

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.

**§ 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 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 shall” for “secretary of each military department in the Department of Defense shall”.

Subsec. (b). Pub. L. 104–201, § 1606(b)(2)(A), substituted “Secretary of Defense—” for “secretary of each military department—” in introductory provisions.

Subsec. (b)(1). Pub. L. 104–201, § 1606(b)(2)(B), as amended by Pub. L. 105–85, § 1073(c)(9)(C), substituted “the Department of Defense;” for “his military department;”.

Subsec. (c). Pub. L. 104–201, § 1606(b)(3), substituted “Secretary of Defense” for “Secretary of each military department” and “the Department of Defense” for “his military department”.

Subsec. (d). Pub. L. 104–201, § 1606(b)(4), substituted “Secretary of Defense” for “Secretary of each military department”.

1980—Subsec. (e). Pub. L. 96–470 struck out subsec. (e) which required the Secretary of Defense, on or before the 15th day of January in each calendar year beginning after Apr. 14, 1966, to report to the respective Committees on Post Office and Civil Service of the Senate and House of Representatives information on teachers separated from teaching positions subsequent to the close of the immediately preceding full school year and the number of new teachers appointed to teaching positions at the beginning of the school year current at time of the report, including the number of such new teachers obtained through voluntary reciprocal interchange agreements with school jurisdictions in the United States.

1966—Subsec. (c). Pub. L. 89–391, § 1(b), substituted provisions for fixing the 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 such rates in relation to the rates of basic compensation for similar positions in the United States but not exceeding the highest rate of basic compensation for similar positions of a comparable level of duties and responsibilities under the municipal government of the District of Columbia.

Subsec. (e). Pub. L. 89–391, § 1(c), inserted provisions designated as subsec. (c) to section 5 of Pub. L. 86–91, but codified as subsec. (e) of this section.

1959—Subsec. (b). Pub. L. 86–370 substituted “(33)” for “(32)” in two places.

## 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.

## EFFECTIVE DATE OF 1966 AMENDMENT

Amendments of this section by Pub. L. 89–391 effective on first day of first pay period beginning after Apr. 14, 1966, see section 2 of Pub. L. 89–391, set out as a note under section 902 of this title.

## EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86–370 effective on first day of first pay period which begins after Sept. 23, 1959, see section 7(b) of Pub. L. 86–370, set out as a note under section 3 of Title 35, Patents.

## TEACHERS EMPLOYED BY CANAL ZONE GOVERNMENT SCHOOL SYSTEM ON SEPTEMBER 30, 1979

Subsec. (c) of this section not to apply with respect to any teacher who was employed by the Canal Zone Government school system on September 30, 1979, and who was transferred from such position to a teaching