

105TH CONGRESS  
2D SESSION

# S. 2116

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

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IN THE SENATE OF THE UNITED STATES

MAY 22, 1998

Mr. LUGAR introduced the following bill; which was read twice and referred  
to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

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”.

7       (b) **TABLE OF CONTENTS.**—The table of contents of  
8       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. Technical amendment.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

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

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

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

18 (4) to better ensure the continued success and  
19 vitality of agricultural producers and rural commu-  
20 nities, it is imperative that measures are taken with-  
21 in the Department to coordinate and centrally plan

1 the use of the information technology of the Depart-  
2 ment;

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

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

15 (7) information technology is a strategic re-  
16 source for the missions and program activities of the  
17 Department;

18 (8) year-2000 compliance is 1 of the most im-  
19 portant challenges facing the Federal Government  
20 and the private sector;

21 (9) because the responsibility for ensuring year-  
22 2000 compliance has been decentralized at the De-  
23 partment, no overall priorities have been established  
24 and there is no assurance that the most important

1 functions of the Department will be operable on  
2 January 1, 2000;

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

5 (A) defining and explaining the importance  
6 of achieving year-2000 compliance;

7 (B) selecting the overall approach for  
8 structuring the year-2000 compliance efforts of  
9 the Department;

10 (C) assessing the ability of the information  
11 resource management infrastructures of the De-  
12 partment to adequately support the year-2000  
13 compliance efforts; and

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

16 (11) the failure of the Department to meet the  
17 requirement of the Director of the Office of Manage-  
18 ment and Budget that all mission-critical systems of  
19 the Department achieve year-2000 compliance would  
20 have serious adverse consequences on the program  
21 activities of the Department, the economies of rural  
22 communities, the health of the people of the United  
23 States, world hunger, and international commerce in  
24 agricultural commodities and products;

1           (12) centralizing the approval authority for  
2           planning and investment for information technology  
3           in the Office of the Chief Information Officer will—

4                   (A) provide the Department with strong  
5                   and coordinated leadership and direction;

6                   (B) ensure that the business architecture  
7                   of an office or agency is based on rigorous core  
8                   business process methodology;

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

13                  (D) ensure that funds will be invested in  
14                  information technology only after the Chief In-  
15                  formation Officer has determined that—

16                          (i) the planning and review of future  
17                          business requirements of the office or  
18                          agency are complete; and

19                          (ii) the information technology archi-  
20                          tecture of the office or agency is based on  
21                          business requirements; and

22                  (E) cause the Department to act as a sin-  
23                  gle enterprise with respect to information tech-  
24                  nology, thus eliminating the duplication and in-

1 efficiency associated with a single office- or  
2 agency-based approach; and

3 (13) consistent with the Information Tech-  
4 nology Management Reform Act of 1996 (40 U.S.C.  
5 1401 et seq.), each office or agency of the Depart-  
6 ment should achieve at least—

7 (A) a 5 percent per year decrease in costs  
8 incurred for operation and maintenance of in-  
9 formation technology; and

10 (B) a 5 percent per year increase in oper-  
11 ational efficiency through improvements in in-  
12 formation resource management.

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

14 (1) to facilitate the successful administration of  
15 programs and activities of the Department through  
16 the creation of a centralized office, and Chief Infor-  
17 mation Officer position, in the Department to pro-  
18 vide strong and innovative managerial leadership to  
19 oversee the planning, funding, acquisition, and man-  
20 agement of information technology and information  
21 resource management; and

22 (2) to provide the Chief Information Officer  
23 with the authority and funding necessary to correct  
24 the year-2000 compliance problem of the Depart-  
25 ment.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) CHIEF INFORMATION OFFICER.—The term  
4 “Chief Information Officer” means the individual  
5 appointed by the Secretary to serve as Chief Infor-  
6 mation Officer (as established by section 5125 of the  
7 Information Technology Management Reform Act of  
8 1996 (40 U.S.C. 1425)) for the Department.

9 (2) DEPARTMENT.—The term “Department”  
10 means the Department of Agriculture.

11 (3) INFORMATION RESOURCE MANAGEMENT.—  
12 The term “information resource management”  
13 means the process of managing information re-  
14 sources to accomplish agency missions and to im-  
15 prove agency performance.

16 (4) INFORMATION TECHNOLOGY.—The term  
17 “information technology” means—

18 (A) equipment, such as computers, soft-  
19 ware, and telecommunications hardware; or

20 (B) a system of information resources or-  
21 ganized for the collection, processing, mainte-  
22 nance, transmission, and dissemination of infor-  
23 mation, whether automated or manual, in ac-  
24 cordance with information resource manage-  
25 ment or business process reengineering.

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

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

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

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

17                 (C) State committee, State office, or field  
18                 service center of the Farm Service Agency; and

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

23          (7) PROGRAM ACTIVITY.—The term “program  
24          activity” means a specific activity or project of a

1 program that is carried out by 1 or more offices or  
2 agencies of the Department.

3 (8) SECRETARY.—The term “Secretary” means  
4 the Secretary of Agriculture.

5 (9) TRANSFER OR OBLIGATION OF FUNDS.—  
6 The term “transfer or obligation of funds” means,  
7 as applicable—

8 (A) the transfer of funds (including appro-  
9 priated funds, mandatory funds, and funds of  
10 the Commodity Credit Corporation or any other  
11 corporation within the Department) from 1 ac-  
12 count of a fund or office or agency to another  
13 account of a fund or office or agency for the  
14 purpose of investing in information technology  
15 or information resource management involving  
16 planning, evaluation, or management, providing  
17 services, or leasing or purchasing personal prop-  
18 erty (including all hardware and software) or  
19 services;

20 (B) the obligation of funds (including ap-  
21 propriated funds, mandatory funds, and funds  
22 of the Commodity Credit Corporation or any  
23 other corporation within the Department) for  
24 the purpose of investing in information tech-  
25 nology or information resource management in-

1           volving planning, evaluation, or management,  
2           providing services, or leasing or purchasing per-  
3           sonal property (including all hardware and soft-  
4           ware) or services; or

5           (C) the obligation of funds (including ap-  
6           propriated funds, mandatory funds, and funds  
7           of the Commodity Credit Corporation) for the  
8           purpose of investing in information technology  
9           or information resource management involving  
10          planning, evaluation, or management, providing  
11          services, or leasing or purchasing personal prop-  
12          erty (including all hardware and software) or  
13          services, obtained through a contract, coopera-  
14          tive agreement, reciprocal agreement, or any  
15          other type of agreement with an agency of the  
16          Federal Government, a State, the District of  
17          Columbia, or any person in the private sector.

18          (10) YEAR-2000 COMPLIANCE.—The term “year-  
19          2000 compliance”, with respect to the Department,  
20          means a condition in which information systems are  
21          able to accurately process data from and between  
22          the 20th and 21st centuries—

23                  (A) within the Department;

24                  (B) between the Department and local and  
25          State governments;

1 (C) between the Department and the pri-  
2 vate sector;

3 (D) between the Department and foreign  
4 governments; and

5 (E) between the Department and the inter-  
6 national private sector.

7 **SEC. 4. MANAGEMENT OF YEAR-2000 COMPLIANCE AT DE-**  
8 **PARTMENT.**

9 (a) FINDING.—Congress finds that the Chief Infor-  
10 mation Officer of the Department has not been provided  
11 the funding and authority necessary to adequately manage  
12 the year-2000 compliance problem at the Department.

13 (b) MANAGEMENT.—The Chief Information Officer  
14 shall provide the leadership and innovative management  
15 within the Department to—

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

18 (2) coordinate the renovation of computer sys-  
19 tems through conversion, replacement, or retirement  
20 of the systems;

21 (3) develop verification and validation strategies  
22 (within the Department and by independent persons)  
23 for converted or replaced computer systems;

1           (4) develop contingency plans for mission-critical systems in the event of a year-2000 compliance system failure;

2           (5) coordinate outreach between computer systems of the Department and computer systems in—

3                   (A) the domestic private sector;

4                   (B) State and local governments;

5                   (C) foreign governments; and

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

7           (6) identify, prioritize, and mobilize the resources needed to correct periodic date problems in computer systems within the Department and between the Department and outside computer systems; and

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

9           (c) FUNDING AND AUTHORITIES.—To carry out subsection (b), the Chief Information Officer shall use—

1           (1) the authorities in sections 7, 8, and 9, par-  
2           ticularly the authority to approve the transfer or ob-  
3           ligation of funds intended for information technology  
4           and information resource management; and

5           (2) the transferred funds targeted by offices  
6           and agencies for information technology and infor-  
7           mation resource management under section 8.

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

9           (a) ESTABLISHMENT.—To ensure the highest quality  
10          and most efficient planning, acquisition, administration,  
11          and management of information technology within the De-  
12          partment, there is established the position of the Chief In-  
13          formation Officer of the Department.

14          (b) CONFIRMATION.—

15               (1) IN GENERAL.—The position of the Chief In-  
16          formation Officer shall be appointed by the Presi-  
17          dent, by and with the advice and consent of the Sen-  
18          ate.

19               (2) SUCCESSION.—An official who is serving as  
20          Chief Information Officer on the date of enactment  
21          of this Act shall not be required to be reappointed  
22          by the President.

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

1 (d) POSITION ON EXECUTIVE INFORMATION TECH-  
2 NOLOGY INVESTMENT REVIEW BOARD.—The Chief Infor-  
3 mation Officer shall serve as vice-chairperson of the Exec-  
4 utive Information Technology Investment Review Board  
5 (or its successor).

6 **SEC. 6. DUTIES AND AUTHORITIES OF CHIEF INFORMATION**  
7 **OFFICER.**

8 (a) IN GENERAL.—Notwithstanding any other provi-  
9 sion of law (except the Government Performance and Re-  
10 sults Act of 1993 (Public Law 103–62), amendments  
11 made by that Act, and the Information Technology Man-  
12 agement Reform Act of 1996 (40 U.S.C. 1401 et seq.))  
13 and policies and procedures of the Department, in addi-  
14 tion to the general authorities provided to the Chief Infor-  
15 mation Officer by section 5125 of the Information Tech-  
16 nology Management Reform Act of 1996 (40 U.S.C.  
17 1425), the Chief Information Officer shall have the au-  
18 thorities and duties within the Department provided in  
19 this Act.

20 (b) INFORMATION TECHNOLOGY ARCHITECTURE.—

21 (1) IN GENERAL.—To ensure the efficient and  
22 effective implementation of program activities of the  
23 Department, the Chief Information Officer shall en-  
24 sure that the information technology architecture of  
25 the Department, and each office or agency, is based

1 on the strategic business plans, information re-  
2 sources, goals of information resource management,  
3 and core business process methodology of the De-  
4 partment.

5 (2) DESIGN AND IMPLEMENTATION.—The Chief  
6 Information Officer shall manage the design and im-  
7 plementation of an information technology architec-  
8 ture for the Department in a manner that ensures  
9 that—

10 (A) the information technology systems of  
11 each office or agency maximize—

12 (i) the effectiveness and efficiency of  
13 program activities of the Department;

14 (ii) quality per dollar expended; and

15 (iii) the efficiency and coordination of  
16 information resource management among  
17 offices or agencies, including the exchange  
18 of information between field service centers  
19 of the Department and each office or agen-  
20 cy;

21 (B) the planning, transfer or obligation of  
22 funds, and acquisition of information tech-  
23 nology, by each office or agency most efficiently  
24 satisfies the needs of the office or agency in  
25 terms of the customers served, and program ac-

1 activities and employees affected, by the informa-  
2 tion technology; and

3 (C) the information technology of each of-  
4 fice or agency is designed and managed to co-  
5 ordinate or consolidate similar functions of the  
6 missions of the Department and offices or agen-  
7 cies, on a Department-wide basis.

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

10 (A) if determined appropriate by the Chief  
11 Information Officer, approve the transfer or ob-  
12 ligation of funds in connection with information  
13 technology architecture for an office or agency;  
14 and

15 (B) be responsible for the development, ac-  
16 quisition, and implementation of information  
17 technology by an office or agency in a manner  
18 that—

19 (i) is consistent with the information  
20 technology architecture designed under  
21 paragraph (2);

22 (ii) results in the most efficient and  
23 effective use of information technology of  
24 the office or agency; and

1 (iii) maximizes the efficient delivery  
2 and effectiveness of program activities of  
3 the Department.

4 (4) FIELD SERVICE CENTERS.—The Chief In-  
5 formation Officer shall ensure that the information  
6 technology architecture of the Department facilitates  
7 the design, acquisition, and deployment of an open,  
8 flexible common computing environment for the field  
9 service centers of the Department that—

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

12 (B) is flexible enough to accommodate and  
13 facilitate future business and organizational  
14 changes;

15 (C) provides maximum data sharing, inter-  
16 operability, and communications capability with  
17 other Department, Federal, and State agencies  
18 and customers; and

19 (D) results in significant reductions in an-  
20 nual operating costs.

21 (c) EVALUATION OF PROPOSED INFORMATION TECH-  
22 NOLOGY INVESTMENTS.—

23 (1) IN GENERAL.—In consultation with the Ex-  
24 ecutive Information Technology Investment Review  
25 Board (or its successor), the Chief Information Offi-

1 cer shall adopt criteria to evaluate proposals for in-  
2 formation technology investments that are applicable  
3 to individual offices or agencies or are applicable De-  
4 partment-wide.

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

7 (A) whether the function to be supported  
8 by the investment should be performed by the  
9 private sector, negating the need for the invest-  
10 ment;

11 (B) the Department-wide or Government-  
12 wide impacts of the investment;

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

14 (D) the consistency of the investment with  
15 the information technology architecture;

16 (E) the interoperability of information  
17 technology or information resource management  
18 in offices or agencies; and

19 (F) whether the investment maximizes the  
20 efficiency and effectiveness of program activities  
21 of the Department.

22 (3) EVALUATION OF INFORMATION TECH-  
23 NOLOGY AND INFORMATION RESOURCE MANAGE-  
24 MENT.—

1 (A) IN GENERAL.—In consultation with  
2 the Executive Information Technology Invest-  
3 ment Review Board (or its successor), the Chief  
4 Information Officer shall monitor and evaluate  
5 the information resource management practices  
6 of offices or agencies with respect to the per-  
7 formance and results of the information tech-  
8 nology investments made by the offices or agen-  
9 cies.

10 (B) GUIDELINES FOR EVALUATION.—The  
11 Chief Information Officer shall issue Depart-  
12 mental regulations that provide guidelines for—

13 (i) establishing whether the program  
14 activity of an office or agency that is pro-  
15 posed to be supported by the information  
16 technology investment should be performed  
17 by the private sector;

18 (ii)(I) analyzing the program activities  
19 of the office or agency and the mission of  
20 the office or agency; and

21 (II) based on the analysis, revising the  
22 mission-related and administrative proc-  
23 esses of the office or agency, as appro-  
24 priate, before making significant invest-  
25 ments in information technology to be used

1 in support of the program activities and  
2 mission of the office or agency;

3 (iii) establishing effective and efficient  
4 capital planning for selecting, managing,  
5 and evaluating the results of all major in-  
6 vestments in information technology by the  
7 Department;

8 (iv) ensuring compliance with govern-  
9 mental and Department-wide policies, reg-  
10 ulations, standards, and guidelines that re-  
11 late to information technology and infor-  
12 mation resource management;

13 (v) identifying potential information  
14 resource management problem areas that  
15 could prevent or delay delivery of program  
16 activities of the office or agency;

17 (vi) validating that information re-  
18 source management of the office or agency  
19 facilitates—

20 (I) strategic goals of the office or  
21 agency;

22 (II) the mission of the office or  
23 agency; and

24 (III) performance measures es-  
25 tablished by the office or agency; and

1                   (vii) ensuring that the information se-  
2                   curity policies, procedures, and practices  
3                   for the information technology are suffi-  
4                   cient.

5           (d) ELECTRONIC FUND TRANSFERS.—The Chief In-  
6           formation Officer shall ensure that the information tech-  
7           nology architecture of the Department complies with the  
8           requirement of section 3332 of title 31, United States  
9           Code, that certain current, and all future payments after  
10          January 1, 1999, be tendered through electronic fund  
11          transfer.

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

16          (f) REPORT.—Not later than March 1 of each year  
17          through March 1, 2003, the Chief Information Officer  
18          shall submit a report to the Committee on Agriculture of  
19          the House of Representatives and the Committee on Agri-  
20          culture, Nutrition, and Forestry of the Senate that in-  
21          cludes—

22                   (1) an evaluation of the current and future in-  
23                   formation technology directions and needs of the De-  
24                   partment;

25                   (2) an accounting of—

1 (A) each transfer or obligation of funds,  
2 and each outlay of funds, for information tech-  
3 nology or information resource management by  
4 each office or agency for the past fiscal year;  
5 and

6 (B) each transfer or obligation of funds for  
7 information technology or information resource  
8 management by each office or agency known or  
9 estimated for the current and future fiscal  
10 years;

11 (3) a summary of an evaluation of information  
12 technology and information resource management  
13 applicable Department-wide or to an office or agen-  
14 cy; and

15 (4) a copy of the annual report to the Secretary  
16 by the Chief Information Officer that is required by  
17 section 5125(e)(3) of the Information Technology  
18 Management Reform Act of 1996 (40 U.S.C.  
19 1425(e)(3)).

20 (g) OTHER FUNCTIONS OF CHIEF INFORMATION OF-  
21 FICER.—Funds transferred to the Chief Information Offi-  
22 cer under this Act may be used for the salaries and ex-  
23 penses of all personnel and functions of the office of the  
24 Chief Information Officer.

1 **SEC. 7. FUNDING APPROVAL BY CHIEF INFORMATION OFFI-**  
2 **CER.**

3 (a) IN GENERAL.—Notwithstanding any other provi-  
4 sion of law, an office or agency, without the prior approval  
5 of the Chief Information Officer, shall not make a transfer  
6 or obligation of funds, or outlay of funds, for information  
7 technology or information resource management.

8 (b) DISCRETION OF CHIEF INFORMATION OFFI-  
9 CER.—The Chief Information Officer may, by Depart-  
10 mental regulation, waive the requirement under subsection  
11 (a) applicable to the transfer or obligation of funds, or  
12 outlay of funds, in an amount not to exceed \$25,000, as  
13 the Chief Information Officer determines is appropriate  
14 for the office or agency.

15 (c) CONDITIONS FOR APPROVAL OF FUNDING.—  
16 Under subsection (a), the Chief Information Officer shall  
17 not approve the transfer or obligation of funds with re-  
18 spect to an office or agency unless the Chief Information  
19 Officer determines that—

20 (1) the proposed transfer or obligation of funds  
21 is consistent with the information technology archi-  
22 tecture of the Department;

23 (2) the proposed transfer or obligation of funds  
24 for information technology or information resource  
25 management is consistent with and maximizes the

1 achievement of the strategic business plans of the of-  
2 fice or agency;

3 (3) the proposed transfer or obligation of funds  
4 is consistent with the strategic business plan of the  
5 office or agency; and

6 (4) to the maximum extent practicable, econo-  
7 mies of scale are realized through the proposed  
8 transfer or obligation of funds.

9 (d) CONSULTATION WITH EXECUTIVE INFORMATION  
10 TECHNOLOGY INVESTMENT REVIEW BOARD.—To the  
11 maximum extent practicable, as determined by the Chief  
12 Information Officer, prior to approving a transfer or obli-  
13 gation of funds for information technology or information  
14 resource management, the Chief Information Officer shall  
15 consult with the Executive Information Technology Invest-  
16 ment Review Board (or its successor) concerning whether  
17 the investment—

18 (1) meets the objectives of capital planning  
19 processes for selecting, managing, and evaluating  
20 the results of major investments in information tech-  
21 nology or information resource management; and

22 (2) links the affected strategic plan with the in-  
23 formation technology architecture of the Depart-  
24 ment.

1 **SEC. 8. AVAILABILITY OF AGENCY INFORMATION TECH-**  
2 **NOLOGY FUNDS.**

3 (a) **TRANSFER.—**

4 (1) **IN GENERAL.—**At the beginning of each fis-  
5 cal year, the Secretary shall transfer to the appro-  
6 priations account of the Chief Information Officer  
7 an amount of funds of an office or agency deter-  
8 mined under paragraph (2).

9 (2) **AMOUNT.—**

10 (A) **IN GENERAL.—**Subject to subpara-  
11 graph (B), the amount of funds of an office or  
12 agency for a fiscal year transferred under para-  
13 graph (1) shall be not less than 5 percent of the  
14 estimated obligations and outlays for that fiscal  
15 year by the office or agency for information  
16 technology or information resource manage-  
17 ment.

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

26 (3) **INTERIM TRANSFER OF FUNDS.—**

1 (A) IN GENERAL.—Not later than 10 busi-  
2 ness days after the date of enactment of this  
3 Act, the Secretary shall, to the maximum extent  
4 practicable, transfer funds to the Chief Infor-  
5 mation Officer under paragraph (1) for fiscal  
6 year 1998.

7 (B) PRORATION.—The amount transferred  
8 under subparagraph (A) shall be prorated to re-  
9 flect the period remaining in fiscal year 1998 as  
10 of the date of enactment of this Act.

11 (b) AVAILABILITY OF FUNDS.—

12 (1) IN GENERAL.—Funds transferred to the ap-  
13 propriations account of the Chief Information Offi-  
14 cer under subsection (a) shall remain available until  
15 expended.

16 (2) UNEXPENDED FUNDS.—

17 (A) TRANSFER.—The Chief Information  
18 Officer may transfer unexpended funds to an  
19 office or agency.

20 (B) USE.—Funds transferred under sub-  
21 paragraph (A) shall only be used for informa-  
22 tion technology or information resource man-  
23 agement.

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

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

6 (A) this Act;

7 (B) section 5125 of the Information Tech-  
8 nology Management Reform Act of 1996 (40  
9 U.S.C. 1425); and

10 (C) section 3506 of title 44, United States  
11 Code;

12 (2) to direct and control the planning, transfer,  
13 or obligation of funds, and administration of infor-  
14 mation technology or information resource manage-  
15 ment by an office or agency; or

16 (3) to meet the requirement of the Director of  
17 the Office and Management and Budget that all  
18 mission-critical systems achieve year-2000 compli-  
19 ance.

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

22 **SEC. 9. AUTHORITY OF CHIEF INFORMATION OFFICER**  
23 **OVER INFORMATION TECHNOLOGY PERSON-**  
24 **NEL.**

25 (a) AGENCY CHIEF INFORMATION OFFICERS.—

1           (1) ESTABLISHMENT.—Subject to the concur-  
2           rence of the Chief Information Officer, the head of  
3           each office or agency shall establish within the office  
4           or agency the position of Agency Chief Information  
5           Officer and shall appoint an individual to that posi-  
6           tion.

7           (2) REPORT.—The Agency Chief Information  
8           Officer shall report to the head of the office or agen-  
9           cy.

10          (3) PERFORMANCE REVIEW.—The Chief Infor-  
11          mation Officer shall provide input into the perform-  
12          ance review of an Agency Chief Information Officer.

13          (4) DUTIES.—The Agency Chief Information  
14          Officer of an office or agency shall be responsible for  
15          carrying out the policies and procedures established  
16          by the Chief Information Officer for that office or  
17          agency.

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

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

1 shall be subject to the approval of the Chief Infor-  
2 mation Officer.

3 (2) PERFORMANCE REVIEW.—The Chief Infor-  
4 mation Officer shall provide input into the perform-  
5 ance review of a manager of a major information  
6 technology project.

7 (c) DETAIL AND ASSIGNMENT OF PERSONNEL.—  
8 Notwithstanding any other provision of law, an employee  
9 of the Department may be detailed to the Office of the  
10 Chief Information Officer for a period of more than 30  
11 days without reimbursement by the Office of the Chief In-  
12 formation Officer to the office or agency from which the  
13 employee is detailed.

14 (d) INFORMATION TECHNOLOGY PROCUREMENT OF-  
15 FICERS.—A procurement officer of an office or agency  
16 shall procure information technology for the office or  
17 agency in a manner that is consistent with the Depart-  
18 mental regulations issued by the Chief Information Offi-  
19 cer.

20 **SEC. 10. ANNUAL COMPTROLLER GENERAL REPORT ON**  
21 **COMPLIANCE.**

22 (a) REPORT.—Not later than May 15 of each year  
23 through May 15, 2003, in coordination with the Inspector  
24 General of the Department, the Comptroller General of  
25 the United States shall submit to the Committee on Agri-

1 culture of the House of Representatives and the Commit-  
2 tee on Agriculture, Nutrition, and Forestry of the Senate  
3 a report evaluating the compliance with this Act in the  
4 past fiscal year by the Chief Information Officer and each  
5 office or agency.

6 (b) CONTENTS OF REPORT.—Each report shall in-  
7 clude—

8 (1) an audit of the transfer or obligation of  
9 funds and outlays by an office or agency for the fis-  
10 cal year;

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

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

16 (4) a review and evaluation of the success of  
17 the Department in—

18 (A) creating a Department-wide informa-  
19 tion technology architecture; and

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

1 **SEC. 11. TECHNICAL AMENDMENT.**

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

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