

provided for open meetings of educational agencies, was renumbered Pub. L. 89-10, title X, §1006, by Pub. L. 95-561, title VIII, §801(1), (2), Nov. 1, 1978, 92 Stat. 2284, and transferred to section 3386 of this title, and was subsequently omitted in the general amendment of Pub. L. 89-10 by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3519.

**§ 888. Repealed. Pub. L. 91-230, title IV, § 401(e)(1), Apr. 13, 1970, 84 Stat. 173**

Section, Pub. L. 90-247, §2, Jan. 2, 1968, 81 Stat. 783, which was not enacted as part of Pub. L. 89-10 which comprised this subchapter, provided for citation of authority and uniform application of rules and regulations.

**SUBCHAPTER VI—ETHNIC HERITAGE PROGRAM**

**§§ 900 to 900a-5. Omitted**

**CODIFICATION**

Sections were omitted in the general revision of title IX of the Elementary and Secondary Education Act of 1965, Pub. L. 89-10, title IX, as added Pub. L. 92-318, title V, §504(a), June 23, 1972, 86 Stat. 347, by Pub. L. 95-561, title VIII, §802, Nov. 1, 1978, 92 Stat. 2292.

Section 900, Pub. L. 89-10, title IX, §901, as added Pub. L. 92-318, title V, §504(a), June 23, 1972, 86 Stat. 346, contained the Congressional statement of policy with regard to the ethnic heritage program.

Section 900a, Pub. L. 89-10, title IX, §902, as added Pub. L. 92-318, title V, §504(a), June 23, 1972, 86 Stat. 347, authorized grants for the ethnic heritage studies program.

Section 900a-1, Pub. L. 89-10, title IX, §903, as added Pub. L. 92-318, title V, §504(a), June 23, 1972, 86 Stat. 347; amended Pub. L. 93-380, title I, §111(b), Aug. 21, 1974, 88 Stat. 513, described the authorized activities for the ethnic heritage program.

Section 900a-2, Pub. L. 89-10, title IX, §904, as added Pub. L. 92-318, title V, §504(a), June 23, 1972, 86 Stat. 347, related to the form and content of applications for assistance.

Section 900a-3, Pub. L. 89-10, title IX, §905, as added Pub. L. 92-318, title V, §504(a), June 23, 1972, 86 Stat. 347, related to the administration of the program.

Section 900a-4, Pub. L. 89-10, title IX, §906, as added Pub. L. 92-318, title V, §504(a), June 23, 1972, 86 Stat. 348, established the National Advisory Council on Ethnic Heritage Studies.

Section 900a-5, Pub. L. 89-10, title IX, §907, as added Pub. L. 92-318, title V, §504(a), June 23, 1972, 86 Stat. 348; amended Pub. L. 93-380, title I, §111(a)(1), Aug. 21, 1974, 88 Stat. 513, authorized appropriations for fiscal years through fiscal year 1978.

**CHAPTER 25—PAY AND PERSONNEL PROGRAM FOR OVERSEAS TEACHERS**

Sec.	
901.	Definitions.
902.	Regulations of Secretary of Defense.
903.	Administration.
904.	Leave.
905.	Quarters, quarters allowances, and storage.
906.	Entitlements in addition to basic compensation.
907.	Applicability of other laws.

**§ 901. Definitions**

For the purposes of this chapter, the term—

(1) “teaching position” means those duties and responsibilities which—

(A) are performed on a school-year basis principally in a school operated by the Department of Defense in an overseas area for

dependents of members of the Armed Forces and dependents of civilian employees of the Department of Defense, or are performed by an individual who carried out certain teaching activities identified in regulations prescribed by the Secretary of Defense; and

(B) involve—

(i) classroom or other instruction or the supervision or direction of classroom or other instruction; or

(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education; or

(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity.

(2) “teacher” means an individual—

(A) who is a citizen of the United States or, in the case of a teaching position that involves instruction in the host-nation language, a local national when a citizen of the United States is not reasonably available to provide such instruction,

(B) who is a civilian, and

(C) who is employed in a teaching position described in paragraph (1).

(3) “overseas area” means any area situated outside the United States.

(4) “United States”, when used in a geographical sense, means the several States of the United States of America, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and the possessions of the United States (excluding the Trust Territory of the Pacific Islands and Midway Islands).

(Pub. L. 86-91, §2, July 17, 1959, 73 Stat. 213; Pub. L. 104-201, div. A, title XVI, §1606(a), Sept. 23, 1996, 110 Stat. 2736; Pub. L. 105-85, div. A, title X, §1073(c)(9)(A), Nov. 18, 1997, 111 Stat. 1904; Pub. L. 113-291, div. A, title V, §564, Dec. 19, 2014, 128 Stat. 3384.)

**REFERENCES IN TEXT**

For definition of Canal Zone, referred to in par. (4), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

**CODIFICATION**

Section was formerly classified to section 2351 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**

2014—Par. (2)(A). Pub. L. 113-291 inserted “or, in the case of a teaching position that involves instruction in the host-nation language, a local national when a citizen of the United States is not reasonably available to provide such instruction” before comma at end.

1997—Par. (1)(A). Pub. L. 105-85 made technical corrections to Pub. L. 104-201, §1606(a)(1). See 1996 Amendment note below.

1996—Par. (1)(A). Pub. L. 104-201, §1606(a)(1), as amended by Pub. L. 105-85, inserted “or are performed by an individual who carried out certain teaching ac-

tivities identified in regulations prescribed by the Secretary of Defense;" after "Defense."

Par. (2)(C). Pub. L. 104-201, §1606(a)(2), added subpar. (C) and struck out former subpar. (C) which read as follows: "whose services are required on a school-year basis in a teaching position."

#### EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-85, div. A, title X, §1073(c), Nov. 18, 1997, 111 Stat. 1904, provided that the amendment made by that section is effective as of Sept. 23, 1996, and as if included in the National Defense Authorization Act for Fiscal Year 1997, Pub. L. 104-201, as enacted.

#### SHORT TITLE

Pub. L. 86-91, §1, July 17, 1959, 73 Stat. 213, provided that: "This Act [enacting this chapter and provisions now contained in section 5102(c)(22) of Title 5, Government Organization and Employees] may be cited as the 'Defense Department Overseas Teachers Pay and Personnel Practices Act'."

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

### § 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 Department 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