

§ 902. Regulations of Secretary of Defense

(a) Employment, compensation, etc., of teachers

Not later than the ninetieth day following July 17, 1959, the Secretary of Defense shall prescribe and issue regulations to carry out the purposes of this chapter. Such regulations shall govern—

- (1) the establishment of teaching positions;
- (2) the fixing of basic compensation for teachers and teaching positions at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in urban school jurisdictions in the United States of 100,000 or more population;
- (3) the entitlement of teachers to compensation;
- (4) the payment of compensation to teachers;
- (5) the appointment of teachers;
- (6) the conditions of employment of teachers;
- (7) the length of the school year or school years applicable to teaching positions;
- (8) the leave system for teachers;
- (9) quarters, allowances, and additional compensation for teachers; and
- (10) such other matters as may be relevant and appropriate to the purposes of this chapter.

(b) Effective date of regulations

The regulations prescribed and issued by the Secretary of Defense under subsection (a) of this section shall become effective on such date as the Secretary of Defense shall prescribe but not later than the ninetieth day following the date of issuance of such regulations.

(Pub. L. 86-91, § 4, July 17, 1959, 73 Stat. 214; Pub. L. 89-391, § 1(a), Apr. 14, 1966, 80 Stat. 117.)

CODIFICATION

Section was formerly classified to section 2352 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1966—Subsec. (a)(2). Pub. L. 89-391 substituted provisions for issuance of regulations to fix basic compensation for teachers and teaching positions at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in urban school jurisdictions in the United States of 100,000 or more population for former provisions fixing basic compensation for teaching positions in relation to rates of basic compensation for similar positions in the United States.

EFFECTIVE DATE OF 1966 AMENDMENT

Pub. L. 89-391, § 2, Apr. 14, 1966, 80 Stat. 118, provided that: “The amendments made by the first section of this Act [amending this section and section 903 of this title] shall become effective on the first day of the first pay period which begins after the date of enactment of this Act [Apr. 14, 1966].”

§ 903. Administration

(a) Employment and salary practices

The Secretary of Defense shall conduct the employment and salary practices applicable to teachers and teaching positions in the Depart-

ment of Defense in accordance with this chapter, other applicable law, and the regulations prescribed and issued by the Secretary of Defense under section 902 of this title.

(b) Determination of exempt positions and individuals; establishment of annual salary rate

Subject to section 5103 of title 5, the Secretary of Defense—

- (1) shall determine the applicability of paragraph (22) of section 5102(c) of title 5 to positions and individuals in the Department of Defense; and
- (2) shall establish the appropriate annual salary rate in accordance with this chapter for each such position and individual to which such paragraph (22) is determined to be applicable.

(c) Rates of basic compensation

The Secretary of Defense shall fix the basic compensation for teachers and teaching positions in the Department of Defense at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in urban school jurisdictions in the United States of 100,000 or more population.

(d) Issuance of regulations by Secretary of Defense

The Secretary of Defense may prescribe and issue such regulations as he deems appropriate to carry out his functions under this chapter.

(Pub. L. 86-91, § 5, July 17, 1959, 73 Stat. 214; Pub. L. 86-370, § 6(b), Sept. 23, 1959, 73 Stat. 652; Pub. L. 89-391, § 1(b), (c), Apr. 14, 1966, 80 Stat. 117; Pub. L. 96-470, title I, § 104(b), Oct. 19, 1980, 94 Stat. 2238; Pub. L. 104-201, div. A, title XVI, § 1606(b), Sept. 23, 1996, 110 Stat. 2737; Pub. L. 105-85, div. A, title X, § 1073(c)(9)(B), (C), Nov. 18, 1997, 111 Stat. 1904.)

CODIFICATION

In subsec. (b), “section 5103 of title 5” and “paragraph (22) of section 5102(c) of title 5” substituted for “section 202 of the Classification Act of 1949” and “paragraph (33) of section 202 of such Act, added by section 3 of this Act” respectively, on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Provisions of section 1(b) and (c) of Pub. L. 89-391 for amendment of subsec. (c) of this section and addition of other provisions as another subsec. (c), have been executed in the Code as an amendment of subsec. (c) of this section and addition of subsec. (e) of this section, respectively.

Section was formerly classified to section 2353 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-85, § 1073(c)(9)(B), made technical correction to Pub. L. 104-201, § 1606(b)(1)(A). See 1996 Amendment note below.

Subsec. (b)(1). Pub. L. 105-85, § 1073(c)(9)(C), made technical correction to Pub. L. 104-201, § 1606(b)(2)(B). See 1996 Amendment note below.

1996—Subsec. (a). Pub. L. 104-201, § 1606(b)(1)(B), substituted “the Department of Defense” for “his military department”.

Pub. L. 104-201, § 1606(b)(1)(A), as amended by Pub. L. 105-85, § 1073(c)(9)(B), substituted “Secretary of Defense