</th>
<th>DEFINITION</th>
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<tbody>
<tr>
<td>APF</td>
<td>Defined in Section 2.1 of Volume 13 of DoD 7000.14-R.</td>
</tr>
<tr>
<td>dependent children (for purposes of employment preference)</td>
<td>A child under age 23, including a stepchild, adopted child, foster child, and a child under legal guardianship residing with a military member or a civilian employee.</td>
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<tr>
<td>DETO</td>
<td>Defined in Section 2371.2 of Chapter 3 of the Department of State Foreign Affairs Manual.</td>
</tr>
<tr>
<td>family member (for purposes of employment preference)</td>
<td>For a military member whose duty station is in a foreign area, the member’s spouse or unmarried dependent child. For a civilian employee whose duty station is in a foreign area, the employee’s spouse, unmarried dependent child, or an unmarried dependent child of the employee’s spouse.</td>
</tr>
<tr>
<td>family (for purposes of overseas allowances and differentials)</td>
<td>Defined in Section 040(m) of the Department of State Standardized Regulations.</td>
</tr>
<tr>
<td>host country</td>
<td>Defined in the DoD Dictionary of Military and Associated Terms.</td>
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<tr>
<td>TERM</td>
<td>DEFINITION</td>
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<td>-----------------------------</td>
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<tr>
<td>military treatment facility</td>
<td>Consistent with Section 1073c of Title 10, U.S.C., and DoD Directive 5136.13, any fixed facility of the Department of Defense that is outside of a deployed environment and used primarily for health care, including dental care, and any other location used for purposes of providing health care services as designated by the Secretary of Defense or the Under Secretary of Defense for Personnel and Readiness.</td>
</tr>
<tr>
<td>NAF</td>
<td>Defined in Section 2.11 of Volume 13 of DoD 7000.14-R.</td>
</tr>
<tr>
<td>NAF employee</td>
<td>DoD employees defined in Section 2105(c) of Title 5, United States Code.</td>
</tr>
<tr>
<td>NAFI</td>
<td>Defined in Section 2.12 of Volume 13 of DoD 7000.14-R.</td>
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<tr>
<td>space-required</td>
<td>Defined in Enclosure 2 of Department of Defense Education Activity Regulation 1342.13.</td>
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REFERENCES

Assistant Secretary of Defense for Health Affairs Memorandum, “Policy for Billing for Care Furnished by Military Treatment Facilities to Federal Employees for On-the-Job Injuries and for Occupational Health,” March 26, 2008

Code of Federal Regulations, Title 5, Part 551.212


Department of State, “Standardized Regulations,” current edition


DoD Instruction 1035.01, “Telework and Remote Work,” January 8, 2024


DoD Instruction 1315.19, “Exceptional Family Member Program,” June 23, 2023


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DoD Instruction 5525.11, “Criminal Jurisdiction Over Civilians Employed By or Accompanying the Armed Forces Outside the United States, Certain Service Members, and Former Service Members,” March 3, 2005

DoD Instruction 6490.03, “Deployment Health,” June 19, 2019

DoD Instruction 6490.07, “Deployment-Limiting Medical Conditions for Service Members and DoD Civilian Employees,” February 5, 2010

Executive Order 11137, “Certain Allowances and Benefits for Civilian Employees of Nonappropriated Fund Instrumentalities of the Armed Forces,” January 7, 1964, as amended

Joint Travel Regulations, current edition

Office of the Chairman of the Joint Chiefs of Staff, “DoD Dictionary of Military and Associated Terms,” current edition


United States Code, Title 5, Section 2105(c)

United States Code, Title 10, Section 1073c

United States Code, Title 29, Chapter 8