

Public Law 106-571
106th Congress

An Act

Dec. 28, 2000

[H.R. 207]

Federal
Physicians
Comparability
Allowance
Amendments of
2000.
5 USC 5948 note.

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. AUTHORITY MADE PERMANENT.

(a) IN GENERAL.—

(1) AMENDMENT TO TITLE 5, UNITED STATES CODE.—The second sentence of section 5948(d) of title 5, United States Code, is repealed.

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ALLOWANCE ACT OF 1978.—Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is repealed.

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

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

(2) in subsection (j)(1)—

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

(B) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively; and

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

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

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

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

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

(3) by inserting after subparagraph (G) the following:

“(H) any amount received under section 5948 (relating to physicians comparability allowances);” and

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

(b) CIVIL SERVICE RETIREMENT SYSTEM.—

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

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

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

“(3) If the condition under paragraph (2) is met, then, any amounts received by the individual in the form of a physicians comparability allowance shall (for the purposes referred to in paragraph (2)) be treated as basic pay, but only to the extent that such amounts are attributable to service performed on or after the date of the enactment of this subsection, and only to the extent of the percentage allowable, which shall be determined as follows:

“If the total amount of service performed, on or after the date of the enactment of this subsection, as a Government physician is:	Then, the percentage allowable is:
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.

“(4) Notwithstanding any other provision of this subsection, 100 percent of all amounts received as a physicians comparability allowance shall, to the extent attributable to service performed on or after the date of the enactment of this subsection, be treated as basic pay (without regard to any of the preceding provisions of this subsection) for purposes of computing—

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

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

(2) GOVERNMENT PHYSICIAN DEFINED.—Section 8331 of title 5, United States Code, is amended by striking “and” at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting “; and”, and by adding at the end the following:

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

(c) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

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

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

“(2) Except as otherwise provided in this subsection, no part of a physicians comparability allowance shall be treated as basic

pay for purposes of any computation under this section unless, before the date of the separation on which entitlement to annuity is based, the separating individual has completed at least 15 years of service as a Government physician (whether performed before, on, or after the date of the enactment of this subsection).

“(3) If the condition under paragraph (2) is met, then, any amounts received by the individual in the form of a physicians comparability allowance shall (for the purposes referred to in paragraph (2)) be treated as basic pay, but only to the extent that such amounts are attributable to service performed on or after the date of the enactment of this subsection, and only to the extent of the percentage allowable, which shall be determined as follows:

“If the total amount of service performed, on or after the date of the enactment of this subsection, as a Government physician is:	Then, the percentage allowable is:
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.

“(4) Notwithstanding any other provision of this subsection, 100 percent of all amounts received as a physicians comparability allowance shall, to the extent attributable to service performed on or after the date of the enactment of this subsection, be treated as basic pay (without regard to any of the preceding provisions of this subsection) for purposes of computing—

“(A) an annuity under section 8452; and

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

(2) GOVERNMENT PHYSICIAN DEFINED.—Section 8401 of title 5, United States Code, is amended by striking “and” at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting “; and”, and by adding at the end the following:

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

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

Approved December 28, 2000.

LEGISLATIVE HISTORY—H.R. 207:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 31, considered and passed House.

Dec. 15, considered and passed Senate.