and Secondary Education Act of 1965, Pub. L. 89–10, title VII, as added Pub. L. 93–380, title I, §105(a)(1), Aug. 21, 1974, 88 Stat. 511, by Pub. L. 95–561, title VII, §701, Nov. 1, 1978, 92 Stat. 2268.

§887b. Repealed. Pub. L. 93–380, title IV, §402(c)(3), Aug. 21, 1974, 88 Stat. 546

Section, Pub. L. 89–10, title VIII, §809, as added Pub. L. 91–230, title I, §164, Apr. 13, 1970, 84 Stat. 154; amended Pub. L. 93–380, title I, §109(a), Aug. 21, 1974, 88 Stat. 513, related to correction education services, providing in subsecs. (a) for grants for research and demonstration projects; (b) for appointment and functions of advisory committees and furnishing of advice and recommendations of Federal officials and other persons and organizations to the Commissioner; and (c) for authorization of $500,000 for fiscal years ending June 30, 1974, and 1975.

Section 109(b) of Pub. L. 93–380 made such authorizations effective on and after July 1, 1974.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1975, see section 402(c)(3) of Pub. L. 93–380.

§§887c to 887c–2. Transferred

CODIFICATION

Section 887c, Pub. L. 89–10, title VIII, §810, as added Pub. L. 92–318, title IV, §421(a), June 23, 1972, 86 Stat. 339; amended Pub. L. 93–380, title VI, §§631(a), 632(a), Aug. 21, 1974, 88 Stat. 585, 586, which related to improvement of educational opportunities for Indian children, was renumbered Pub. L. 89–10, title X, §1005, by Pub. L. 95–561, title VIII, §801(1), (2), Nov. 1, 1978, 92 Stat. 2284, and transferred to section 3385 of this title, and was subsequently repealed by Pub. L. 100–297, title V, §5352(2), Apr. 28, 1988, 102 Stat. 414.

Section 887c–1, Pub. L. 92–318, title IV, §422, as added Pub. L. 93–380, title VI, §632(c), Aug. 21, 1974, 88 Stat. 586; amended Pub. L. 95–561, title XI, §§1141(c)(1), 1152(a), Nov. 1, 1978, 92 Stat. 2329, 2333, which related to special educational training programs for teachers of Indian people, was transferred to section 3385a of this title, and was subsequently repealed by Pub. L. 100–297, title V, §5352(4), Apr. 28, 1988, 102 Stat. 414.

Section 887c–2, Pub. L. 92–318, title IV, §423, as added Pub. L. 93–380, title VI, §632(c), Aug. 21, 1974, 88 Stat. 586; amended Pub. L. 95–561, title XI, §§1141(c)(2), 1152(b), Nov. 1, 1978, 92 Stat. 2329, 2333, which related fellowships for Indian students, was transferred to section 3385b of this title, and was subsequently repealed by Pub. L. 100–297, title V, §5352(4), Apr. 28, 1988, 102 Stat. 414.

§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

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,

(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.

§ 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].''

§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 position which is under the Department of Defense Overseas Dependent School System and the permanent duty station of which is in the Republic of Panama, until the rates of basic compensation established under subsec. (c) of this section equal or exceed the rates of basic compensation then in effect for teachers who were so transferred, see section 3671(c)(1) of Title 22, Foreign Relations and Intercourse.

§ 904. Leave

(a) Entitlement; amount

Subject to the regulations prescribed and issued by the Secretary of Defense under section 902 of this title, each teacher (other than an individual employed as a substitute teacher) shall be entitled to cumulative leave, with pay, which shall accrue at the rate of one day for each calendar month, or part thereof, of a school year, except that if the school year includes more than eight months, any such teacher who shall have served for the entire school year shall be entitled to ten (or, if such teacher is employed in a supervisory position or higher, not less than ten and not more than thirteen) days of cumulative leave with pay.

(b) Saturdays, Sundays, holidays, and nonwork days

Saturdays, Sundays, regularly scheduled holidays, and other administratively authorized nonwork days shall not be considered to be days of leave for the purposes of subsection (a) of this section.

(c) Purposes for taking leave

Subject to the regulations prescribed and issued by the Secretary of Defense, leave earned by any teacher under subsection (a) of this section may be used by such teacher—

(1) for maternity purposes,

(2) in the event of the illness of such teacher,

(3) in the event of illness, contagious disease, or death in the immediate family of such teacher, and

(4) in the event of any personal emergency.

If appropriate advance notice is given of the intended absence of a teacher, not to exceed three days of such leave may be granted for any purpose in each school year to such teacher.

(d) Credit for persons holding teaching positions and for employees transferred, promoted or reappointed

Any individual—

(1) who is holding a position which is determined to be a teaching position, or

(2) who is an employee of the Federal Government or the municipal government of the District of Columbia who is transferred, promoted, or reappointed, without break in service, from a position under a different leave system to a teaching position,

shall be credited, for the purposes of the leave system provided by this section, with the annual and sick leave to his credit immediately prior to the effective date of such determination, transfer, promotion, or reappointment. Sick leave so credited shall be included in the leave provided for in subsection (a) of this section. Annual leave so credited shall not be included in the leave provided for in such subsection but shall be used under regulations which shall be prescribed by the Secretary of Defense.

(e) Excess of maximum amount of accumulated leave; reduction

In any case in which the amount of sick leave, which is to the credit of any individual under a different leave system immediately prior to the date on which he becomes subject as a teacher to the leave system provided by this section and which is included in the leave provided for in subsection (a) of this section, is in excess of the maximum amount of accumulated leave allowable under subparagraph (2) of such subsection, such excess shall remain to the credit of such teacher until used, but the use during any leave year of an amount in excess of the aggregate amount which shall have accrued during such year shall reduce automatically the maximum allowable amount of accumulated leave at the beginning of the next leave year until such amount no longer exceeds the maximum amount allowable under subparagraph (2) of subsection (a) of this section.

(f) Liquidation of unused leave upon separation

Any annual leave remaining, upon his separation from the service, to the credit of an individual within the purview of this section shall be liquidated in accordance with section 5551 of title 5, except that leave earned or included under subsection (a) of this section shall not be liquidated.

(g) Transfer of leave credit for teachers transferred, promoted or reappointed to positions under different leave system

In the case of any teacher who is transferred, promoted, or reappointed, without break in service, to a position under a different leave system, the annual leave, and any other leave earned or credited under this section, which is to his credit immediately prior to such transfer, promotion, or reappointment, shall be transferred to his credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Director of the Office of Personnel Management.

(h) Voluntary leave transfer and bank programs

The Director of Dependents' Education, in consultation with the Director of the Office of Personnel Management—

(1) shall establish for teachers a voluntary leave transfer program similar to the one under subchapter III of chapter 63 of title 5; and

(2) may establish for teachers a voluntary leave bank program similar to the one under subchapter IV of chapter 63 of title 5.

Only leave described in the last sentence of subsection (c) of this section (relating to leave that may be used by a teacher for any purpose) may be transferred under any program established under this subsection.

(Pub. L. 86–91, § 6, July 17, 1959, 73 Stat. 214; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R.

36037, 92 Stat. 3783; Pub. L. 98–369, div. B, title II, §2204, July 18, 1984, 98 Stat. 1059; Pub. L. 103–425, §1, Oct. 31, 1994, 108 Stat. 4369.)

CODIFICATION

In subsec. (f), ''section 5551 of title 5'' substituted for ''the Act of December 21, 1944 (5 U.S.C. 61b and the following)'' 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.

Section was formerly classified to section 2354 of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89–554, §1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–425, §1(1), inserted ''(or, if such teacher is employed in a supervisory position or higher, not less than ten and not more than thirteen)'' after ''ten''.

Subsec. (d). Pub. L. 103–425, §1(2), substituted ''Secretary of Defense'' for ''Secretary of the military department concerned'' in concluding provisions.

Subsec. (h). Pub. L. 103–425, §1(3), added subsec. (h).

1984—Subsec. (a). Pub. L. 98–369 struck out provisions which had directed that not more than seventy-five days of leave could be accumulated to the credit of a teacher at any one time under this subsection.

TRANSFER OF FUNCTIONS

''Director of the Office of Personnel Management'' substituted for ''United States Civil Service Commission'' in subsec. (g), pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§905. Quarters, quarters allowances, and storage

(a) Entitlement

Under regulations which shall be prescribed by or under authority of the President, each teacher (other than a teacher employed in a substitute capacity) shall be entitled, in addition to basic compensation, to quarters, quarters allowance, and storage as provided by this section.

(b) Furnishing of living quarters or grant of allowance

Each teacher (other than a teacher employed in a substitute capacity) shall be entitled, for each school year for which he performs services as a teacher, to quarters or a quarters allowance equal to those authorized by section 5912 of title 5.

(c) Recess periods

Each teacher (other than a teacher employed in a substitute capacity) who is performing services as a teacher at the close of a school year and agrees in writing to serve as a teacher for the next school year may be authorized, for the recess period immediately preceding such next school year—

(1) quarters or a quarters allowance equal to those authorized by section 5912 of title 5, or

(2) in lieu of such quarters or quarters allowance, storage (including packing, drayage, unpacking, and transportation to and from storage) of his household effects and personal possessions.

(d) Failure to report for service; liability to United States

If a teacher does not report for service at the beginning of the next school year, he shall, except for reasons beyond his control and acceptable to the Department of Defense, be obligated to the United States in an amount equal to any quarters allowance which he may have received under subsection (c) of this section or in an amount equal to the reasonable value of any quarters or storage which he may have received under such subsection, or both, as the case may be.

(e) Employment in other positions during recess periods

Quarters, quarters allowance, and storage provided under this section shall be in lieu of any quarters, quarters allowance, and storage to which he otherwise might be entitled by reason of employment in another position during any recess period between two school years.

(f) Lease of military family housing by teacher assigned to teach at Guantanamo Bay Naval Station, Cuba

(1) A teacher assigned to teach at Guantanamo Bay Naval Station, Cuba, who is not accompanied at such station by any dependent shall be offered for lease any available military family housing at such station that is suitable for occupancy by the teacher and is not needed to house members of the armed forces and dependents accompanying them or other civilian personnel and any dependents accompanying them.

(2) For any period for which military family housing is leased under paragraph (1) to a teacher described in such paragraph, the teacher shall receive a quarters allowance in the amount determined under subsection (b) of this section. The teacher is entitled to such quarters allowance without regard to whether other Government furnished quarters are available for occupancy by the teacher without charge to the teacher.

(Pub. L. 86–91, §7, July 17, 1959, 73 Stat. 216; Pub. L. 87–172, §1, Aug. 30, 1961, 75 Stat. 409; Pub. L. 107–314, div. A, title III, §342, Dec. 2, 2002, 116 Stat. 2515.)

CODIFICATION

In subsecs. (b) and (c)(1), ''section 5912 of title 5'' substituted for ''the Act of June 26, 1930 (5 U.S.C. 118a)'' on authority of Pub. L. 89–554, §7(b), June 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to section 2355 of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89–554, §1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

2002—Subsec. (f). Pub. L. 107–314 added subsec. (f).

1961—Subsec. (d). Pub. L. 87–172 inserted ''except for reasons beyond his control and acceptable to the Department of Defense''.

DELEGATION OF FUNCTIONS

Functions vested in President by subsec. (a) of this section concerning authority to prescribe regulations relating to quarters and quarters allowances delegated to Secretary of State pursuant to Ex. Ord. No. 12228, July 24, 1980, 45 F.R. 49903, set out as a note under section 707 of Title 38, Veterans' Benefits.

Authority of President under subsec. (a) of this section to prescribe regulations relating to storage (including packing, drayage, unpacking, and transportation to and from storage) of household effects and personal possessions delegated to Administrator of General Services, see section 1(19) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

Secretary of State empowered to prescribe regulations relating to cost-of-living allowances, see section 4(a) of Ex. Ord. No. 10903, Jan. 11, 1961, 26 F.R. 217, set out as a note under section 5921 of Title 5, Government Organization and Employees.

§ 906. Entitlements in addition to basic compensation

(a) Cost-of-living increase and additional compensation

Under regulations which shall be prescribed by or under authority of the President, each teacher (other than a teacher employed in a substitute capacity) shall be entitled, in addition to basic compensation, to—

(1) cost-of-living allowances equal to those authorized by section 5924 of title 5, and

(2) additional compensation equal to that authorized under section 5941 of title 5.

(b) Post differential

The cost-of-living allowances and additional compensation provided under subsection (a) of this section for any teacher shall be based on the teaching position in which he rendered services on a school-year basis, except that, if such teacher is employed in another position during any recess period between two school years, such allowances and compensation for such recess period shall be based on the position in which he is employed during such recess period.

(Pub. L. 86–91, § 8, July 17, 1959, 73 Stat. 216; Pub. L. 96–465, title II, § 2206(d), Oct. 17, 1980, 94 Stat. 2162.)

CODIFICATION

In subsec. (a)(2), ''section 5941 of title 5'' substituted for ''section 207 of the Independent Offices Appropriation Act, 1949 (5 U.S.C. 118h)'' 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.

Section was formerly classified to section 2356 of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1980—Subsec. (a)(1). Pub. L. 96–465 substituted reference to section 5924 of title 5 for reference to section 1131(2) of title 22.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

DELEGATION OF FUNCTIONS

Functions vested in President by subsec. (a) of this section concerning authority to prescribe regulations relating to cost of living allowances delegated to Secretary of State pursuant to Ex. Ord. No. 12228, July 24, 1980, 45 F.R. 49903, set out as a note under section 707 of Title 38, Veterans' Benefits.

Functions of President under subsec. (a) of this section delegated to Director of Bureau of the Budget, now Director of Office of Management and Budget, see section 1(10) of Ex. Ord. No. 11230, June 28, 1965, 30 F.R. 8447, set out as a note under section 301 of Title 3, The President.

Secretary of State empowered to prescribe regulations relating to quarters and quarters allowance, see section 4(a) of Ex. Ord. No. 10903, Jan. 11, 1961, 26 F.R. 217, set out as a note under section 5921 of Title 5, Government Organization and Employees.

REGULATIONS APPLICABLE TO PAYMENT OF ADDITIONAL COMPENSATION

For provisions relating to payment of additional compensation authorized by subsec. (a)(2) of this section in accordance with the regulations contained in Ex. Ord. No. 10000, see section 1–101 of Ex. Ord. No. 12228, July 24, 1980, 45 F.R. 49903, set out as a note under section 707 of Title 38, Veterans' Benefits.

§ 907. Applicability of other laws

In the case of any teacher who—

(1) is performing services as a teacher at the close of a school year,

(2) agrees in writing to serve as a teacher for the next school year, and

(3) is employed in another position in the recess period immediately preceding such next school year, or, during such recess period, receives quarters, allowances, or additional compensation referred to in sections 905 and 906 of this title, or both, as the case may be,

section 5533 of title 5 shall not apply to such teacher by reason of any such employment during a recess period or any such receipt of quarters, allowances, or additional compensation, or both, as the case may be.

(Pub. L. 86–91, § 10(b), July 17, 1959, 73 Stat. 217; Pub. L. 88–448, title IV, § 401(n), Aug. 19, 1964, 78 Stat. 492.)

CODIFICATION

''Section 5533 of title 5'' substituted in text for ''section 301 of the Dual Compensation Act'' 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.

Section was formerly classified to section 2358(b) of Title 5 period to the general revision and enactment of Title 5 by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1964—Subsec. (b). Pub. L. 88–448 made section 301 of the Dual Compensation Act inapplicable and struck out provisions which referred to former section 62 of title 5 and section 6 of the act of May 10, 1916.

CHAPTER 25A—OVERSEAS DEFENSE DEPENDENTS' EDUCATION

Sec.
921. Defense dependents' education system.
922. Administration of defense dependents' education system.
923. Space-available enrollment of students; tuition.
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924. Annual educational assessment.
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