

ries, Officers and Employees” (other than the line item appropriations, within such account for “Administrative, clerical, and legislative assistance to Senators” and for “Agency contributions”) exceed twenty-five per centum of the total amount available for such line item appropriations for such fiscal year.

(Pub. L. 98-367, title I, §4, July 17, 1984, 98 Stat. 475.)

CODIFICATION

Section was formerly classified to section 61-1b of this title prior to editorial reclassification and renumbering as this section.

Section is from the Congressional Operations Appropriation Act, 1985, which is title I of the Legislative Branch Appropriations Act, 1985.

§ 4578. Restriction on payment of dual compensation by Secretary of Senate

Unless otherwise specifically authorized by law, no part of any appropriation disbursed by the Secretary of the Senate shall be available for payment of compensation to any person holding any position, for any period for which such person received compensation for holding any other position, the compensation for which is disbursed by the Secretary of the Senate.

(June 27, 1956, ch. 453, 70 Stat. 360.)

CODIFICATION

Section was formerly classified to section 66a of this title prior to editorial reclassification and renumbering as this section.

§ 4579. Student loan repayment program for Senate employees

(a) Definitions

In this section:

(1) Eligible employee

The term “eligible employee” means an individual, except as provided under subsection (b)(3)—

- (A) who is an employee of the Senate; and
- (B) whose rate of pay as an employee of the Senate, on the date on which such eligibility is determined, does not exceed the rate of basic pay for an employee for a position at ES-1 of the Senior Executive Schedule as provided for in subchapter VIII of chapter 53 of title 5 (including any locality pay adjustment applicable to the Washington, D.C.-Baltimore Maryland consolidated metropolitan statistical area).

(2) Employee of the Senate

The term “employee of the Senate”—

- (A) has the meaning given the term under section 1301 of this title; and
- (B) includes any employee of the Office of Congressional Accessibility Services whose pay is disbursed by the Secretary of the Senate.

(3) Employing office

The term “employing office”—

- (A) means the employing office, as defined under section 1301 of this title, of an employee of the Senate; and
- (B) includes the Office of Congressional Accessibility Services with respect to em-

ployees of that office whose pay is disbursed by the Secretary of the Senate.

(4) Secretary

The term “Secretary” means the Secretary of the Senate.

(5) Student loan

The term “student loan” means—

- (A) a loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., or 1087aa et seq.); and
- (B) a health education assistance loan made or insured under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.), or under part E of title VIII of such Act (42 U.S.C. 297a et seq.).

(b) Senate student loan repayment program

(1) Service agreements

(A) In general

The head of an employing office and an eligible employee may enter into a written service agreement under which—

- (i) the employing office shall agree to repay, by direct payments on behalf of the eligible employee, any student loan indebtedness of the eligible employee that is outstanding at the time the eligible employee and the employing office enter into the agreement, subject to this section; and
- (ii) the eligible employee shall agree to complete the 1-year required period of employment described in subsection (c)(1) with the employing office in exchange for the student loan payments.

(B) Contents of service agreements

(i) Contents

A service agreement under this paragraph shall contain—

- (I) the start and end dates of the required period of employment covered by the agreement;
- (II) the monthly amount of the student loan payments to be provided by the employing office;
- (III) the employee’s agreement to reimburse the Senate under the conditions set forth in subsection (d)(1);
- (IV) disclosure of the program limitations provided for in subsection (d)(4) and paragraphs (2), (3), (6), and (7) of subsection (f);
- (V) other terms to which the employing office and employee agree (such as terms relating to job responsibilities or job performance expectations); and
- (VI) any other terms prescribed by the Secretary.

(ii) Standard service agreements

The Secretary shall establish standard service agreements for employing offices to use in carrying out this section.

(2) Submission of agreements

On entering into a service agreement under this section, the employing office shall submit a copy of the service agreement to the Secretary.

(3) Exclusion from participation in dual programs

Notwithstanding section 5379 of title 5, an employee of the Office of Congressional Accessibility Services may not participate in the student loan repayment program through an agreement under that section and participate in the student loan repayment program through a service agreement under this section at the same time.

(c) Program conditions**(1) Period of employment**

The term of the required period of employment under a service agreement under this section shall be 1 year. On completion of the required period of employment under such a service agreement, the eligible employee and the employing office may enter into additional service agreements for successive 1-year periods of employment.

(2) Amount of payments**(A) In general**

The amount of student loan payments made under service agreements under this section on behalf of an eligible employee may not exceed—

- (i) \$500 in any month; or
- (ii) a total of \$40,000.

(B) Payments included in gross compensation limitations

Any student loan payment made under this section in any month may not result in the sum of the payment and the compensation of an employee for that month exceeding $\frac{1}{2}$ th of the applicable annual maximum gross compensation limitation under section 4575(d)(2), (e), or (f) of this title.

(3) Timing of payments

Student loan payments made under this section under a service agreement shall begin the first day of the pay period after the date on which the agreement is signed and received by the Secretary, and shall be made on a monthly basis.

(d) Loss of eligibility for student loan payments and obligation to reimburse**(1) In general**

An employee shall not be eligible for continued student loan payments under a service agreement under this section and (except in a case in which an employee's duty is terminated under paragraph (2) or an employing office assumes responsibilities under paragraph (3)) shall reimburse the Senate for the amount of all student loan payments made on behalf of the employee under the agreement, if, before the employee completes the required period of employment specified in the agreement—

- (A) the employee voluntarily separates from service with the employing office;
- (B) the employee engages in misconduct or does not maintain an acceptable level of performance, as determined by the head of the employing office; or
- (C) the employee violates any condition of the agreement.

(2) Termination of agreement

The duty of an eligible employee to fulfill the required period of employment under the service agreement shall be terminated if—

- (A) funds are not made available to cover the cost of the student loan repayment program carried out under this section; or
- (B) the employee and the head of the employing office involved mutually agree to terminate the service agreement under subsection (f)(7).

(3) Another employing office

An employing office who hires an eligible employee during a required period of employment under such a service agreement may assume the remaining obligations (as of the date of the hiring) of the employee's prior employing office under the agreement.

(4) Failure of employee to reimburse

If an eligible employee fails to reimburse the Senate for the amount owed under paragraph (1), such amount shall be collected—

- (A) under section 6568(c) of this title or section 5514 of title 5 if the eligible employee is employed by any other office of the Senate or agency of the Federal Government; or
- (B) under other applicable provisions of law if the eligible employee is not employed by any other office of the Senate or agency of the Federal Government.

(5) Crediting of amounts

Any amount repaid by, or recovered from, an eligible employee under this section shall be credited to the subaccount for the employing office from which the amount involved was originally paid. Any amount so credited shall be merged with other sums in such subaccount for the employing office and shall be available for the same purposes, and subject to the same limitations (if any), as the sums with which such amount is merged.

(e) Records and reports**(1) In general**

Not later than January 1, 2003, and each January 1 thereafter, the Secretary shall prepare and submit to the Committee on Rules and Administration of the Senate and the Committee on Appropriations of the Senate, a report for the fiscal year preceding the fiscal year in which the report is submitted, that contains information specifying—

- (A) the number of eligible employees that received student loan payments under this section; and
- (B) the costs of such payments, including—
 - (i) the amount of such payments made for each eligible employee;
 - (ii) the amount of any reimbursement amounts for early separation from service or whether any waivers were provided with respect to such reimbursements; and
 - (iii) any other information determined to be relevant by the Committee on Rules and Administration of the Senate or the Committee on Appropriations of the Senate.

(2) Confidentiality

Such report shall not include any information which is considered confidential or could

disclose the identity of individual employees or employing offices. Information required to be contained in the report of the Secretary under section 4108 of this title shall not be considered to be personal information for purposes of this paragraph.

(f) Other administrative matters

(1) Account

(A) In general

The Secretary shall establish and maintain a central account from which student loan payments available under this section shall be paid on behalf of eligible employees.

(B) Office subaccounts

The Secretary shall ensure that, within the account established under subparagraph (A), a separate subaccount is established for each employing office to be used by each such office to make student loan payments under this section. Such student loan payments shall be made from any funds available to the employing office for student loan payments that are contained in the subaccount for the office.

(C) Limitation

Amounts in each subaccount established under this paragraph shall not be made available for any purpose other than to make student loan payments under this section.

(2) Beginning of payments

Student loan payments may begin under this section with respect to an eligible employee upon—

(A) the receipt by the Secretary of a signed service agreement; and

(B) verification by the Secretary with the holder of the loan that the eligible employee has an outstanding student loan balance that qualifies for payment under this section.

(3) Limitation

Student loan payments may be made under this section only with respect to the amount of student loan indebtedness of the eligible employee that is outstanding on the date on which the employee and the employing office enter into a service agreement under this section. Such payments may not be made under this section on a student loan that is in default or arrears.

(4) Payment on multiple loans

Student loan payments may be made under this section with respect to more than 1 student loan of an eligible employee at the same time or separately, if the total payments on behalf of such employee do not exceed the limits under subsection (c)(2)(A).

(5) Treatment of payments

Student loan payments made on behalf of an eligible employee under this section shall be in addition to any basic pay and other forms of compensation otherwise payable to the eligible employee, and shall be subject to withholding for income and employment tax obligations as provided for by law.

(6) No relief from liability

An agreement to make student loan payments under this section shall not exempt an eligible employee from the responsibility or liability of the employee with respect to the loan involved and the eligible employee shall continue to be responsible for making student loan payments on the portion of any loan that is not covered under the terms of the service agreement.

(7) Reduction in payments

Notwithstanding the terms of a service agreement under this section, the head of an employing office may reduce the amount of student loan payments made under the agreement if adequate funds are not available to such office. If the head of the employing office decides to reduce the amount of student loan payments for an eligible employee, the head of the office and the employee may mutually agree to terminate the service agreement.

(8) No right to continued employment

A service agreement under this section shall not be construed to create a right to, promise of, or entitlement to the continued employment of the eligible employee.

(9) No entitlement

A student loan payment under this section shall not be construed to be an entitlement for any eligible employee.

(10) Treatment of payments

A student loan payment under this section—

(A) shall not be basic pay of an employee for purposes of chapters 83 and 84 of title 5 (relating to retirement) and chapter 87 of such title (relating to life insurance coverage); and

(B) shall not be included in Federal wages for purposes of chapter 85 of such title (relating to unemployment compensation).

(g) Allocation of funds

(1) Maximum amount

In this subsection, the term “maximum amount”, used with respect to a fiscal year, means—

(A) in the case of an employing office described in subsection (h)(1)(A), the amount described in that subsection for that fiscal year; and

(B) in the case of an employing office described in subsection (h)(1)(B), the amount described in that subsection for that fiscal year.

(2) Allocation

From the total amount made available to carry out this section for a fiscal year, there shall be allocated to each employing office for that fiscal year—

(A) the maximum amount for that employing office for that fiscal year; or

(B) if the total amount is not sufficient to provide the maximum amount to each employing office, an amount that bears the same relationship to the total amount as the maximum amount for that employing office for that fiscal year bears to the total of the

maximum amounts for all employing offices for that fiscal year.

(3) Apportionment

In the case of an employing office that is a Committee of the Senate, the funds allocated under this subsection shall be apportioned between the majority and minority staff of the committee in the same manner as amounts are apportioned between the staffs for salaries.

(h) Authorization of appropriations

(1) In general

There are authorized to be appropriated (or otherwise made available from appropriations) to carry out this section the following amounts for each fiscal year:

(A) For each employing office that is the personal office of a Senator, an amount equal to 2 percent of the total sums appropriated for the fiscal year involved for administrative and clerical salaries for such office.

(B) For each other employing office, an amount equal to 2 percent of the total sums appropriated for the fiscal year involved for salaries for such office.

(2) Limitation

Amounts provided under this section shall be subject to annual appropriations.

(i) Effective date

This section shall apply to fiscal year 2002 and each fiscal year thereafter.

(Pub. L. 107-68, title I, §102, Nov. 12, 2001, 115 Stat. 563; Pub. L. 107-117, div. B, §916, Jan. 10, 2002, 115 Stat. 2324; Pub. L. 112-74, div. G, title I, §1001(a), (b), Dec. 23, 2011, 125 Stat. 1124.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (a)(5)(A), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Parts B, D, and E of title IV of the Act are classified to parts B (§1071 et seq.), C (§1087a et seq.), and D (§1087aa et seq.), respectively, of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

The Public Health Service Act, referred to in subsec. (a)(5)(B), is act July 1, 1944, ch. 373, 58 Stat. 682. Part A of title VII of the Act is classified generally to part A (§292 et seq.) of subchapter V of chapter 6A of Title 42, The Public Health and Welfare. Part E of title VIII of the Act is classified generally to part E (§297a et seq.) of subchapter VI of chapter 6A of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

Section 6568(c) of this title, referred to in subsec. (d)(4)(A), was in the original “section 104(c) of the Legislative Appropriation Act, 1977”, and was translated as reading “section 104(c) of the Legislative Branch Appropriation Act, 1977”, to reflect the probable intent of Congress.

Section 4108 of this title, referred to in subsec. (e)(2), was in the original “section 105(a) of the Legislative Branch Act, 1965”, and was translated as reading “section 105(a) of the Legislative Branch Appropriation Act, 1965”, to reflect the probable intent of Congress.

CODIFICATION

Section was formerly classified to section 60c-5 of this title prior to editorial reclassification and renumbering as this section.

Section is from the Congressional Operations Appropriations Act, 2002, which is title I of the Legislative Branch Appropriations Act, 2002.

AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 112-74, §1001(a)(1), inserted “, except as provided under subsection (b)(3)” after “means an individual” in introductory provisions.

Subsec. (a)(2), (3). Pub. L. 112-74, §1001(a)(2), added pars. (2) and (3) and struck out former pars. (2) and (3) which read as follows:

“(2) EMPLOYEE OF THE SENATE.—The term ‘employee of the Senate’ has the meaning given the term in section 1301 of this title.

“(3) EMPLOYING OFFICE.—The term ‘employing office’ means the employing office, as defined in section 1301 of this title, of an employee of the Senate.”

Subsec. (b)(3). Pub. L. 112-74, §1001(b), added par. (3).
2002—Subsec. (a). Pub. L. 107-117, §916(1), redesignated pars. (2) to (6) as (1) to (5), respectively, and struck out heading and text of former par. (1). Text read as follows: “The term ‘Committee’ means the Committee on Rules and Administration of the Senate.”

Subsec. (g)(1). Pub. L. 107-117, §916(2), substituted “subsection (h)(1)(A)” for “subsection (i)(1)(A)” in subpar. (A) and “subsection (h)(1)(B)” for “subsection (i)(1)(B)” in subpar. (B).

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-74, div. G, title I, §1001(c), Dec. 23, 2011, 125 Stat. 1124, provided that: “The amendments made by this section [amending this section] shall take effect on the date of enactment of this Act [Dec. 23, 2011] and apply to service agreements entered into under section 102 of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60c-5) [now 2 U.S.C. 4579] or section 5379 of title 5, United States Code, on or after that date.”

§ 4580. Lump sum payment for accrued annual leave of Senate employees

(a) Authorization

The head of the employing office of an employee of the Senate may, upon termination of employment of the employee, authorize payment of a lump sum for the accrued annual leave of that employee if—

(1) the head of the employing office—

(A) has approved a written leave policy authorizing employees to accrue leave and establishing the conditions upon which accrued leave may be paid; and

(B) submits written certification to the Financial Clerk of the Senate of the number of days of annual leave accrued by the employee for which payment is to be made under the written leave policy of the employing office; and

(2) there are sufficient funds to cover the lump sum payment.

(b) Rates

(1) A lump sum payment under this section shall not exceed the lesser of—

(A) twice the monthly rate of pay of the employee; or

(B) the product of the daily rate of pay of the employee and the number of days of accrued annual leave of the employee.

(2) The Secretary of the Senate shall determine the rates of pay of an employee under paragraph (1)(A) and (B) on the basis of the annual rate of pay of the employee in effect on the date of termination of employment.

(c) Source of payment

Any payment under this section shall be paid from the appropriation account or fund used to pay the employee.