



B-327922

May 12, 2016

The Honorable Roy Blunt
Chairman
Committee on Rules and Administration
United States Senate

Subject: *Use of Senate Appropriations for Student Loan Repayment Agreements*

Dear Mr. Chairman:

This responds to your request for our opinion regarding whether the United States Senate may incur obligations to extend current employee service agreements, which are signed as part of the Senate's student loan repayment program. See 2 U.S.C. § 4579. Specifically, you ask whether agreements may be extended for a period of less than one year for employees of the personal offices of senators who are not seeking reelection or who are retiring. Letter from Chairman, Committee on Rules and Administration, United States Senate, to General Counsel, GAO (Mar. 3, 2016) (Request Letter). Section 4579(c)(1) of title 2 of the United States Code requires a one-year period of employment for student loan repayment service agreements. As explained below, we conclude that Senate appropriations are not available to incur obligations to extend current employee service agreements for a period of less than one year for the employees of such senators' personal offices.

BACKGROUND

The Senate offers a student loan repayment program pursuant to authority enacted in the Legislative Branch Appropriations Act, 2002,¹ as amended. Pub. L. No. 107-68, title I, § 102, 115 Stat. 560, 563 (Nov. 12, 2001), *classified at* 2 U.S.C. § 4579. According to section 4579, the head of an employing office may enter into a written service agreement with an eligible employee, under which the employing office agrees to repay a specified amount of the employee's outstanding student

¹ Public Law 107-117 retroactively amended Public Law 107-68 to include the short title, "Legislative Branch Appropriations Act, 2002." Pub. L. No. 107-117, div. B, ch. 9, § 915, 115 Stat. 2230, 2324 (Jan. 10, 2002).

loan debt. 2 U.S.C. § 4579(b)(1)(A)(i).² In exchange, the employee must agree to complete a one-year period of employment. *Id.* § 4579(b)(1)(A)(ii). An “eligible employee” is statutorily defined as an employee of the Senate. *Id.* § 4579(a)(1). An “employing office” is defined, in relevant part, as either, the personal office of a senator, a Senate or joint committee, or “any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of . . . the Senate.” *See id.* §§ 4579(a)(2)(A), 1301(9).

The service agreements at issue in this opinion relate to employees of senators’ personal offices. Under such agreements, the employees agree to complete a one-year term of employment with a senator’s personal office. Where a senator has indicated in the last year of their term that he or she does not intend to seek reelection or will retire, the Senate Committee on Rules and Administration has not permitted such senators to extend service agreements for the repayment of employee student loans for periods of less than one year. Request Letter.

DISCUSSION

At issue here is whether senators who are retiring or who have decided not to seek reelection may incur obligations to extend current employee service agreements for the repayment of student loans for a period of less than one year.

Appropriated funds may be used only for authorized purposes. 31 U.S.C. § 1301(a); B-327671, Feb. 19, 2016. With respect to student loan payments, Senate appropriations are only available for those obligations made pursuant to employee service agreements that are in accordance with the provisions of the statute governing the Senate’s student loan repayment program.

To determine whether service agreements of less than one year for employees of the personal offices of senators not seeking reelection or retiring are permissible under section 4579, our analysis begins with the language of the statute. *See Jimenez v. Quarterman*, 555 U.S. 113, 118 (2009); B-318813, Apr. 28, 2010. This is because the “starting point in discerning congressional intent is the existing statutory text.” *Lamie v. United States Trustee*, 540 U.S. 526, 534 (2004). If the statutory language is clear and unambiguous on its face, then the plain meaning of that language controls. *Carcieri v. Salazar*, 555 U.S. 379, 387 (2009); B-326013, Aug. 21, 2014, B-324469, Nov. 8, 2013; B-307720, Sept. 27, 2007.

Section 4579(c)(1) provides the following:

² Section 4579 limits the student loan payments made under such service agreements to \$500 in any month or a total of \$40,000. 2 U.S.C. § 4579(c)(2)(A).

“The term of the required period of employment under a service agreement under this section *shall be [one] 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 [one]-year periods of employment*.”

2 U.S.C. § 4579(c)(1) (emphasis added). The language of the statute is clear—employees must agree to complete a one-year period of employment in exchange for the student loan repayment benefit. And under the agreement, the one-year term is to be carried out with the employing office. 2 U.S.C. § 4579(b)(1)(A) (“[T]he eligible employee shall agree to complete the [one]-year required period of employment described in subsection (c)(1) *with the employing office* in exchange for the student loan payments.”) (emphasis added).

Section 4579 does not permit a service agreement for a term of less than one year with the employing office. It is clear that upon a senator’s completion of service, said senator’s personal office ceases to exist. It follows that a service agreement between an employee and the personal office of a senator who will retire or complete his or her term in less than one year, and will not seek reelection, would not be permitted; under those circumstances, an employee could not work for the employing office, in this case the senator’s personal office, for one year.

CONCLUSION

Section 4579 requires that student loan repayments are provided in exchange for the employee’s agreement to work for the employing office for one year and successive one-year agreements may be signed. In the case of a senator’s personal office, the employee must enter into an agreement for one year. When the senator’s remaining term is less than one year because of a decision not to seek reelection or to retire, the employee could not meet the statutorily required period of service. Accordingly, under section 4579, Senate appropriations would not be available to authorize such an obligation.

If you have any questions, please contact Edda Emmanuelli Perez, Managing Associate General Counsel, at (202) 512-2853, or Julia C. Matta, Assistant General Counsel for Appropriations Law, at (202) 512-4023.

Sincerely,



Susan A. Poling
General Counsel