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# 5 U.S. Code § 5948 - Physicians comparability allowances

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**(a)** Notwithstanding any other provision of law, and in order to recruit and retain highly qualified Government physicians, the head of an agency, subject to the provisions of this section, section 5307, and such regulations as the President or his designee may prescribe, may enter into a service agreement with a Government physician which provides for such physician to complete a specified period of service in such agency in return for an allowance for the duration of such agreement in an amount to be determined by the agency head and specified in the agreement, but not to exceed—

**(1)** \$14,000 per annum if, at the time the agreement is entered into, the Government physician has served as a Government physician for twenty-four months or less, or

**(2)** \$30,000 per annum if the Government physician has served as a Government physician for more than twenty-four months.

For the purpose of determining length of service as a Government physician, service as a physician under section 4104 or 4114<sup>[1]</sup> of title 38 or active service as a medical officer in the commissioned corps of the Public Health Service under Title II of the Public Health Service Act (42 U.S.C. ch. 6A) shall be deemed service as a Government physician.

**(b)** An allowance may not be paid pursuant to this section to any physician who—

**(1)** is employed on less than a half-time or intermittent basis,

**(2)** occupies an internship or residency training position,

**(3)** is a reemployed annuitant, or

**(4)** is fulfilling a scholarship obligation.

**(c)** The head of an agency, pursuant to such regulations, criteria, and conditions as the President or his designee may prescribe, shall determine categories of positions applicable to physicians in such agency with respect to which there is a significant recruitment and retention problem. Only physicians serving in such positions shall be eligible for an allowance pursuant to this section. The amounts of each such allowance shall be determined by the agency head, subject to such regulations, criteria, and conditions as the President or his designee may prescribe, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians.

**(d)** Any agreement entered into by a physician under this section shall be for a period of one year of service in the agency involved unless the physician requests an agreement for a longer period of service.

**(e)** Unless otherwise provided for in the agreement under subsection (f) of this section, an agreement under this section shall provide that the physician, in the event that such physician voluntarily, or because of misconduct, fails to complete at least one year of service pursuant to such agreement, shall be required to refund the total amount received under this section, unless the head of the agency, pursuant to such regulations as may be prescribed under this section by

the President or his designee, determines that such failure is necessitated by circumstances beyond the control of the physician.

**(f)** Any agreement under this section shall specify, subject to such regulations as the President or his designee may prescribe, the terms under which the head of the agency and the physician may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician for each reason for termination.

**(g)** For the purpose of this section—

**(1)** “Government physician” means any individual employed as a physician or dentist who is paid under—

**(A)** section 5332 of this title, relating to the General Schedule;

**(B)** Subchapter VIII of chapter 53 of this title, relating to the Senior Executive Service;

**(C)** section 5371, relating to certain health care positions;

**(D)** section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b), relating to the Tennessee Valley Authority;

**(E)** chapter 4 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3961 and following), relating to the Foreign Service;

**(F)** section 10 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j),<sup>1</sup> relating to the Central Intelligence Agency;

**(G)** section 1202 of the Panama Canal Act of 1979, relating to the Panama Canal Commission;

**(H)** section 2 of the Act of May 29, 1959 (Public Law 86-36, as amended, 50 U.S.C. 402 note),<sup>1</sup> relating to the National Security Agency;

**(I)** section 5376, relating to certain senior-level positions;

**(J)** section 5377, relating to critical positions; or

**(K)** subchapter IX of chapter 53, relating to special occupational pay systems; and

**(2)** “agency” means an Executive agency, as defined in section 105 of this title, the Library of Congress, and the District of Columbia government.

**(h)**

**(1)** Any allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81 or 87 of this title, or other benefits related to basic pay.

**(2)** Any allowance under this section for a Government physician shall be paid in the same manner and at the same time as the physician's basic pay is paid.

**(i)** Any regulations, criteria, or conditions that may be prescribed under this section by the President or his designee shall not be applicable to the Tennessee Valley Authority, and the Tennessee Valley Authority shall have sole responsibility for administering the provisions of this section with respect to Government physicians employed by the Authority.

**(j)** Not later than June 30 of each year, the President shall submit to each House of Congress a written report on the operation of this section. Each report shall include, with respect to the year covered by such report, information as to—

**(1)** which agencies entered into agreements under this section;

**(2)** the nature and extent of the recruitment or retention problems justifying the use of authority by each agency under this section;

**(3)** the number of physicians with whom agreements were entered into by each agency;

**(4)** the size of the allowances and the duration of the agreements entered into; and

**(5)** the degree to which the recruitment or retention problems referred to in paragraph (2) were alleviated under this section.

(Added Pub. L. 95-603, § 2(a), Nov. 6, 1978, 92 Stat. 3018; amended Pub. L. 96-166, § 2, Dec. 29, 1979, 93 Stat. 1273; Pub. L. 97-141, § 2, Dec. 29, 1981, 95 Stat. 1719; Pub. L. 98-168, title I, § 102(a), Nov. 29, 1983, 97 Stat. 1105; Pub. L. 98-615, title II, § 204(a)(3), Nov. 8, 1984, 98 Stat. 3216; Pub. L. 100-140, § 1, Oct. 26, 1987, 101 Stat. 830; Pub. L. 101-420, § 1(a), formerly § 1, Oct. 12, 1990, 104 Stat. 908, renumbered § 1(a), Pub. L. 103-114, § 1(b)(2)(A), Oct. 26, 1993, 107 Stat. 1115; Pub. L. 102-378, § 2(51), Oct. 2, 1992, 106 Stat. 1353; Pub. L. 103-89, § 3(b)(1)(M), Sept. 30, 1993, 107 Stat. 982; Pub. L. 103-114, §§ 1(a)(1), 2(a), Oct. 26, 1993, 107 Stat. 1115, 1116; Pub. L. 105-61, title V, § 517(a), Oct. 10, 1997, 111 Stat. 1307; Pub. L. 105-266, § 7(a), Oct. 19, 1998, 112 Stat.

2369; Pub. L. 106-554, § 1(a)(1) [title II, § 218(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-28; Pub. L. 106-571, §§ 2(a)(1), (b), 3(d), Dec. 28, 2000, 114 Stat. 3054, 3057.)

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