

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

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§ 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 activities 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.