

106TH CONGRESS  
2D SESSION

# H. R. 207

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, SEPTEMBER 22), 2000

Received

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## AN ACT

To amend title 5, United States Code, to make permanent the authority under which comparability allowances may be paid to Government physicians, and to provide that such allowances be treated as part of basic pay for retirement purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Physicians  
5       Comparability Allowance Amendments of 2000”.

6       **SEC. 2. AUTHORITY MADE PERMANENT.**

7       (a) IN GENERAL.—

8               (1) AMENDMENT TO TITLE 5, UNITED STATES  
9       CODE.—The second sentence of section 5948(d) of  
10      title 5, United States Code, is repealed.

11              (2) AMENDMENT TO THE FEDERAL PHYSICIANS  
12      COMPARABILITY ALLOWANCE ACT OF 1978.—Section  
13      3 of the Federal Physicians Comparability Allowance  
14      Act of 1978 (5 U.S.C. 5948 note) is repealed.

15      (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
16      Section 5948 of title 5, United States Code, is amended—

17              (1) by repealing paragraph (2) of subsection (j);  
18      and

19              (2) in subsection (j)(1)—

20                      (A) by striking “(j)(1)” and inserting  
21                      “(j)”;

22                      (B) by redesignating subparagraphs (A)  
23                      through (E) as paragraphs (1) through (5), re-  
24                      spectively; and

1 (C) in paragraph (5) (as so redesignated  
2 by this paragraph) by striking “subparagraph  
3 (B)” and inserting “paragraph (2)”.

4 **SEC. 3. TREATMENT OF ALLOWANCES AS PART OF BASIC**  
5 **PAY FOR RETIREMENT PURPOSES.**

6 (a) **DEFINITION OF BASIC PAY.**—Section 8331(3) of  
7 title 5, United States Code, is amended—

8 (1) in subparagraph (F) by striking “and” after  
9 the semicolon;

10 (2) in subparagraph (G) by inserting “and”  
11 after the semicolon;

12 (3) by inserting after subparagraph (G) the fol-  
13 lowing:

14 “(H) any amount received under section  
15 5948 (relating to physicians comparability al-  
16 lowances);”; and

17 (4) in the matter following subparagraph (H)  
18 (as added by paragraph (3)) by striking “through  
19 (G)” and inserting “through (H)”.

20 (b) **CIVIL SERVICE RETIREMENT SYSTEM.**—

21 (1) **COMPUTATION RULES.**—Section 8339 of  
22 title 5, United States Code, is amended by adding  
23 at the end the following:

1 “(s)(1) For purposes of this subsection, the term  
 2 ‘physicians comparability allowance’ refers to an amount  
 3 described in section 8331(3)(H).

4 “(2) Except as otherwise provided in this subsection,  
 5 no part of a physicians comparability allowance shall be  
 6 treated as basic pay for purposes of any computation  
 7 under this section unless, before the date of the separation  
 8 on which entitlement to annuity is based, the separating  
 9 individual has completed at least 15 years of service as  
 10 a Government physician (whether performed before, on,  
 11 or after the date of enactment of this subsection).

12 “(3) If the condition under paragraph (2) is met,  
 13 then, any amounts received by the individual in the form  
 14 of a physicians comparability allowance shall (for the pur-  
 15 poses referred to in paragraph (2)) be treated as basic  
 16 pay, but only to the extent that such amounts are attrib-  
 17 utable to service performed on or after the date of enact-  
 18 ment of this subsection, and only to the extent of the per-  
 19 centage allowable, which shall be determined as follows:

<b>“If the total amount of service performed, on or after the date of enactment of this subsection, as a Government physician is:</b>	<b>Then, the percentage allowable is:</b>
Less than 2 years .....	0
At least 2 but less than 4 years .....	25
At least 4 but less than 6 years .....	50
At least 6 but less than 8 years .....	75
At least 8 years .....	100.

20 “(4) Notwithstanding any other provision of this sub-  
 21 section, 100 percent of all amounts received as a physi-

1 cians comparability allowance shall, to the extent attrib-  
2 utable to service performed on or after the date of enact-  
3 ment of this subsection, be treated as basic pay (without  
4 regard to any of the preceding provisions of this sub-  
5 section) for purposes of computing—

6 “(A) an annuity under subsection (g); and

7 “(B) a survivor annuity under section 8341, if  
8 based on the service of an individual who dies before  
9 separating from service.”.

10 (2) GOVERNMENT PHYSICIAN DEFINED.—Sec-  
11 tion 8331 of title 5, United States Code, is amended  
12 by striking “and” at the end of paragraph (26), by  
13 striking the period at the end of paragraph (27) and  
14 inserting “; and”, and by adding at the end the fol-  
15 lowing:

16 “(28) ‘Government physician’ has the meaning  
17 given that term under section 5948.”.

18 (c) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

19 (1) COMPUTATION RULES.—Section 8415 of  
20 title 5, United States Code, is amended by adding  
21 at the end the following:

22 “(i)(1) For purposes of this subsection, the term  
23 ‘physicians comparability allowance’ refers to an amount  
24 described in section 8331(3)(H).

1       “(2) Except as otherwise provided in this subsection,  
2 no part of a physicians comparability allowance shall be  
3 treated as basic pay for purposes of any computation  
4 under this section unless, before the date of the separation  
5 on which entitlement to annuity is based, the separating  
6 individual has completed at least 15 years of service as  
7 a Government physician (whether performed before, on,  
8 or after the date of enactment of this subsection).

9       “(3) If the condition under paragraph (2) is met,  
10 then, any amounts received by the individual in the form  
11 of a physicians comparability allowance shall (for the pur-  
12 poses referred to in paragraph (2)) be treated as basic  
13 pay, but only to the extent that such amounts are attrib-  
14 utable to service performed on or after the date of enact-  
15 ment of this subsection, and only to the extent of the per-  
16 centage allowable, which shall be determined as follows:

<b>“If the total amount of service performed, on or after the date of enactment of this subsection, as a Government physician is:</b>	<b>Then, the percentage allowable is:</b>
Less than 2 years .....	0
At least 2 but less than 4 years .....	25
At least 4 but less than 6 years .....	50
At least 6 but less than 8 years .....	75
At least 8 years .....	100.

17       “(4) Notwithstanding any other provision of this sub-  
18 section, 100 percent of all amounts received as a physi-  
19 cians comparability allowance shall, to the extent attrib-  
20 utable to service performed on or after the date of enact-  
21 ment of this subsection, be treated as basic pay (without

1 regard to any of the preceding provisions of this sub-  
2 section) for purposes of computing—

3 “(A) an annuity under section 8452; and

4 “(B) a survivor annuity under subchapter IV, if  
5 based on the service of an individual who dies before  
6 separating from service.”.

7 (2) GOVERNMENT PHYSICIAN DEFINED.—Sec-  
8 tion 8401 of title 5, United States Code, is amended  
9 by striking “and” at the end of paragraph (32), by  
10 striking the period at the end of paragraph (33) and  
11 inserting “; and”, and by adding at the end the fol-  
12 lowing:

13 “(34) the term ‘Government physician’ has the  
14 meaning given such term under section 5948.”.

15 (d) CONFORMING AMENDMENT.—Section 5948(h)(1)  
16 of title 5, United States Code, is amended by striking  
17 “chapter 81, 83, or 87” and inserting “chapter 81 or 87”.

Passed the House of Representatives October 31,  
2000.

Attest:

JEFF TRANDAHL,

*Clerk.*