

**§ 887d. Repealed. Pub. L. 95-561, title III, § 301(b)(1)(F), Nov. 1, 1978, 92 Stat. 2228**

Section, Pub. L. 89-10, title VIII, § 811, as added Pub. L. 92-318, title V, § 505(a)(3), June 23, 1972, 86 Stat. 348; amended Pub. L. 93-380, title IV, § 407(a), Aug. 21, 1974, 88 Stat. 553, related to consumers' education programs.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Sept. 30, 1979, see section 301(b)(1) of Pub. L. 95-561.

**CONGRESSIONAL DECLARATION OF FINDINGS AND PURPOSE**

Pub. L. 92-318, § 505(a)(1), (2), June 23, 1972, 86 Stat. 348, provided the findings and purpose of Congress for this section.

**§ 887e. Transferred**

**CODIFICATION**

Section, Pub. L. 89-10, title VIII, § 812, as added Pub. L. 93-380, title I, § 110, Aug. 21, 1974, 88 Stat. 513, which 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 Repealed.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**

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| Sec. | Definitions.  |
| 901. | Regulations of Secretary of Defense.  |
| 902. | (a) Employment, compensation, etc., of teachers.<br>(b) Effective date of regulations.  |
| 903. | Administration.<br>(a) Employment and salary practices.<br>(b) Determination of exempt positions and individuals; establishment of annual salary rate.<br>(c) Rates of basic compensation.<br>(d) Issuance of regulations by Secretary of Defense.  |
| 904. | Leave.<br>(a) Entitlement; amount.<br>(b) Saturdays, Sundays, holidays, and nonwork days.<br>(c) Purposes for taking leave.<br>(d) Credit for persons holding teaching positions and for employees transferred, promoted or reappointed.<br>(e) Excess of maximum amount of accumulated leave; reduction.<br>(f) Liquidation of unused leave upon separation.<br>(g) Transfer of leave credit for teachers transferred, promoted or reappointed to positions under different leave system.<br>(h) Voluntary leave transfer and bank programs. |
| 905. | Quarters, quarters allowances, and storage.<br>(a) Entitlement.<br>(b) Furnishing of living quarters or grant of allowance.<br>(c) Recess periods.<br>(d) Failure to report for service; liability to United States.<br>(e) Employment in other positions during recess periods.<br>(f) Lease of military family housing by teacher assigned to teach at Guantanamo Bay Naval Station, Cuba.  |
| 906. | Entitlements in addition to basic compensation.<br>(a) Cost-of-living increase and additional compensation.<br>(b) Post differential.   |
| 907. | Applicability of other laws.  |

**CHAPTER REFERRED TO IN OTHER SECTIONS**

This chapter is referred to in section 922 of this title; title 5 section 5722; title 25 section 2012.

**§ 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 edu-

cational 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,  
 (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.)

#### 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

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

Section 1073(c) of Pub. L. 105-85 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

Section 1 of Pub. L. 86-91 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.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 5102, 5334, 5541, 6301, 8331, 8701.

### § 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

Section 2 of Pub. L. 89-391 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]."

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 903, 904 of this title.