§ 4701. Definitions

(a) For the purpose of this chapter—

(1) ''agency'' means an Executive agency and the Government Printing Office, but does not include—

(A) a Government corporation;

(B) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, and, as determined by the President, any Executive agency or unit thereof which is designated by the President and which has as its principal function the conduct of foreign intelligence or counterintelligence activities; or

(C) the Government Accountability Office;

(2) ''employee'' means an individual employed in or under an agency;

(3) ''eligible'' means an individual who has qualified for appointment in an agency and whose name has been entered on the appropriate register or list of eligibles;

(4) ''demonstration project'' means a project conducted by the Office of Personnel Management, or under its supervision, to determine whether a specified change in personnel management policies or procedures would result in improved Federal personnel management; and

(5) ''research program'' means a planned study of the manner in which public management policies and systems are operating, the effects of those policies and systems, the possibilities for change, and comparisons among policies and systems.

(b) This chapter shall not apply to any position in the Drug Enforcement Administration which is excluded from the competitive service under section 201 of the Crime Control Act of 1976 (28 U.S.C. 509 note; 90 Stat. 2425).

(Added Pub. L. 95–454, title VI, § 601(a), Oct. 13, 1978, 92 Stat. 1185; amended Pub. L. 96–54, § 2(a)(21), Aug. 14, 1979, 93 Stat. 382; Pub. L. 101–474, § 5(g), Oct. 30, 1990, 104 Stat. 1100; Pub. L. 103–359, title V, § 501(f), Oct. 14, 1994, 108 Stat. 3429; Pub. L. 104–201, div. A, title XI, § 1122(a)(1), Sept. 23, 1996, 110 Stat. 2687; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 110–417, [div. A], title IX, § 931(a)(1), Oct. 14, 2008, 122 Stat. 4575.)

AMENDMENTS

2008—Subsec. (a)(1)(B). Pub. L. 110–417 substituted ''National Geospatial-Intelligence Agency'' for ''National Imagery and Mapping Agency''.

2004—Subsec. (a)(1)(C). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

1996—Subsec. (a)(1)(B). Pub. L. 104–201 substituted ''National Imagery and Mapping Agency'' for ''Central Imagery Office''.

1994—Subsec. (a)(1)(B). Pub. L. 103–359 inserted ''the Central Imagery Office,'' after ''Defense Intelligence Agency,''.

1990—Subsec. (a)(1). Pub. L. 101–474 struck out '', the Administrative Office of the United States Courts,'' after ''means an Executive agency''.

1979—Subsec. (b). Pub. L. 96–54 substituted ''chapter'' for ''subchapter'' and ''28 U.S.C. 509'' for ''5 U.S.C. 5108''.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104–201, set out as a note under section 193 of Title 10, Armed Forces.

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

Chapter effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95–454, set out as an Effective Date of 1978 Amendment note under section 1101 of this title.

DESIGN ELEMENTS OF PAY-FOR-PERFORMANCE SYSTEMS IN DEMONSTRATION PROJECTS

Pub. L. 108–136, div. A, title XI, § 1126, Nov. 24, 2003, 117 Stat. 1640, provided that: ''A pay-for-performance system may not be initiated under chapter 47 of title 5, United States Code, after the date of the enactment of this Act [Nov. 24, 2003], unless it incorporates the following elements:

''(1) Adherence to merit principles set forth in section 2301 of such title.

''(2) A fair, credible, and transparent employee performance appraisal system.

''(3) A link between elements of the pay-for-performance system, the employee performance appraisal system, and the agency's strategic plan.

''(4) A means for ensuring employee involvement in the design and implementation of the system.

''(5) Adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the pay-for-performance system.

''(6) A process for ensuring ongoing performance feedback and dialogue between supervisors, managers, and employees throughout the appraisal period, and setting timetables for review.

''(7) Effective safeguards to ensure that the management of the system is fair and equitable and based on employee performance.

''(8) A means for ensuring that adequate agency resources are allocated for the design, implementation, and administration of the pay-for-performance system.''

§ 4702. Research programs

The Office of Personnel Management shall—

(1) establish and maintain (and assist in the establishment and maintenance of) research programs to study improved methods and technologies in Federal personnel management;

(2) evaluate the research programs established under paragraph (1) of this section;

(3) establish and maintain a program for the collection and public dissemination of information relating to personnel management research and for encouraging and facilitating the exchange of information among interested persons and entities; and

(4) carry out the preceding functions directly or through agreement or contract.

(Added Pub. L. 95–454, title VI, § 601(a), Oct. 13, 1978, 92 Stat. 1185.)

§ 4703. Demonstration projects

(a) Except as provided in this section, the Office of Personnel Management may, directly or through agreement or contract with one or more agencies and other public and private organizations, conduct and evaluate demonstration