

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5353

To amend title 10, United States Code, to require that additional special pay received by medical, dental, or veterinary officers of the uniformed services be treated as part of basic pay for retirement purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2002

Mrs. MORELLA (for herself, Mr. WOLF, Mr. NORWOOD, Mr. FORD, and Mr. RODRIGUEZ) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to require that additional special pay received by medical, dental, or veterinary officers of the uniformed services 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 “Military Physician Eq-  
5       uity Act of 2002”.

1 **SEC. 2. ADDITIONAL SPECIAL PAY RECEIVED BY MEDICAL,**  
2 **DENTAL, AND VETERINARY OFFICERS OF**  
3 **THE UNIFORMED SERVICES TREATED AS**  
4 **PART OF BASIC PAY FOR RETIREMENT PUR-**  
5 **POSES.**

6 (a) MEMBERS WHO BECAME MEMBERS BEFORE  
7 SEPTEMBER 8, 1980.—Section 1406 of title 10, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing new subsection:

10 “(j) SPECIAL RULE FOR MEDICAL, DENTAL, OR VET-  
11 ERINARY OFFICER RECEIVING ADDITIONAL SPECIAL  
12 PAY.—(1) For purposes of determining the retired pay  
13 base or retainer pay base of a member of the uniformed  
14 services, the monthly basic pay of the member includes  
15 the monthly equivalent of any additional special pay re-  
16 ceived by the member under section 302, 302b, or 303  
17 of title 37 (or, in the case of a commissioned officer in  
18 the Public Health Service, received under such section  
19 pursuant to section 303a(b) of title 37) during the year  
20 immediately preceding the date of the member’s retire-  
21 ment.

22 “(2) Except as otherwise provided in this subsection,  
23 additional special pay referred to in paragraph (1) may  
24 not be treated as basic pay for purposes of any computa-  
25 tion under this section unless, before the date of the mem-  
26 ber’s retirement, the member has completed at least 15

1 years of service as a medical, dental, or veterinary officer  
 2 of the uniformed services (whether performed before, on,  
 3 or after the date of the enactment of this subsection).

4 “(3) If the condition under paragraph (2) is met,  
 5 then, the monthly equivalent of amounts received by the  
 6 member in the form of additional special pay referred to  
 7 in paragraph (1) shall (for the purposes referred to in  
 8 paragraph (2)) be treated as basic pay, but only to the  
 9 extent that such amounts are attributable to service per-  
 10 formed on or after the date of the enactment of this sub-  
 11 section, and only to the extent of the percentage allowable,  
 12 which shall be determined as follows:

<b>“If the total amount of service performed, on or after the date of the enactment of this subsection, as a medical, dental, or veterinary officer 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.

13 “(4) Notwithstanding any other provision of this sub-  
 14 section, 100 percent of the monthly equivalent of all  
 15 amounts received as additional special pay referred to in  
 16 paragraph (1) shall, to the extent attributable to service  
 17 performed on or after the date of the enactment of this  
 18 subsection, be treated as basic pay (without regard to any  
 19 of the preceding provisions of this subsection) for purposes  
 20 of computing—

21 (A) disability retired pay; and

1 (B) a survivor annuity under chapter 73 of this  
2 title, if based on the service of a member who dies  
3 before retirement.”.

4 (b) MEMBERS WHO BECAME MEMBERS AFTER SEP-  
5 TEMBER 7, 1980.—Section 1407 of title 10, United States  
6 Code, is amended by adding at the end the following new  
7 subsection:

8 “(g) SPECIAL RULE FOR MEDICAL, DENTAL, OR  
9 VETERINARY OFFICER RECEIVING ADDITIONAL SPECIAL  
10 PAY.—(1) For purposes of the computations required  
11 under subsections (c) and (d) to determine the high-three  
12 average of a member of the uniformed services, the month-  
13 ly equivalent of any additional special pay received by the  
14 member under section 302, 302b, or 303 of title 37 (or,  
15 in the case of a commissioned officer in the Public Health  
16 Service, received under such section pursuant to section  
17 303a(b) of title 37) during the periods referred to in such  
18 subsections shall be treated as a part of the basic pay of  
19 the member.

20 “(2) Except as otherwise provided in this subsection,  
21 additional special pay referred to in paragraph (1) may  
22 not be treated as basic pay for purposes of any computa-  
23 tion under this section unless, before the date of the mem-  
24 ber’s retirement, the member has completed at least 15  
25 years of service as a medical, dental, or veterinary officer

1 of the uniformed services (whether performed before, on,  
 2 or after the date of the enactment of this subsection).

3 “(3) If the condition under paragraph (2) is met,  
 4 then, the monthly equivalent of amounts received by the  
 5 member in the form of additional special pay referred to  
 6 in paragraph (1) shall (for the purposes referred to in  
 7 paragraph (2)) be treated as basic pay, but only to the  
 8 extent that such amounts are attributable to service per-  
 9 formed on or after the date of the enactment of this sub-  
 10 section, and only to the extent of the percentage allowable,  
 11 which shall be determined as follows:

<b>“If the total amount of service                  performed, on or after the date of                  the enactment of this subsection,                  as a medical, dental, or veterinary officer 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.

12 “(4) Notwithstanding any other provision of this sub-  
 13 section, 100 percent of the monthly equivalent of all  
 14 amounts received as additional special pay referred to in  
 15 paragraph (1) shall, to the extent attributable to service  
 16 performed on or after the date of the enactment of this  
 17 subsection, be treated as basic pay (without regard to any  
 18 of the preceding provisions of this subsection) for purposes  
 19 of computing—

20 (A) disability retired pay; and

1           (B) a survivor annuity under chapter 73 of this  
2           title, if based on the service of a member who dies  
3           before retirement.”.

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