

any election described in section 8432(b)(1)(A) of such title.

“(3)(A) If an individual makes an election under section 8461(n)(1) of title 5, United States Code, to remain covered by chapter 84 of such title, any nonappropriated fund instrumentality thereafter employing such individual shall deduct from such individual’s pay and shall contribute to the Thrift Savings Fund the funds deducted, together with such other sums as are required for such individual under subchapter III of such chapter.

“(B) Notwithstanding subsection (a) or (b) of section 8432 of title 5, United States Code, any individual who, as of the date of enactment of this Act, becomes eligible to make an election under section 8461(n)(1) of such title may, within 30 days after such individual makes an election thereunder in accordance with subsection (m)(2), make any election described in section 8432(b)(1)(A) of such title.

“(4) If an individual makes an election under section 8347(q)(2) or 8461(n)(2) of title 5, United States Code, to remain covered by a retirement system established for employees described in section 2105(c) of such title, any Government agency thereafter employing such individual shall, in lieu of any deductions or contributions for which it would otherwise be responsible with respect to such individual under chapter 83 or 84 of such title, make such deductions from pay and such contributions as would be required (under the retirement system for nonappropriated fund employees involved) if it were a nonappropriated fund instrumentality. Any such deductions and contributions shall be remitted to the Department of Defense or the Coast Guard, as applicable, for transmission to the appropriate retirement system.”

[Amendment by Pub. L. 102-378 to section 7202(n) of Pub. L. 101-508, set out above, effective Nov. 5, 1990, see section 9(b)(6) of Pub. L. 102-378, set out as an Effective Date of 1992 Amendment note under section 6303 of this title.]

**PROHIBITION OF DECREASE IN BASIC PAY RATE OF EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES**

Amendments by Pub. L. 92-392 not to decrease basic pay rate of subsec. (c) employees in service before effective date of the amendments as to such employees, see section 9(a)(2) of Pub. L. 92-392, set out as a note under section 5343 of this title.

**§ 2106. Member of Congress**

For the purpose of this title, “Member of Congress” means the Vice President, a member of the Senate or the House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 409; Pub. L. 91-405, title II, §204(b), Sept. 22, 1970, 84 Stat. 852; Pub. L. 96-54, §2(a)(7), Aug. 14, 1979, 93 Stat. 381.)

**HISTORICAL AND REVISION NOTES**

The section is supplied to avoid the necessity of defining “Member of Congress” each time the term is used in this title.

**AMENDMENTS**

1979—Pub. L. 96-54 substituted “to the House of Representatives” for “from the District of Columbia”.

1970—Pub. L. 91-405 included Delegate from District of Columbia.

**EFFECTIVE DATE OF 1979 AMENDMENT**

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

**EFFECTIVE DATE OF 1970 AMENDMENT**

Amendment by Pub. L. 91-405 effective Sept. 22, 1970, see section 206(b) of Pub. L. 91-405, set out as an Effective

Date note under section 25a of Title 2, The Congress.

**§ 2107. Congressional employee**

For the purpose of this title, “Congressional employee” means—

- (1) an employee of either House of Congress, of a committee of either House, or of a joint committee of the two Houses;
- (2) an elected officer of either House who is not a Member of Congress;
- (3) the Legislative Counsel of either House and an employee of his office;
- (4) a member or employee of the Capitol Police;
- (5) an employee of a Member of Congress if the pay of the employee is paid by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives;
- (6) Repealed. Pub. L. 90-83, §1(5)(A), Sept. 11, 1967, 81 Stat. 196.]
- (7) the Architect of the Capitol and an employee of the Architect of the Capitol;
- (8) an employee of the Botanic Garden; and
- (9) an employee of the Office of Congressional Accessibility Services.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 409; Pub. L. 90-83, §1(5), Sept. 11, 1967, 81 Stat. 196; Pub. L. 91-510, title IV, §442(a), Oct. 26, 1970, 84 Stat. 1191; Pub. L. 104-186, title II, §215(1), Aug. 20, 1996, 110 Stat. 1745; Pub. L. 110-437, title IV, §422(c), Oct. 20, 2008, 122 Stat. 4997; Pub. L. 111-145, §7(a), Mar. 4, 2010, 124 Stat. 55.)

**HISTORICAL AND REVISION NOTES  
1966 ACT**

The section is supplied to avoid the necessity of defining “Congressional employee” each time the term is used in this title.

**1967 ACT**

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2107(6) .....	2:126-1.	July 27, 1965, Pub. L. 89-90, §101 (proviso on p. 265), 79 Stat. 265.
2107(8) .....	5 App.: 2251(c).	Sept. 26, 1966, Pub. L. 89-604, §1(a), 80 Stat. 846.

Paragraph (6), relating to Official Reporters of Debates of the Senate and their employees, is eliminated as unnecessary on authority of the act of July 27, 1965 (2 U.S.C. 126-1). Pursuant to that act, the Official Reporters and their employees became employees of the Senate; accordingly, they are now included within the definition of “Congressional employee” under paragraph (1).

In paragraph (8), based on the act of September 26, 1966 (5 App. U.S.C. 2251(c)), the word “officers” is omitted as included in “employees,” and the words “United States” preceding the words “Botanic Garden” are omitted as unnecessary.

**AMENDMENTS**

2010—Par. (4). Pub. L. 111-145, inserted “or employee” after “member”.

2008—Par. (9). Pub. L. 110-437 amended par. (9) generally. Prior to amendment, par. (9) read as follows: “an employee of the Capitol Guide Service.”

1996—Par. (5). Pub. L. 104-186 substituted “Chief Administrative Officer” for “Clerk”.

1970—Par. (9). Pub. L. 91-510 added par. (9).

**EFFECTIVE DATE OF 2010 AMENDMENT**

Pub. L. 111-145, §7(d), Mar. 4, 2010, 124 Stat. 56, provided that: “The amendments made by this section