



Department of Defense INSTRUCTION

NUMBER 1340.09

April 20, 2010

USD(P&R)

SUBJECT: Hostile Fire Pay and Imminent Danger Pay

- References:**
- (a) DoD Instruction 1340.9, "Special Pay for Duty Subject to Hostile Fire or Imminent Danger," April 10, 1992 (hereby cancelled)
 - (b) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
 - (c) Sections 101, 204, 206, 310, and 372 of title 37, United States Code
 - (d) DoD 7000.14-R, "Department of Defense Financial Management Regulations (FMRS), Volume 7A, Military Pay Policy and Procedures - Active Duty and Reserve Pay," as updated

1. **PURPOSE.** This Instruction:

- a. Reissues Reference (a) in accordance with the authority of Reference (b).
- b. Establishes policy, assigns responsibilities, and prescribes procedures governing the administration of special pay for duty subject to hostile fire or imminent danger, pursuant to section 310 of Reference (c).

2. **APPLICABILITY.** This Instruction applies to:

- a. OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint 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 within the Department of Defense (hereafter referred to collectively as the "DoD Components").
- b. Members of the uniformed services (hereafter referred to as "members"). (See Section 101(3) of Reference (c)).

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that:

a. A member of a uniformed service who is entitled to basic pay or compensation under section 204 or 206 of Reference (c) may be paid one special pay under section 310 of Reference (c) (either hostile fire or imminent danger pay) for any calendar month in which the member was:

(1) Subject to hostile fire or explosion of hostile mines;

(2) In an area in which the member was in imminent danger of being exposed to hostile fire or explosion of hostile mines, and during the same period of duty in the area other similarly situated members of the uniformed services were subject to the hostile fire or explosion of hostile mines;

(3) Killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

(4) In a foreign area in which the member was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

b. A member may be paid imminent danger pay (IDP) under subparagraph 4.a.(4) of this section or hostile fire pay (HFP) under subparagraph 4.a.(2) for any designated period during which duty in an area qualifies them for IDP or HFP. The Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R)) is responsible for designating the period during which duty in an area will qualify the member for IDP under subparagraph 4.a.(4) of this section. Members subject to subparagraph 4.a.(2) of this section may be paid hostile fire pay (HFP) for the month in which the hostile event occurred, provided the appropriate senior on-scene commander designates the area for that purpose and certifies that the member met the requirements for such pay. Per subparagraphs 4.a.(1) and 4.a.(3) of this section, members may be paid HFP for the month in which the hostile event occurred, provided the appropriate on-scene commander closest to the event certifies that the member has met the requirements for such pay. (See section 310(a)(2)(A) or (C) of Reference (c) and Enclosure 2 of this Instruction.)

c. HFP or imminent danger pay (IDP) shall continue, in accordance with section 372 of Reference (c) and as implemented in chapter 13 of DoD 7000.14-R (Reference (d)), for a member who, in the line of duty, incurs a wound, injury, or illness while serving in a combat operation or a combat zone; while serving in a hostile fire area; or while exposed to a hostile fire event (regardless of location) and is hospitalized for treatment of the wound, injury, or illness.

d. Members qualified for HFP or IDP under section 310 of Reference (c) immediately before entering a status of missing, missing-in-action, interned in a foreign country, or captured by a hostile force, shall continue to be credited with HFP or IDP for each month while in such a status (see Reference (d)).

e. HFP or IDP eligible members shall be paid the full monthly rate specified under section 310(a) of Reference (c) for that month, regardless of the period of time the member performed duty during the month.

f. A member may not be paid more than one special pay under section 310 of Reference (c) for any month.

g. A member may be paid HFP or IDP in addition to any other pay and allowance.

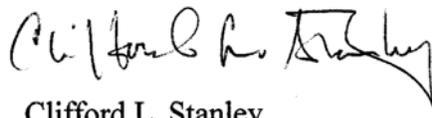
h. A review of IDP areas designated under subparagraph 4.a.(4) this section shall be accomplished at the periodic request of the Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R)) (see section 3 of Enclosure 2).

5. RESPONSIBILITIES. See Enclosure 1.

6. PROCEDURES. Procedures for administration of HFP and IDP areas are found at Enclosure 2. The format for IDP area assessment is at Enclosure 3.

7. RELEASABILITY. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This Instruction is effective immediately.



Clifford L. Stanley
Under Secretary of Defense
(Personnel and Readiness)

Enclosures

1. Responsibilities
 2. Procedures
 3. IDP Area Assessment Format
- Glossary

ENCLOSURE 1

RESPONSIBILITIES

1. PDUSD(P&R). The PDUSD(P&R), under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, shall:

a. Serve as the focal point for special pay for duty subject to hostile fire or imminent danger.

b. Develop HFP and IDP policy and related procedures for administration of such policies.

c. Review and evaluate requests from the Chairman of the Joint Chiefs of Staff for IDP area designations while considering the Combatant Commander's threat assessment report and the politico-military analysis of the Assistant Secretary of Defense for International Security Affairs (ASD(ISA)). Make appropriate IDP designations regarding such requests.

d. Establish guidance and procedures for conducting a periodic review of IDP area designations. (See section 310(c) of Reference (c).)

e. Request changes be made to Reference (d), as necessary.

f. Designate the period during which duty in an area will qualify the member for IDP in accordance with subparagraph 4.a.(4) above the signature of this Instruction. (See section 310(a)(2)(B) of Reference (c).)

2. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments shall ensure that the policy and procedures in this Instruction are implemented within their Department.

3. CHAIRMAN OF THE JOINT CHIEFS OF STAFF (CJCS). The Chairman of the Joint Chiefs of Staff shall:

a. Evaluate, in coordination with the Secretaries of the Military Departments, all Combatant Commander IDP-area designation requests.

b. Ensure Combatant Commanders submit the periodic PDUSD(P&R)-requested imminent danger area assessments for IDP-designated areas (see Enclosures 2 and 3 of this Instruction). Based on the assessments, make appropriate recommendations to the PDUSD(P&R) on the continuation, modification, or termination of such designations.

c. Make appropriate recommendations to the PDUSD(P&R) regarding the introduction or the continued presence of family members in IDP-designated areas.

4. COMMANDERS OF THE COMBATANT COMMANDS. The Commanders of the Combatant Commands, through the Chairman of the Joint Chiefs of Staff, shall:

a. Submit requests for area IDP designations, supported by a written imminent danger area assessment of the dangers or threats to members and their dependents in the area, to the PDUSD(P&R). (See Enclosure 3 of this Instruction.)

b. Monitor the conditions within IDP areas to determine whether circumstances warrant continuation of IDP designations. Promptly forward written recommendations for modification or termination of such designations to the Chairman of the Joint Chiefs of Staff.

c. In response to the periodic request of the PDUSD(P&R), provide:

(1) Imminent danger area assessments of threat conditions for members and their dependents within their geographic area of responsibility, and other factors that support continued IDP designation for the area.

(2) Summary data on HFP-authorized payments.

5. UNDER SECRETARY OF DEFENSE FOR POLICY (USD(P)). The USD(P) shall:

a. Provide politico-military analysis of the Combatant Commander's threat assessment.

b. Provide coordination regarding final parameters and effective date for commencement of the period during which IDP may be paid for duty performed in an area designated for IDP purposes.

ENCLOSURE 2

PROCEDURES

1. HFP AND IDP DETERMINATIONS OF FACT

a. Certification of Hostile Fire Event for HFP Purposes. For payment of HFP, the appropriate commander, as described in paragraph 4.b. above the signature of this Instruction, must certify that the member was subject to hostile fire, explosion of hostile mines, or other hostile action during a specific period, and meets any other requirements for HFP. For example, a hostile fire event that impacts a single vessel, as described in subparagraphs 4.a.(1) or (3) above the signature, may be certified by the commanding officer of that vessel who may be the closest on-scene commander; however, a hostile fire event that impacts two or more vessels, as described in subparagraph 4.a.(2), may require the designation and certification of the fleet commander who may be the senior on-scene commander serving at or above the requisite grade level (O-5). A death certificate or incident report documenting a member's injury or wound from a hostile fire event may serve as a substitute for certification for purposes of HFP, as long as the documents establish that the cause of death, injury, or wound was due to a hostile fire event. (See subparagraph 4.a.(3) above the signature of this Instruction.)

(1) Certification must include the name and appropriate payroll identification number of each member entitled to HFP, a short description of the incident, and when and where it occurred.

(2) The certification should be forwarded directly to the servicing financial support office via the Combatant Commander with operational control of the member(s) at the time of the hostile fire event.

(3) The Combatant Commander should retain the certification, for at least 24 months, in order to respond to periodic requests from the PDUSD(P&R) for summary data on HFP-related events and circumstances.

b. Designation of IDP Areas. A member who performs duty in a designated imminent danger area may be paid IDP. For IDP purposes, a member is considered to "perform duty" in a designated imminent danger area if the member is either permanently assigned to a designated area or performs assigned official duties in a designated area under temporary duty orders requiring the member's presence in the designated area and the duty is specifically related to the IDP area. If such a member is absent from the designated area for an entire calendar month, the member shall not be eligible for IDP for that month.

(1) A member is performing duty in an IDP area and may be eligible for IDP if the member is:

(a) Ordered to fly into an airspace specifically included in an IDP area designation to perform a mission in the airspace that is related to the IDP area, and is not merely transiting the IDP area.

(b) Performing duty on a vessel that is under operational orders that require operations be performed in designated IDP waters, the operations relate to the IDP area, and the vessel is not merely transiting the IDP waters.

(2) A member is not performing duty in an IDP area and is ineligible for IDP if the member is in the area:

(a) On leave from a duty station outside the IDP area;

(b) Solely for personal convenience; or

(c) While merely transiting the IDP area as a consequence of traveling between two points, both outside the IDP area.

c. Any determination of fact made in administering HFP or IDP is conclusive. (Section 310(e) of Reference (c).) Such a determination may not be reviewed by any other officer or agency of the United States, unless there has been fraud or gross negligence. However, the determination may be changed on the basis of new evidence or for other good cause.

2. COMBATANT COMMANDER IDP DESIGNATION REQUESTS

a. IDP designation requests shall be submitted through the Chairman of the Joint Chiefs of Staff to the PDUSD(P&R) and shall include:

(1) The Combatant Commander's delineation of the scope of the area proposed for IDP designation, limited to the smallest geographical area (e.g., portions of countries or seas) in which the danger or threat exists, and the most current imminent danger area assessment (see Enclosure 3).

(2) The CJCS recommendation regarding the request, as coordinated with the Military Departments.

b. The PDUSD(P&R) shall review the request and consider the Combatant Commander's threat assessment report and the politico-military analysis of the ASD(ISA), the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs (ASD(HD&ASA)), or the Assistant Secretary of Defense for Asian and Pacific Security Affairs (ASD(APSA)), as applicable, all of whom are under the authority, direction, and control of the USD(P). If the IDP-area designation request is approved:

(1) The PDUSD(P&R), in coordination with the Chairman of the Joint Chiefs of Staff and the ASD(ISA), ASD(HD&ASA), or ASD(APSA), as applicable, shall determine the final parameters and effective date of the designation.

(2) The effective date for commencement of the period during which IDP may be paid for duty performed in an area designated for IDP purposes may be the date occurring before, on, or after the actual date the PDUSD(P&R) makes the designation (see Enclosure 1 of this Instruction). The effective date of new IDP designations will normally be the date of the Combatant Commander's most current imminent danger area assessment (see Enclosure 3 of this Instruction), unless a later date is otherwise requested. If the commencement date for an IDP designation period is a date that occurs before the date on which the PDUSD(P&R) makes the designation, the payment of special pay under section 310 of Reference (c) for the period between the commencement date and the date on which the designation is made shall be subject to the availability of appropriated funds.

c. An IDP designation shall be terminated by the PDUSD(P&R) when circumstances no longer warrant continuation of such designation. Normally, designation of an IDP area remains in effect until terminated either as a result of a PDUSD(P&R)-requested periodic review (see paragraph 4.h. above the signature of this Instruction) or the recommendations of the Combatant Commander or Chairman of the Joint Chiefs of Staff.

d. PDUSD(P&R) IDP designations are published in Reference (d).

3. REVIEW OF IDP-DESIGNATED AREAS. Combatant Commanders shall establish procedures for the review of IDP areas within their area of responsibility (AOR) to ensure continued designation is warranted. If at any time a designation is no longer warranted, the Combatant Commander shall advise the Chairman of the Joint Chiefs of Staff, who shall then forward the appropriate recommendation, in coordination with the Military Departments, to the PDUSD(P&R). At the periodic request of the PDUSD(P&R) through the Chairman of the Joint Chiefs of Staff, Combatant Commanders shall complete imminent danger area assessments (see Enclosure 3 of this Instruction) for each IDP-designated area in the commander's AOR, which shall be forwarded to the Chairman of the Joint Chiefs of Staff for consideration.

ENCLOSURE 3

IDP AREA ASSESSMENT FORMAT

Figure. Sample of IDP Area Assessment

Instructions to Combatant Commanders:

In Section A, check the factors that pertain.

In Sections B through F, indicate the categories in each section that best describe current conditions in the area that reasonably are expected to continue or worsen in the future.

In Sections A through F that apply, provide statistics (demography, numbers of incidents) and supporting narratives (on separate sheets) for each section that applies to the area, explaining how the situation places U.S. military members (and/or their families) in imminent danger of physical harm. Sections B and C must be supported by a copy of the command's threat assessment for the area prepared in the standard DoD threat assessment format; the existence, capability, history, and intentions of groups targeting U.S. military members (and/or their families) are to be addressed. Provide additional comments or contributing factors in Section G.

All items in all sections must be completed. Mark "N/A" those that do not apply.

NAME OF AREA (Country, Province, City, Place) _____, and if applicable, geographic delineation of designated imminent threat area. [Note: An area being requested for IDP designation must be limited in geographical delineation to include the smallest area (e.g., portions of countries or seas) that encompasses the danger or threat.]

DATE OF SUBMISSION: _____

APPROXIMATELY HOW MANY UNIFORMED SERVICES MEMBERS ARE PERMANENTLY ASSIGNED IN THE AREA CONCERNED? _____

APPROXIMATELY HOW MANY UNIFORMED SERVICES MEMBERS ARE DEPLOYED IN THE AREA CONCERNED? _____

SECTION A. ACTS OF VIOLENCE.

Are uniformed services members in imminent danger of physical harm from acts of violence? If "yes," explain. Occurrences of the following acts of violence that are the apparent result of civil insurrection, civil war, terrorism, or wartime conditions in your geographic area of responsibility **WITHIN THE LAST CALENDAR YEAR** may be cited as illustrative of such danger if they are representative of current conditions that are reasonably expected to continue or worsen in the future.

Figure. Sample of IDP Area Assessment, Continued

1. Assassination – An individual or group targeted and intentionally caused the death(s) of member(s).
2. Homicide – An individual or group caused the death of member(s), but there is no evidence the victim(s) was targeted due to status as a member.
3. Sabotage – An individual or group damaged property used for the defense of a U.S. Government installation with the intent to impair the ability of the installation to defend itself.
4. Kidnapping – An individual or group restrained a member for ransom, for use as a shield or hostage, or to interfere with the performance of a government function.
5. Aggravated Battery – An individual or group intentionally caused serious bodily injury to a member.
6. Property Damage – An individual or group damaged a U.S. military facility by fire, explosion, or other means.
7. Terrorizing – An individual or group communicated a viable threat to engage in conduct dangerous to human life, thereby causing members to be continually fearful about their personal safety; the evacuation of a building; or other serious disruption to the U.S. Government installation.
8. Extortion – An individual or group obtained the property of a member by threatening, or placing the member in fear of, bodily injury or by kidnapping that member or another individual.
9. Rioting – Mob violence endangered the lives of members.
10. Commandeering a Vessel and/or Hijacking an Aircraft – an individual or group seized a vessel or an aircraft with members aboard.

SECTION B. INSURRECTION, WAR, OR WARTIME CONDITIONS.

1. Fighting is sufficiently close to uniformed services members that:
 - a. There is a substantial probability of death or bodily injury to members.
 - b. Members have a reasonable and continuing fear for their safety.
 - c. There is danger to human life and/or property.
2. Fighting presently poses no threat to members, but the situation could change quickly.
3. Fighting presently poses no threat to members and is not reasonably expected to pose a threat

Figure. Sample of IDP Area Assessment, Continued

in the foreseeable future.

SECTION C. UNIFORMED SERVICES MEMBERS AND TERRORISM CONDITIONS.

1. A terrorist organization exists that is able to cause bodily injury or death to members, but that has not actually communicated a threat or carried out an act of violence against a member.
2. A terrorist organization exists that, because of its philosophy or goals, might reasonably be expected to attempt to cause physical injury or death to members.
3. If the terrorist threat is assessed at a level other than “high,” applying DoD threat assessment factors, explain what makes the threat to members “imminent.”
4. Does the “imminent” danger pose a risk for members throughout the geographic area of the country, to include the navigable waterways and airspace? If the threat is confined to specific geographic areas, navigable waterways, or airspace, specify by longitude and latitude those specific areas in which members are subject to imminent danger. (Note: an IDP area designation will be limited to only an area where members are genuinely in imminent danger. Designations must be limited to a specific geographic area, navigable waterway, or airspace, with appropriate combinations, as applicable.)

SECTION D. SECURITY ENVIRONMENT.

1. What element(s) of the current security environment suggest that uniformed services members are at risk in the area?
2. What security measures are currently in place to protect uniformed services members? For example, have threat condition levels and security operational tempo increased?
3. Are there Combatant Commander and/or Component Commander restrictions on off-duty travel, leave, and rest and recuperation in the area?
4. What measures have the host nation government taken to protect members?

SECTION E. TRAVEL RESTRICTIONS.

1. Are uniformed members restricted to their duty stations or installations?
2. Are uniformed services members restricted to defined sections of the area?
3. Must uniformed services members and/or their dependents be accompanied by armed guards or travel in armored vehicles when moving outside the installation?

Figure. Sample of IDP Area Assessment, Continued

SECTION F. PRESENCE OF DEPENDENTS IN THE AREA.

1. Are command-sponsored dependents in the area? How many? Are only adult dependents allowed in the area? Are only certain ages of dependent children allowed in the area? Are accompanied tours authorized for key billets only?
2. If there are command-sponsored school children in the area, is there a DoD Dependents School in the area?
3. Is there evidence that dependents of members are targeted? If so, what extra security measures are employed to adequately protect the dependents against the risk to their safety, to include measures to protect children from the threat as they move to and from school?
4. Please note whether there is a restriction on dependent travel to the area at this time, and whether some or all dependents have been evacuated (or authorized departure) from the area.

SECTION G. OTHER FACTORS.

Describe any other conditions contributing to the imminent danger in the area.

SECTION H. POINTS OF CONTACT.

Combatant Command staff: _____ Position: _____

State Department Representative: _____ Position: _____

Notes:

1. The State Department Representative should be from the Office of Military Cooperation in the embassy of the country concerned.
2. Any comments the Ambassador's office officially provided in regard to the review of the area for IDP designation should be noted and forwarded along with the assessment.

SECTION I. AUTHORIZED SIGNATURE:

Combatant Commander

GLOSSARY

PART I. ABBREVIATIONS AND ACROYNMS

AOR	area of responsibility
ASD(APSA)	Assistant Secretary of Defense for Asian and Pacific Security Affairs
ASD(HD&ASA)	Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs
ASD(ISA)	Assistant Secretary of Defense for International Security Affairs
DoDI	DoD Instruction
HFP	hostile fire pay
IDP	imminent danger pay
PDUSD(P&R)	Principal Deputy Under Secretary of Defense for Personnel and Readiness
U.S.C.	United States Code

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purposes of this Instruction.

appropriate commander

The senior on-scene commander serving in the grade of O-5 or above with delegated authority to designate the period during which duty in an area will qualify the member for HFP in accordance with subparagraph 4.a.(2) above the signature of this Instruction (section 310(a)(2)(B) of Reference (c)) and who certifies that the member met the requirements for such pay.

The on-scene commander closest to the hostile fire event who certifies that the member has met the requirements for pay in subparagraphs 4.a.(1) and (3) above the signature of this Instruction (section 310(a)(2)(A) and (C) of Reference (c)).

certification. A statement issued by the appropriate commander certifying that a member was subject to hostile fire or explosion of hostile mines during a specific period and is eligible for HFP for that month.

combat operation. A military action that may involve carrying out a strategic, operational, or tactical mission against a hostile or unfriendly force, to include carrying on combat and any related movement, supply, attack, defense, and maneuvers needed to gain the objectives of a battle or campaign.

HFP. Special pay payable to a uniformed services member under conditions described in subparagraphs 4.a.(1), (2), and (3) above the signature of this Instruction.

IDP. Special pay payable to a uniformed services member under conditions described in subparagraph 4.a.(4) above the signature of this Instruction.

HFP-designated areas. Areas described in subparagraph 4.a.(2) above the signature of this Instruction in which uniformed services members are on duty and are in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period the member was on duty in the area, other member of the uniformed services were subject to hostile fire or explosion of hostile mines, as determined by the senior on-scene commander serving in the grade of O-5 or above. (Section 310(a)(2)(B) of Reference (c).)

IDP-designated areas. Foreign areas described in subparagraph 4.a.(4) above the signature of this Instruction in which uniformed services members are on duty and are subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions, as determined by the PDUSD(P&R). (Section 310(a)(2)(D) of Reference (c).)

line of duty determination. A finding made after an investigation into the circumstances of a member's illness, injury, disease, or death. The investigation explores whether or not the member's illness, injury, disease, or death was incurred while absent from duty or as a result of their misconduct.

uniformed services. Defined under section 101(3) of Reference (c).

uniformed services member subject to a hostile fire event. A uniformed services member is subject to or considered to have been killed, injured, or wounded by hostile fire, explosion of hostile mines, or any other hostile action (hostile fire event) when the trajectory, the point of impact, or the explosion of hostile devices (to include, but not limited to, use of an improvised explosive device or a chemical or biological weapon), or the effect of hostile actions was in such proximity to the member that the member was placed in danger of being wounded, injured, or killed. Uniformed services members serving on active duty in an area in which that member or other similarly situated uniformed services members from the same unit, vessel, or aircraft are subject to immediate danger of being wounded, injured, or killed by hostile fire or explosion of hostile mines is considered to be in imminent danger of being exposed to such a hostile event. It also includes force used directly to impede the mission and/or duties of the uniformed services, such as the recovery of U.S. personnel or vital U.S. Government property. Under such circumstances, it is reasonable to anticipate that a member may suffer a wound, injury, or illness as a result of an accident, mistake, or friendly fire that occurs while engaged with a hostile force or what is reasonably believed to be a hostile force.