

Management may, at the request of the head of the agency, waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(B) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(C) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

**(3) Treatment of personal services contracts**

For purposes of paragraph (1) (but not paragraph (2)), the term “employment” includes employment under a personal services contract with the United States.

**(g) Effective date**

This section shall take effect on December 8, 2004, and shall apply with respect to the portion of fiscal year 2005 occurring on and after December 8, 2004, and to each succeeding fiscal year.

(Pub. L. 108–447, div. G, title II, § 210, Dec. 8, 2004, 118 Stat. 3194; Pub. L. 112–74, div. G, title I, § 1401(a), Dec. 23, 2011, 125 Stat. 1134.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

AMENDMENTS

2011—Subsec. (d). Pub. L. 112–74, § 1401(a)(1), struck out subsec. (d). Text read as follows: “This section shall not apply to any office which is an Executive agency under section 105 of title 5 or any employee of such an office.”

Subsec. (f)(2)(A). Pub. L. 112–74, § 1401(a)(2), substituted “title 5, but excluding the Government Accountability Office” for “title 5”.

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112–74, div. G, title I, § 1401(c), Dec. 23, 2011, 125 Stat. 1134, provided that: “The amendments made by this section [amending this section and section 3521 of Title 5, Government Organization and Employees] shall apply with respect to voluntary separation incentive payments made during fiscal year 2012 or any succeeding fiscal year.”

**§ 61. Limit on rate of compensation of Senate officers and employees**

No officer or employee of the Senate shall receive pay for any services performed by him at any rate higher than that provided for the office or employment to which he has been regularly appointed.

(Aug. 5, 1882, ch. 390, § 1, 22 Stat. 270.)

**§ 61–1. Gross rate of compensation of employees paid by Secretary of Senate**

**(a) Annual rate; certification**

(1) Whenever the rate of compensation of any employee whose compensation is disbursed by

the Secretary of the Senate is fixed or adjusted on or after October 1, 1980, such rate as so fixed or adjusted shall be at a single whole dollar per annum gross rate and may not include a fractional part of a dollar.

(2) New or changed rates of compensation (other than changes in rates which are made by law) of any such employee (other than an employee who is an elected officer of the Senate) shall be certified in writing to the Disbursing Office of the Senate (and, for purposes of this paragraph, a new rate of compensation refers to compensation in the case of an appointment, transfer from one Senate appointing authority to another, or promotion by an appointing authority to a position the compensation for which is fixed by law). In the case of an appointment or other new rate of compensation, the certification must be received by such office on or before the day the rate of new compensation is to become effective. In any other case, the changed rate of compensation shall take effect on the first day of the month in which such certification is received (if such certification is received within the first ten days of such month), on the first day of the month after the month in which such certification is received (if the day on which such certification is received is after the twenty-fifth day of the month in which it is received), and on the sixteenth day of the month in which such certification is received (if such certification is received after the tenth day and before the twenty-sixth day of such month). Notwithstanding the preceding sentence, if the certification for a changed rate of compensation for an employee specifies an effective date of such change, such change shall become effective on the date so specified, but only if the date so specified is the first or sixteenth day of a month and is after the effective date prescribed in the preceding sentence; and, notwithstanding such sentence and the preceding provisions of this sentence, any changed rate of compensation for a new employee or an employee transferred from one appointing authority to another shall take effect on the date of such employee’s appointment or transfer (as the case may be) if such date is later than the effective date for such changed rate of compensation as prescribed by such sentence.

**(b) Conversion; increase in compensation**

The rate of compensation of each employee whose compensation is disbursed by the Secretary of the Senate which was fixed before August 1, 1967, at a basic rate with respect to which additional compensation is payable by law shall be converted as of such date to the lowest per annum gross rate which is a multiple of \$180 and which is not less than the aggregate rate of compensation (basic compensation plus additional compensation provided by law) which such employee was receiving immediately prior to such date. Any increments of longevity compensation to which an employee became entitled prior to August 1, 1967, under section 60j(b) of this title shall be excluded in converting such employee’s rate of compensation under this subsection, but such employee’s rate of gross compensation shall be increased by \$540 (which shall be considered to be an increase under section 60j(b) of this title) for each such increment.