

106TH CONGRESS  
1ST SESSION

# S. 949

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 4, 1999

Mr. LUGAR (for himself, Mr. FITZGERALD, and Mr. FEINGOLD) 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 1999”.

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. Office of Inspector General.
- Sec. 12. 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 at the Department was initially left  
23 to individual offices and agencies, no overall prior-  
24 ities have been established, and there is no assur-

1       ance that the most important functions of the De-  
2       partment will be operable on 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 is consistent  
22                          with the Department-wide information  
23                          technology architecture; and

24                   (E) cause the Department to act as a sin-  
25                   gle enterprise with respect to information tech-

1           nology, thus eliminating the duplication and in-  
2           efficiency associated with a single office—or  
3           agency-based approach; and

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

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

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

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

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

23                   (2) to provide the Chief Information Officer  
24                   with the authority and funding necessary to correct

1 the year-2000 compliance problem of the Depart-  
2 ment.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

11 (2) DEPARTMENT.—The term “Department”  
12 means the Department of Agriculture.

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

18 (4) INFORMATION TECHNOLOGY.—

19 (A) IN GENERAL.—The term “information  
20 technology” means any equipment or inter-  
21 connected system or subsystem of equipment  
22 that is used by an office or agency in the auto-  
23 matic acquisition, storage, manipulation, man-  
24 agement, movement, control, display, switching,

interchange, transmission, or reception of data or information.

(B) USE OF EQUIPMENT.—For purposes of subparagraph (A), equipment is used by an office or agency if the equipment is used by—

(i) the office or agency directly; or

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

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

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

(C) INCLUSIONS.—The term “information technology” includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

(D) EXCLUSIONS.—The term “information technology” does not include any equipment that is acquired by a Federal contractor that is incidental to a Federal contract.

(5) INFORMATION TECHNOLOGY ARCHITECTURE.—The term “information technology architec-



ture” means an integrated framework for developing or maintaining existing information technology, and acquiring new information technology, to achieve or effectively use the strategic business plans, information resources, management goals, and core business processes of the Department.

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

(A) national, regional, county, or local office or agency of the Department;

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

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

(D) group of multiple offices and agencies of the Department that are, or will be, connected through common program activities or systems of information technology.

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

1           (8) SECRETARY.—The term “Secretary” means  
2           the Secretary of Agriculture.

3           (9) YEAR-2000 COMPLIANCE.—The term “year-  
4           2000 compliance”, with respect to the Department,  
5           means a condition in which information systems are  
6           able to accurately process data relating to the 20th  
7           and 21st centuries—

8                   (A) within the Department;

9                   (B) between the Department and local and  
10           State governments;

11                   (C) between the Department and the pri-  
12           vate sector;

13                   (D) between the Department and foreign  
14           governments; and

15                   (E) between the Department and the inter-  
16           national private sector.

17 **SEC. 4. MANAGEMENT OF YEAR-2000 COMPLIANCE AT DE-**  
18 **PARTMENT.**

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

23           (b) MANAGEMENT.—The Chief Information Officer  
24           shall provide the leadership and innovative management  
25           within the Department to—

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

3           (2) coordinate the renovation of computer sys-  
4           tems through conversion, replacement, or retirement  
5           of the systems;

6           (3) develop verification and validation strategies  
7           (within the Department and by independent persons)  
8           for converted or replaced computer systems;

9           (4) develop contingency plans for mission-crit-  
10          ical systems in the event of a year-2000 compliance  
11          system failure;

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

14                (A) the domestic private sector;

15                (B) State and local governments;

16                (C) foreign governments; and

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

19          (6) identify, prioritize, and mobilize the re-  
20          sources needed to correct periodic date problems in  
21          computer systems within the Department and be-  
22          tween the Department and outside computer sys-  
23          tems; and

24          (7) during the period beginning on the date of  
25          enactment of this Act and ending on June 1, 2001,

1       consult, on a quarterly basis, with the Committee on  
 2       Agriculture of the House of Representatives and the  
 3       Committee on Agriculture, Nutrition, and Forestry  
 4       of the Senate on actions taken to carry out this sec-  
 5       tion.

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

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

13              (2) the transferred funds targeted by offices  
 14      and agencies for information technology and infor-  
 15      mation resource management under section 8.

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

17       (a) ESTABLISHMENT.—To ensure the highest quality  
 18      and most efficient planning, acquisition, administration,  
 19      and management of information technology within the De-  
 20      partment, there is established the position of the Chief In-  
 21      formation Officer of the Department.

22       (b) CONFIRMATION.—

23              (1) IN GENERAL.—The position of the Chief In-  
 24      formation Officer shall be appointed by the Presi-

1       dent, by and with the advice and consent of the Sen-  
2       ate.

3               (2) SUCCESSION.—An official who is serving as  
4       Chief Information Officer on the date of enactment  
5       of this Act shall not be required to be reappointed  
6       by the President.

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

9       (d) POSITION ON EXECUTIVE INFORMATION TECH-  
10      NOLOGY INVESTMENT REVIEW BOARD.—The Chief Infor-  
11      mation Officer shall serve as an officer of the Executive  
12      Information Technology Investment Review Board (or its  
13      successor).

14      **SEC. 6. DUTIES AND AUTHORITIES OF CHIEF INFORMATION**  
15                                      **OFFICER.**

16       (a) IN GENERAL.—Notwithstanding any other provi-  
17      sion of law (except the Government Performance and Re-  
18      sults Act of 1993 (Public Law 103–62), amendments  
19      made by that Act, and the Information Technology Man-  
20      agement Reform Act of 1996 (40 U.S.C. 1401 et seq.))  
21      and policies and procedures of the Department, in addi-  
22      tion to the general authorities provided to the Chief Infor-  
23      mation Officer by section 5125 of the Information Tech-  
24      nology Management Reform Act of 1996 (40 U.S.C.  
25      1425), the Chief Information Officer shall have the au-

1 thorities and duties within the Department provided in  
 2 this Act.

3 (b) INFORMATION TECHNOLOGY ARCHITECTURE.—

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

13 (2) DESIGN AND IMPLEMENTATION.—The Chief  
 14 Information Officer shall manage the design and im-  
 15 plementation of an information technology architec-  
 16 ture for the Department in a manner that ensures  
 17 that—

18 (A) the information technology systems of  
 19 each office or agency maximize—

20 (i) the effectiveness and efficiency of  
 21 program activities of the Department;

22 (ii) quality per dollar expended; and

23 (iii) the efficiency and coordination of  
 24 information resource management among  
 25 offices or agencies, including the exchange

1 of information between field service centers  
2 of the Department and each office or agen-  
3 cy;

4 (B) the planning, transfer or obligation of  
5 funds described in section 7(a), and acquisition  
6 of information technology, by each office or  
7 agency most efficiently satisfies the needs of the  
8 office or agency in terms of the customers  
9 served, and program activities and employees  
10 affected, by the information technology; and

11 (C) the information technology of each of-  
12 fice or agency is designed and managed to co-  
13 ordinate or consolidate similar functions of the  
14 missions of the Department and offices or agen-  
15 cies, on a Department-wide basis.

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

18 (A) if determined appropriate by the Chief  
19 Information Officer, approve the transfer or ob-  
20 ligation of funds described in section 7(a) in  
21 connection with information technology archi-  
22 tecture for an office or agency; and

23 (B) be responsible for the development, ac-  
24 quisition, and implementation of information

1 technology by an office or agency in a manner  
2 that—

3 (i) is consistent with the information  
4 technology architecture designed under  
5 paragraph (2);

6 (ii) results in the most efficient and  
7 effective use of information technology of  
8 the office or agency; and

9 (iii) maximizes the efficient delivery  
10 and effectiveness of program activities of  
11 the Department.

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

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

20 (B) is flexible enough to accommodate and  
21 facilitate future business and organizational  
22 changes;

23 (C) provides maximum data sharing, inter-  
24 operability, and communications capability with



other Department, Federal, and State agencies  
and customers; and

(D) results in significant reductions in annual operating costs.

(c) EVALUATION OF PROPOSED INFORMATION TECHNOLOGY INVESTMENTS.—

(1) IN GENERAL.—In consultation with the Executive Information Technology Investment Review Board (or its successor), the Chief Information Officer shall adopt criteria to evaluate proposals for information technology investments that are applicable to individual offices or agencies or are applicable Department-wide.

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

(A) whether the function to be supported by the investment should be performed by the private sector, negating the need for the investment;

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

(C) the costs and risks of the investment;

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

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

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

(3) EVALUATION OF INFORMATION TECHNOLOGY AND INFORMATION RESOURCE MANAGEMENT.—

(A) IN GENERAL.—In consultation with the Executive Information Technology Investment Review Board (or its successor), the Chief Information Officer shall monitor and evaluate the information resource management practices of offices or agencies with respect to the performance and results of the information technology investments made by the offices or agencies.

(B) GUIDELINES FOR EVALUATION.—The Chief Information Officer shall issue Departmental regulations that provide guidelines for—

(i) establishing whether the program activity of an office or agency that is proposed to be supported by the information

1 technology investment should be performed  
2 by the private sector;

3 (ii)(I) analyzing the program activities  
4 of the office or agency and the mission of  
5 the office or agency; and

6 (II) based on the analysis, revising the  
7 mission-related and administrative proc-  
8 esses of the office or agency, as appro-  
9 priate, before making significant invest-  
10 ments in information technology to be used  
11 in support of the program activities and  
12 mission of the office or agency;

13 (iii) establishing effective and efficient  
14 capital planning for selecting, managing,  
15 and evaluating the results of all major in-  
16 vestments in information technology by the  
17 Department;

18 (iv) ensuring compliance with govern-  
19 mental and Department-wide policies, reg-  
20 ulations, standards, and guidelines that re-  
21 late to information technology and infor-  
22 mation resource management;

23 (v) identifying potential information  
24 resource management problem areas that

1                   could prevent or delay delivery of program  
2                   activities of the office or agency;

3                   (vi) validating that information re-  
4                   source management of the office or agency  
5                   facilitates—

6                   (I) strategic goals of the office or  
7                   agency;

8                   (II) the mission of the office or  
9                   agency; and

10                  (III) performance measures es-  
11                  tablished by the office or agency; and

12                  (vii) ensuring that the information se-  
13                  curity policies, procedures, and practices  
14                  for the information technology are suffi-  
15                  cient.

16           (d) ELECTRONIC FUND TRANSFERS.—The Chief In-  
17   formation Officer shall ensure that the information tech-  
18   nology architecture of the Department complies with the  
19   requirement of section 3332 of title 31, United States  
20   Code, that certain current, and all future payments after  
21   January 1, 1999, be tendered through electronic fund  
22   transfer.

23           (e) DEPARTMENTAL REGULATIONS.—The Chief In-  
24   formation Officer shall issue such Departmental regula-

1 tions as the Chief Information Officer considers necessary  
2 to carry out this Act within all offices and agencies.

3 (f) REPORT.—Not later than March 1 of each year  
4 through March 1, 2003, the Chief Information Officer  
5 shall submit a report to the Committee on Agriculture of  
6 the House of Representatives and the Committee on Agri-  
7 culture, Nutrition, and Forestry of the Senate that  
8 includes—

9 (1) an evaluation of the current and future in-  
10 formation technology directions and needs of the De-  
11 partment;

12 (2) an accounting of—

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

18 (B) each transfer or obligation of funds de-  
19 scribed in section 7(a) for information tech-  
20 nology or information resource management by  
21 each office or agency known or estimated for  
22 the current and future fiscal years;

23 (3) a summary of an evaluation of information  
24 technology and information resource management

1 applicable Department-wide or to an office or agen-  
 2 cy; and

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

8 **SEC. 7. FUNDING APPROVAL BY CHIEF INFORMATION OFFI-**  
 9 **CER.**

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

13 (1) transfer funds (including appropriated  
 14 funds, mandatory funds, and funds of the Com-  
 15modity Credit Corporation or any other corporation  
 16 within the Department) from 1 account of a fund or  
 17 office or agency to another account of a fund or of-  
 18 fice or agency for the purpose of investing in infor-  
 19 mation technology or information resource manage-  
 20 ment involving planning, evaluation, or management,  
 21 providing services, or leasing or purchasing personal  
 22 property (including all hardware and software) or  
 23 services;

24 (2) obligate funds (including appropriated  
 25 funds, mandatory funds, and funds of the Com-

1       modity Credit Corporation or any other corporation  
 2       within the Department) for the purpose of investing  
 3       in information technology or information resource  
 4       management involving planning, evaluation, or man-  
 5       agement, providing services, or leasing or purchasing  
 6       personal property (including all hardware and soft-  
 7       ware) or services; or

8           (3) obligate funds (including appropriated  
 9       funds, mandatory funds, and funds of the Com-  
 10      modity Credit Corporation) for the purpose of in-  
 11      vesting in information technology or information re-  
 12      source management involving planning, evaluation,  
 13      or management, providing services, or leasing or  
 14      purchasing personal property (including all hardware  
 15      and software) or services, obtained through a con-  
 16      tract, cooperative agreement, reciprocal agreement,  
 17      or any other type of agreement with an agency of  
 18      the Federal Government, a State, the District of  
 19      Columbia, or any person in the private sector.

20      (b) DISCRETION OF CHIEF INFORMATION OFFI-  
 21      CER.—The Chief Information Officer may, by Depart-  
 22      mental regulation, waive the requirement under subsection  
 23      (a) applicable to, as the Chief Information Officer deter-  
 24      mines is appropriate for the office or agency—

1           (1) the transfer or obligation of funds described  
2       in subsection (a) in an amount not to exceed  
3       \$200,000; or

4           (2) a specific class or category of information  
5       technology.

6       (c) CONDITIONS FOR APPROVAL OF FUNDING.—

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

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

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

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

23           (4) to the maximum extent practicable, econo-  
24       mies of scale are realized through the proposed



1 transfer or obligation of funds described in sub-  
 2 section (a).

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

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

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

19 **SEC. 8. AVAILABILITY OF AGENCY INFORMATION TECH-**  
 20 **NOLOGY FUNDS.**

21 (a) TRANSFER.—

22 (1) IN GENERAL.—Not later than December 1  
 23 of each fiscal year, the Secretary shall transfer to  
 24 the appropriations account of the Chief Information

1       Officer an amount of funds of an office or agency  
2       determined under paragraph (2).

3           (2) AMOUNT.—

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

12            (B) ADJUSTMENT.—Not later than Sep-  
13      tember 30 of each fiscal year, the Secretary  
14      shall adjust the amount to be transferred from  
15      the funds of an office or agency for the fiscal  
16      year to the extent that the estimate for the fis-  
17      cal year was in excess of, or less than, the  
18      amount actually expended by the office or agen-  
19      cy for information technology or information re-  
20      source management.

21       (b) USE OF FUNDS.—Funds transferred under sub-  
22      section (a) shall be used by the Chief Information  
23      Officer—

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

1 (A) this Act;

2 (B) section 5125 of the Information Tech-  
3 nology Management Reform Act of 1996 (40  
4 U.S.C. 1425); and

5 (C) section 3506 of title 44, United States  
6 Code;

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

11 (3) to meet the requirement of the Director of  
12 the Office and Management and Budget that all  
13 mission-critical systems achieve year-2000 compli-  
14 ance; or

15 (4) to pay the salaries and expenses of all per-  
16 sonnel and functions of the office of the Chief Infor-  
17 mation Officer.

18 (c) AVAILABILITY OF FUNDS.—The Chief Informa-  
19 tion Officer shall transfer unexpended funds at the end  
20 of a fiscal year to the office or agency that made the funds  
21 available under subsection (a), to remain available until  
22 expended.

23 (d) NO REDUCTION OF EMPLOYEES OF OFFICES OR  
24 AGENCIES.—A transfer of funds under subsection (a)

1 shall not result in a reduction in the number of employees  
 2 in an office or agency.

3 (e) TERMINATION OF AUTHORITY.—The authority  
 4 under this section terminates on September 30, 2004.

5 **SEC. 9. AUTHORITY OF CHIEF INFORMATION OFFICER**  
 6 **OVER INFORMATION TECHNOLOGY PER-**  
 7 **SONNEL.**

8 (a) AGENCY CHIEF INFORMATION OFFICERS.—

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

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

18 (A) report to the head of the office or  
 19 agency; and

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

24 (3) PERFORMANCE REVIEW.—The Chief Infor-  
 25 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.

(d) INFORMATION TECHNOLOGY PROCUREMENT OFFICERS.—A procurement officer of an office or agency shall procure information technology for the office or agency in a manner that is consistent with the Departmental regulations issued by the Chief Information Officer.

18 SEC. 10. ANNUAL COMPTROLLER GENERAL REPORT ON  
19 COMPLIANCE.

(a) REPORT.—Not later than May 15 of each year through May 15, 2003, in coordination with the Inspector General of the Department, the Comptroller General of the United States shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Sen-

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

4 (b) CONTENTS OF REPORT.—Each report shall  
 5 include—

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”.

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