

105TH CONGRESS
2D SESSION

S. 2116

AN ACT

To clarify and enhance the authorities of the Chief
Information Officer of the Department of Agriculture.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “USDA Information Technology Reform and Year-2000
6 Compliance Act of 1998”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. Management of year-2000 compliance at Department.
- Sec. 5. Position of Chief Information Officer.
- Sec. 6. Duties and authorities of Chief Information Officer.
- Sec. 7. Funding approval by Chief Information Officer.
- Sec. 8. Availability of agency information technology funds.
- Sec. 9. Authority of Chief Information Officer over information technology personnel.
- Sec. 10. Annual Comptroller General report on compliance.
- Sec. 11. Office of Inspector General.
- Sec. 12. Technical amendment.

3 **SEC. 2. FINDINGS AND PURPOSES.**

4 (a) FINDINGS.—Congress finds that—

5 (1) United States agriculture, food safety, the
 6 health of plants and animals, the economies of rural
 7 communities, international commerce in food, and
 8 food aid rely on the Department of Agriculture for
 9 the effective and timely administration of program
 10 activities essential to their success and vitality;

11 (2) the successful administration of the pro-
 12 gram activities depends on the ability of the Depart-
 13 ment to use information technology in as efficient
 14 and effective manner as is technologically feasible;

15 (3) to successfully administer the program ac-
 16 tivities, the Department relies on information tech-
 17 nology that requires comprehensive and Department-
 18 wide overview and control to avoid needless duplica-
 19 tion and misuse of resources;

1 (4) to better ensure the continued success and
2 vitality of agricultural producers and rural commu-
3 nities, it is imperative that measures are taken with-
4 in the Department to coordinate and centrally plan
5 the use of the information technology of the Depart-
6 ment;

7 (5) because production control and subsidy pro-
8 grams are ending, agricultural producers of the
9 United States need the best possible information to
10 make decisions that will maximize profits, satisfy
11 consumer demand, and contribute to the alleviation
12 of hunger in the United States and abroad;

13 (6) a single authority for Department-wide
14 planning is needed to ensure that the information
15 technology architecture of the Department is based
16 on the strategic business plans, information tech-
17 nology, management goals, and core business proc-
18 ess methodology of the Department;

19 (7) information technology is a strategic re-
20 source for the missions and program activities of the
21 Department;

22 (8) year-2000 compliance is 1 of the most im-
23 portant challenges facing the Federal Government
24 and the private sector;

1 (9) because the responsibility for ensuring year-
2 2000 compliance at the Department was initially left
3 to individual offices and agencies, no overall prior-
4 ities have been established, and there is no assur-
5 ance that the most important functions of the De-
6 partment will be operable on January 1, 2000;

7 (10) it is the responsibility of the Chief Infor-
8 mation Officer to provide leadership in—

9 (A) defining and explaining the importance
10 of achieving year-2000 compliance;

11 (B) selecting the overall approach for
12 structuring the year-2000 compliance efforts of
13 the Department;

14 (C) assessing the ability of the information
15 resource management infrastructures of the De-
16 partment to adequately support the year-2000
17 compliance efforts; and

18 (D) mobilizing the resources of the Depart-
19 ment to achieve year-2000 compliance;

20 (11) the failure of the Department to meet the
21 requirement of the Director of the Office of Manage-
22 ment and Budget that all mission-critical systems of
23 the Department achieve year-2000 compliance would
24 have serious adverse consequences on the program
25 activities of the Department, the economies of rural

1 communities, the health of the people of the United
2 States, world hunger, and international commerce in
3 agricultural commodities and products;

4 (12) centralizing the approval authority for
5 planning and investment for information technology
6 in the Office of the Chief Information Officer will—

7 (A) provide the Department with strong
8 and coordinated leadership and direction;

9 (B) ensure that the business architecture
10 of an office or agency is based on rigorous core
11 business process methodology;

12 (C) ensure that the information technology
13 architecture of the Department is based on the
14 strategic business plans of the offices or agen-
15 cies and the missions of the Department;

16 (D) ensure that funds will be invested in
17 information technology only after the Chief In-
18 formation Officer has determined that—

19 (i) the planning and review of future
20 business requirements of the office or
21 agency are complete; and

22 (ii) the information technology archi-
23 tecture of the office or agency is based on
24 business requirements and is consistent

1 with the Department-wide information
2 technology architecture; and

3 (E) cause the Department to act as a sin-
4 gle enterprise with respect to information tech-
5 nology, thus eliminating the duplication and in-
6 efficiency associated with a single office- or
7 agency-based approach; and

8 (13) consistent with the Information Tech-
9 nology Management Reform Act of 1996 (40 U.S.C.
10 1401 et seq.), each office or agency of the Depart-
11 ment should achieve at least—

12 (A) a 5 percent per year decrease in costs
13 incurred for operation and maintenance of in-
14 formation technology; and

15 (B) a 5 percent per year increase in oper-
16 ational efficiency through improvements in in-
17 formation resource management.

18 (b) PURPOSES.—The purposes of this Act are—

19 (1) to facilitate the successful administration of
20 programs and activities of the Department through
21 the creation of a centralized office, and Chief Infor-
22 mation Officer position, in the Department to pro-
23 vide strong and innovative managerial leadership to
24 oversee the planning, funding, acquisition, and man-

1 agement of information technology and information
2 resource management; and

3 (2) to provide the Chief Information Officer
4 with the authority and funding necessary to correct
5 the year-2000 compliance problem of the Depart-
6 ment.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) CHIEF INFORMATION OFFICER.—The term
10 “Chief Information Officer” means the individual
11 appointed by the Secretary to serve as Chief Infor-
12 mation Officer (as established by section 5125 of the
13 Information Technology Management Reform Act of
14 1996 (40 U.S.C. 1425)) for the Department.

15 (2) DEPARTMENT.—The term “Department”
16 means the Department of Agriculture.

17 (3) INFORMATION RESOURCE MANAGEMENT.—
18 The term “information resource management”
19 means the process of managing information re-
20 sources to accomplish agency missions and to im-
21 prove agency performance.

22 (4) INFORMATION TECHNOLOGY.—

23 (A) IN GENERAL.—The term “information
24 technology” means any equipment or inter-
25 connected system or subsystem of equipment

1 that is used by an office or agency in the auto-
2 matic acquisition, storage, manipulation, man-
3 agement, movement, control, display, switching,
4 interchange, transmission, or reception of data
5 or information.

6 (B) USE OF EQUIPMENT.—For purposes of
7 subparagraph (A), equipment is used by an of-
8 fice or agency if the equipment is used by—

9 (i) the office or agency directly; or

10 (ii) a contractor under a contract with
11 the office or agency—

12 (I) that requires the use of the
13 equipment; or

14 (II) to a significant extent, that
15 requires the use of the equipment in
16 the performance of a service or the
17 furnishing of a product.

18 (C) INCLUSIONS.—The term “information
19 technology” includes computers, ancillary equip-
20 ment, software, firmware and similar proce-
21 dures, services (including support services), and
22 related resources.

23 (D) EXCLUSIONS.—The term “information
24 technology” does not include any equipment

1 that is acquired by a Federal contractor that is
2 incidental to a Federal contract.

3 (5) INFORMATION TECHNOLOGY ARCHITEC-
4 TURE.—The term “information technology architec-
5 ture” means an integrated framework for developing
6 or maintaining existing information technology, and
7 acquiring new information technology, to achieve or
8 effectively use the strategic business plans, informa-
9 tion resources, management goals, and core business
10 processes of the Department.

11 (6) OFFICE OR AGENCY.—The term “office or
12 agency” means, as applicable, each—

13 (A) national, regional, county, or local of-
14 fice or agency of the Department;

15 (B) county committee established under
16 section 8(b)(5) of the Soil Conservation and
17 Domestic Allotment Act (16 U.S.C.
18 590h(b)(5));

19 (C) State committee, State office, or field
20 service center of the Department; and

21 (D) group of multiple offices and agencies
22 of the Department that are, or will be, con-
23 nected through common program activities or
24 systems of information technology.

1 (7) PROGRAM ACTIVITY.—The term “program
2 activity” means a specific activity or project of a
3 program that is carried out by 1 or more offices or
4 agencies of the Department.

5 (8) SECRETARY.—The term “Secretary” means
6 the Secretary of Agriculture.

7 (9) YEAR-2000 COMPLIANCE.—The term “year-
8 2000 compliance”, with respect to the Department,
9 means a condition in which information systems are
10 able to accurately process data relating to the 20th
11 and 21st centuries—

12 (A) within the Department;

13 (B) between the Department and local and
14 State governments;

15 (C) between the Department and the pri-
16 vate sector;

17 (D) between the Department and foreign
18 governments; and

19 (E) between the Department and the inter-
20 national private sector.

21 **SEC. 4. MANAGEMENT OF YEAR-2000 COMPLIANCE AT DE-**
22 **PARTMENT.**

23 (a) FINDING.—Congress finds that the Chief Infor-
24 mation Officer of the Department has not been provided

1 the funding and authority necessary to adequately manage
2 the year-2000 compliance problem at the Department.

3 (b) MANAGEMENT.—The Chief Information Officer
4 shall provide the leadership and innovative management
5 within the Department to—

6 (1) identify, prioritize, and mobilize the re-
7 sources needed to achieve year-2000 compliance;

8 (2) coordinate the renovation of computer sys-
9 tems through conversion, replacement, or retirement
10 of the systems;

11 (3) develop verification and validation strategies
12 (within the Department and by independent persons)
13 for converted or replaced computer systems;

14 (4) develop contingency plans for mission-criti-
15 cal systems in the event of a year-2000 compliance
16 system failure;

17 (5) coordinate outreach between computer sys-
18 tems of the Department and computer systems in—

19 (A) the domestic private sector;

20 (B) State and local governments;

21 (C) foreign governments; and

22 (D) the international private sector, such
23 as foreign banks;

24 (6) identify, prioritize, and mobilize the re-
25 sources needed to correct periodic date problems in

1 computer systems within the Department and be-
2 tween the Department and outside computer sys-
3 tems; and

4 (7) during the period beginning on the date of
5 enactment of this Act and ending on June 1, 2000,
6 consult, on a quarterly basis, with the Committee on
7 Agriculture of the House of Representatives and the
8 Committee on Agriculture, Nutrition, and Forestry
9 of the Senate on actions taken to carry out this sec-
10 tion.

11 (c) FUNDING AND AUTHORITIES.—To carry out sub-
12 section (b), the Chief Information Officer shall use—

13 (1) the authorities in sections 7, 8, and 9, par-
14 ticularly the authority to approve the transfer or ob-
15 ligation of funds described in section 7(a) intended
16 for information technology and information resource
17 management; and

18 (2) the transferred funds targeted by offices
19 and agencies for information technology and infor-
20 mation resource management under section 8.

21 **SEC. 5. POSITION OF CHIEF INFORMATION OFFICER.**

22 (a) ESTABLISHMENT.—To ensure the highest quality
23 and most efficient planning, acquisition, administration,
24 and management of information technology within the De-

1 partment, there is established the position of the Chief In-
2 formation Officer of the Department.

3 (b) CONFIRMATION.—

4 (1) IN GENERAL.—The position of the Chief In-
5 formation Officer shall be appointed by the Presi-
6 dent, by and with the advice and consent of the Sen-
7 ate.

8 (2) SUCCESSION.—An official who is serving as
9 Chief Information Officer on the date of enactment
10 of this Act shall not be required to be reappointed
11 by the President.

12 (c) REPORT.—The Chief Information Officer shall re-
13 port directly to the Secretary.

14 (d) POSITION ON EXECUTIVE INFORMATION TECH-
15 NOLOGY INVESTMENT REVIEW BOARD.—The Chief Infor-
16 mation Officer shall serve as an officer of the Executive
17 Information Technology Investment Review Board (or its
18 successor).

19 **SEC. 6. DUTIES AND AUTHORITIES OF CHIEF INFORMATION**
20 **OFFICER.**

21 (a) IN GENERAL.—Notwithstanding any other provi-
22 sion of law (except the Government Performance and Re-
23 sults Act of 1993 (Public Law 103–62), amendments
24 made by that Act, and the Information Technology Man-
25 agement Reform Act of 1996 (40 U.S.C. 1401 et seq.))

1 and policies and procedures of the Department, in addi-
2 tion to the general authorities provided to the Chief Infor-
3 mation Officer by section 5125 of the Information Tech-
4 nology Management Reform Act of 1996 (40 U.S.C.
5 1425), the Chief Information Officer shall have the au-
6 thorities and duties within the Department provided in
7 this Act.

8 (b) INFORMATION TECHNOLOGY ARCHITECTURE.—

9 (1) IN GENERAL.—To ensure the efficient and
10 effective implementation of program activities of the
11 Department, the Chief Information Officer shall en-
12 sure that the information technology architecture of
13 the Department, and each office or agency, is based
14 on the strategic business plans, information re-
15 sources, goals of information resource management,
16 and core business process methodology of the De-
17 partment.

18 (2) DESIGN AND IMPLEMENTATION.—The Chief
19 Information Officer shall manage the design and im-
20 plementation of an information technology architec-
21 ture for the Department in a manner that ensures
22 that—

23 (A) the information technology systems of
24 each office or agency maximize—

1 (i) the effectiveness and efficiency of
2 program activities of the Department;

3 (ii) quality per dollar expended; and

4 (iii) the efficiency and coordination of
5 information resource management among
6 offices or agencies, including the exchange
7 of information between field service centers
8 of the Department and each office or agen-
9 cy;

10 (B) the planning, transfer or obligation of
11 funds described in section 7(a), and acquisition
12 of information technology, by each office or
13 agency most efficiently satisfies the needs of the
14 office or agency in terms of the customers
15 served, and program activities and employees
16 affected, by the information technology; and

17 (C) the information technology of each of-
18 fice or agency is designed and managed to co-
19 ordinate or consolidate similar functions of the
20 missions of the Department and offices or agen-
21 cies, on a Department-wide basis.

22 (3) COMPLIANCE WITH RESULTING ARCHITEC-
23 TURE.—The Chief Information Officer shall—

24 (A) if determined appropriate by the Chief
25 Information Officer, approve the transfer or ob-

1 ligation of funds described in section 7(a) in
2 connection with information technology archi-
3 tecture for an office or agency; and

4 (B) be responsible for the development, ac-
5 quisition, and implementation of information
6 technology by an office or agency in a manner
7 that—

8 (i) is consistent with the information
9 technology architecture designed under
10 paragraph (2);

11 (ii) results in the most efficient and
12 effective use of information technology of
13 the office or agency; and

14 (iii) maximizes the efficient delivery
15 and effectiveness of program activities of
16 the Department.

17 (4) FIELD SERVICE CENTERS.—The Chief In-
18 formation Officer shall ensure that the information
19 technology architecture of the Department facilitates
20 the design, acquisition, and deployment of an open,
21 flexible common computing environment for the field
22 service centers of the Department that—

23 (A) is based on strategic goals, business
24 reengineering, and integrated program delivery;

1 (B) is flexible enough to accommodate and
2 facilitate future business and organizational
3 changes;

4 (C) provides maximum data sharing, inter-
5 operability, and communications capability with
6 other Department, Federal, and State agencies
7 and customers; and

8 (D) results in significant reductions in an-
9 nual operating costs.

10 (c) EVALUATION OF PROPOSED INFORMATION TECH-
11 NOLOGY INVESTMENTS.—

12 (1) IN GENERAL.—In consultation with the Ex-
13 ecutive Information Technology Investment Review
14 Board (or its successor), the Chief Information Offi-
15 cer shall adopt criteria to evaluate proposals for in-
16 formation technology investments that are applicable
17 to individual offices or agencies or are applicable De-
18 partment-wide.

19 (2) CRITERIA.—The criteria adopted under
20 paragraph (1) shall include consideration of—

21 (A) whether the function to be supported
22 by the investment should be performed by the
23 private sector, negating the need for the invest-
24 ment;

1 (B) the Department-wide or Government-
2 wide impacts of the investment;

3 (C) the costs and risks of the investment;

4 (D) the consistency of the investment with
5 the information technology architecture;

6 (E) the interoperability of information
7 technology or information resource management
8 in offices or agencies; and

9 (F) whether the investment maximizes the
10 efficiency and effectiveness of program activities
11 of the Department.

12 (3) EVALUATION OF INFORMATION TECH-
13 NOLOGY AND INFORMATION RESOURCE MANAGE-
14 MENT.—

15 (A) IN GENERAL.—In consultation with
16 the Executive Information Technology Invest-
17 ment Review Board (or its successor), the Chief
18 Information Officer shall monitor and evaluate
19 the information resource management practices
20 of offices or agencies with respect to the per-
21 formance and results of the information tech-
22 nology investments made by the offices or agen-
23 cies.

1 (B) GUIDELINES FOR EVALUATION.—The
2 Chief Information Officer shall issue Depart-
3 mental regulations that provide guidelines for—

4 (i) establishing whether the program
5 activity of an office or agency that is pro-
6 posed to be supported by the information
7 technology investment should be performed
8 by the private sector;

9 (ii)(I) analyzing the program activities
10 of the office or agency and the mission of
11 the office or agency; and

12 (II) based on the analysis, revising the
13 mission-related and administrative proc-
14 esses of the office or agency, as appro-
15 priate, before making significant invest-
16 ments in information technology to be used
17 in support of the program activities and
18 mission of the office or agency;

19 (iii) establishing effective and efficient
20 capital planning for selecting, managing,
21 and evaluating the results of all major in-
22 vestments in information technology by the
23 Department;

24 (iv) ensuring compliance with govern-
25 mental and Department-wide policies, reg-

1 ulations, standards, and guidelines that re-
2 late to information technology and infor-
3 mation resource management;

4 (v) identifying potential information
5 resource management problem areas that
6 could prevent or delay delivery of program
7 activities of the office or agency;

8 (vi) validating that information re-
9 source management of the office or agency
10 facilitates—

11 (I) strategic goals of the office or
12 agency;

13 (II) the mission of the office or
14 agency; and

15 (III) performance measures es-
16 tablished by the office or agency; and

17 (vii) ensuring that the information se-
18 curity policies, procedures, and practices
19 for the information technology are suffi-
20 cient.

21 (d) ELECTRONIC FUND TRANSFERS.—The Chief In-
22 formation Officer shall ensure that the information tech-
23 nology architecture of the Department complies with the
24 requirement of section 3332 of title 31, United States
25 Code, that certain current, and all future payments after

1 January 1, 1999, be tendered through electronic fund
2 transfer.

3 (e) DEPARTMENTAL REGULATIONS.—The Chief In-
4 formation Officer shall issue such Departmental regula-
5 tions as the Chief Information Officer considers necessary
6 to carry out this Act within all offices and agencies.

7 (f) REPORT.—Not later than March 1 of each year
8 through March 1, 2003, the Chief Information Officer
9 shall submit a report to the Committee on Agriculture of
10 the House of Representatives and the Committee on Agri-
11 culture, Nutrition, and Forestry of the Senate that in-
12 cludes—

13 (1) an evaluation of the current and future in-
14 formation technology directions and needs of the De-
15 partment;

16 (2) an accounting of—

17 (A) each transfer or obligation of funds de-
18 scribed in section 7(a), and each outlay of
19 funds, for information technology or informa-
20 tion resource management by each office or
21 agency for the past fiscal year; and

22 (B) each transfer or obligation of funds de-
23 scribed in section 7(a) for information tech-
24 nology or information resource management by

1 each office or agency known or estimated for
2 the current and future fiscal years;

3 (3) a summary of an evaluation of information
4 technology and information resource management
5 applicable Department-wide or to an office or agen-
6 cy; and

7 (4) a copy of the annual report to the Secretary
8 by the Chief Information Officer that is required by
9 section 5125(e)(3) of the Information Technology
10 Management Reform Act of 1996 (40 U.S.C.
11 1425(e)(3)).

12 **SEC. 7. FUNDING APPROVAL BY CHIEF INFORMATION OFFI-**
13 **CER.**

14 (a) IN GENERAL.—Notwithstanding any other provi-
15 sion of law, an office or agency, without the prior approval
16 of the Chief Information Officer, shall not—

17 (1) transfer funds (including appropriated
18 funds, mandatory funds, and funds of the Commod-
19 ity Credit Corporation or any other corporation
20 within the Department) from 1 account of a fund or
21 office or agency to another account of a fund or of-
22 fice or agency for the purpose of investing in infor-
23 mation technology or information resource manage-
24 ment involving planning, evaluation, or management,
25 providing services, or leasing or purchasing personal

1 property (including all hardware and software) or
2 services;

3 (2) obligate funds (including appropriated
4 funds, mandatory funds, and funds of the Commod-
5 ity Credit Corporation or any other corporation
6 within the Department) for the purpose of investing
7 in information technology or information resource
8 management involving planning, evaluation, or man-
9 agement, providing services, or leasing or purchasing
10 personal property (including all hardware and soft-
11 ware) or services; or

12 (3) obligate funds (including appropriated
13 funds, mandatory funds, and funds of the Commod-
14 ity Credit Corporation) for the purpose of investing
15 in information technology or information resource
16 management involving planning, evaluation, or man-
17 agement, providing services, or leasing or purchasing
18 personal property (including all hardware and soft-
19 ware) or services, obtained through a contract, coop-
20 erative agreement, reciprocal agreement, or any
21 other type of agreement with an agency of the Fed-
22 eral Government, a State, the District of Columbia,
23 or any person in the private sector.

24 (b) DISCRETION OF CHIEF INFORMATION OFFI-
25 CER.—The Chief Information Officer may, by Depart-

1 mental regulation, waive the requirement under subsection
2 (a) applicable to, as the Chief Information Officer deter-
3 mines is appropriate for the office or agency—

4 (1) the transfer or obligation of funds described
5 in subsection (a) in an amount not to exceed
6 \$200,000; or

7 (2) a specific class or category of information
8 technology.

9 (c) CONDITIONS FOR APPROVAL OF FUNDING.—

10 Under subsection (a), the Chief Information Officer shall
11 not approve the transfer or obligation of funds described
12 in subsection (a) with respect to an office or agency unless
13 the Chief Information Officer determines that—

14 (1) the proposed transfer or obligation of funds
15 described in subsection (a) is consistent with the in-
16 formation technology architecture of the Depart-
17 ment;

18 (2) the proposed transfer or obligation of funds
19 described in subsection (a) for information tech-
20 nology or information resource management is con-
21 sistent with and maximizes the achievement of the
22 strategic business plans of the office or agency;

23 (3) the proposed transfer or obligation of funds
24 described in subsection (a) is consistent with the
25 strategic business plan of the office or agency; and

1 (4) to the maximum extent practicable, econo-
2 mies of scale are realized through the proposed
3 transfer or obligation of funds described in sub-
4 section (a).

5 (d) CONSULTATION WITH EXECUTIVE INFORMATION
6 TECHNOLOGY INVESTMENT REVIEW BOARD.—To the
7 maximum extent practicable, as determined by the Chief
8 Information Officer, prior to approving a transfer or obli-
9 gation of funds described in subsection (a) for information
10 technology or information resource management, the Chief
11 Information Officer shall consult with the Executive Infor-
12 mation Technology Investment Review Board (or its suc-
13 cessor) concerning whether the investment—

14 (1) meets the objectives of capital planning
15 processes for selecting, managing, and evaluating
16 the results of major investments in information tech-
17 nology or information resource management; and

18 (2) links the affected strategic plan with the in-
19 formation technology architecture of the Depart-
20 ment.

21 **SEC. 8. AVAILABILITY OF AGENCY INFORMATION TECH-**
22 **NOLOGY FUNDS.**

23 (a) TRANSFER.—

24 (1) IN GENERAL.—At the beginning of each fis-
25 cal year, the Secretary shall transfer to the appro-

1 priations account of the Chief Information Officer
2 an amount of funds of an office or agency deter-
3 mined under paragraph (2).

4 (2) AMOUNT.—

5 (A) IN GENERAL.—Subject to subpara-
6 graph (B), the amount of funds of an office or
7 agency for a fiscal year transferred under para-
8 graph (1) may be up to 10 percent of the dis-
9 cretionary funds made available for that fiscal
10 year by the office or agency for information
11 technology or information resource manage-
12 ment.

13 (B) ADJUSTMENT.—The Secretary may
14 adjust the amount to be transferred from the
15 funds of an office or agency for a fiscal year to
16 the extent that the estimate for a prior fiscal
17 year was in excess of, or less than, the amount
18 actually expended by the office or agency for in-
19 formation technology or information resource
20 management.

21 (b) AVAILABILITY OF FUNDS.—

22 (1) TRANSFER.—The Chief Information Officer
23 may transfer unexpended funds to an office or agen-
24 cy.

1 (2) USE.—Funds transferred under paragraph
2 (1) shall only be used for information technology or
3 information resource management.

4 (c) USE OF FUNDS.—Funds transferred under sub-
5 section (a) shall be used by the Chief Information Offi-
6 cer—

7 (1) to carry out the duties and authorities of
8 the Chief Information Officer under—

9 (A) this Act;

10 (B) section 5125 of the Information Tech-
11 nology Management Reform Act of 1996 (40
12 U.S.C. 1425); and

13 (C) section 3506 of title 44, United States
14 Code;

15 (2) to direct and control the planning, transfer
16 or obligation of funds described in section 7(a), and
17 administration of information technology or informa-
18 tion resource management by an office or agency;

19 (3) to meet the requirement of the Director of
20 the Office and Management and Budget that all
21 mission-critical systems achieve year-2000 compli-
22 ance; or

23 (4) to pay the salaries and expenses of all per-
24 sonnel and functions of the office of the Chief Infor-
25 mation Officer.

1 (d) TERMINATION OF AUTHORITY.—The authority
2 under this section terminates on September 30, 2003.

3 **SEC. 9. AUTHORITY OF CHIEF INFORMATION OFFICER**
4 **OVER INFORMATION TECHNOLOGY PERSON-**
5 **NEL.**

6 (a) AGENCY CHIEF INFORMATION OFFICERS.—

7 (1) ESTABLISHMENT.—Subject to the concur-
8 rence of the Chief Information Officer, the head of
9 each office or agency shall establish within the office
10 or agency the position of Agency Chief Information
11 Officer and shall appoint an individual to that posi-
12 tion.

13 (2) RELATIONSHIP TO HEAD OF OFFICE OR
14 AGENCY.—The Agency Chief Information Officer
15 shall—

16 (A) report to the head of the office or
17 agency; and

18 (B) regularly update the head of the office
19 or agency on the status of year-2000 compli-
20 ance and other significant information tech-
21 nology issues.

22 (3) PERFORMANCE REVIEW.—The Chief Infor-
23 mation Officer shall—

1 (A) provide input for the performance re-
2 view of an Agency Chief Information Officer of
3 an office or agency;

4 (B) annually review and assess the infor-
5 mation technology functions of the office or
6 agency; and

7 (C) provide a report on the review and as-
8 sessment to the Under Secretary or Assistant
9 Secretary for the office or agency.

10 (4) DUTIES.—The Agency Chief Information
11 Officer of an office or agency shall be responsible for
12 carrying out the policies and procedures established
13 by the Chief Information Officer for that office or
14 agency, the Administrator for the office or agency,
15 and the Under Secretary or Assistant Secretary for
16 the office or agency.

17 (b) MANAGERS OF MAJOR INFORMATION TECH-
18 NOLOGY PROJECTS.—

19 (1) IN GENERAL.—The assignment, and contin-
20 ued eligibility for the assignment, of an employee of
21 the Department to serve as manager of a major in-
22 formation technology project (as defined by the
23 Chief Information Officer) of an office or agency,
24 shall be subject to the approval of the Chief Infor-
25 mation Officer.

1 a report evaluating the compliance with this Act in the
2 past fiscal year by the Chief Information Officer and each
3 office or agency.

4 (b) CONTENTS OF REPORT.—Each report shall in-
5 clude—

6 (1) an audit of the transfer or obligation of
7 funds described in section 7(a) and outlays by an of-
8 fice or agency for the fiscal year;

9 (2) an audit and evaluation of the compliance
10 of the Chief Information Officer with the require-
11 ments of section 8(c);

12 (3) a review and evaluation of the performance
13 of the Chief Information Officer under this Act; and

14 (4) a review and evaluation of the success of
15 the Department in—

16 (A) creating a Department-wide informa-
17 tion technology architecture; and

18 (B) complying with the requirement of the
19 Director of the Office of Management and
20 Budget that all mission-critical systems of an
21 office or agency achieve year-2000 compliance.

22 **SEC. 11. OFFICE OF INSPECTOR GENERAL.**

23 (a) IN GENERAL.—The Office of Inspector General
24 of the Department shall be exempt from the requirements
25 of this Act.

1 (b) REPORT.—The Inspector General of the Depart-
2 ment shall semiannually submit a report to the Committee
3 on Agriculture and the Committee on Government Reform
4 and Oversight of the House of Representatives and the
5 Committee on Agriculture, Nutrition, and Forestry of the
6 Senate on the progress of the Office of Inspector General
7 regarding—

8 (1) year-2000 compliance; and

9 (2) the establishment of an information tech-
10 nology architecture for the Office of Inspector Gen-
11 eral of the Department.

12 **SEC. 12. TECHNICAL AMENDMENT.**

13 Section 13 of the Commodity Credit Corporation
14 Charter Act (15 U.S.C. 714k) is amended in the second
15 sentence by striking “section 5 or 11” and inserting “sec-
16 tion 4, 5, or 11”.

Passed the Senate October 12 (legislative day, Octo-
ber 2), 1998.

Attest:

Secretary.

105TH CONGRESS
2^D SESSION

S. 2116

AN ACT

To clarify and enhance the authorities of the Chief Information Officer of the Department of Agriculture.