

104TH CONGRESS
2D SESSION

S. 2164

To establish responsibility and accountability for information technology systems of the Department of Agriculture, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 1996

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

A BILL

To establish responsibility and accountability for information technology systems of the Department of Agriculture, and for other purposes.

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 “Department of Agriculture Responsibility and Account-
6 ability Act of 1996”.

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

Sec. 1. Short title; table of contents.

TITLE I—INFORMATION TECHNOLOGY SYSTEM CONTROL BOARD

Sec. 101. Findings.
 Sec. 102. Definitions.
 Sec. 103. Information Technology System Control Board.
 Sec. 104. Mission of the Board.
 Sec. 105. Duties of the Board.
 Sec. 106. Powers of the Board.
 Sec. 107. Review by Office of Management and Budget.
 Sec. 108. Technical amendment.
 Sec. 109. Termination of authorities.

TITLE II—ADMINISTRATION OF DEPARTMENT OF AGRICULTURE

Sec. 201. Administration of Department of Agriculture.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

1 **TITLE I—INFORMATION TECH-**
 2 **NOLOGY SYSTEM CONTROL**
 3 **BOARD**

4 **SEC. 101. FINDINGS.**

5 Congress finds that—

6 (1) the Office of Management and Budget esti-
 7 mates that the Department of Agriculture will spend
 8 \$1,100,000,000 for fiscal year 1996 and
 9 \$1,400,000,000 for fiscal year 1997 on information
 10 technology and automated data processing equip-
 11 ment;

12 (2) according to the Department of Agriculture,
 13 as of October 1993, the Department had 17 major
 14 information technology systems under development
 15 with an estimated life-cycle cost of \$6,300,000,000;

16 (3) both the General Accounting Office and the
 17 Office of Management and Budget have categorized
 18 the information technology programs of the Depart-

1 ment as high risk due to lack of management and
2 financial controls;

3 (4) the General Accounting Office, the Office of
4 the Inspector General of the Department, and inde-
5 pendent contract studies have shown that the De-
6 partment's information technology decisions have
7 been made in piecemeal fashion, on an individual
8 agency basis, resulting in a lack of coordination, du-
9 plication, and wasted financial and technological re-
10 sources among the various offices and agencies of
11 the Department and costing hundreds of millions of
12 wasted dollars over the past decade;

13 (5) over the past 10 years, committees of Con-
14 gress, the General Accounting Office, the Office of
15 Management and Budget, and private consultants
16 have repeatedly pointed to the lack of strong central
17 leadership and accountability as the fundamental
18 reasons for the Department's failure to make in-
19 formed decisions on critical information technology
20 investments;

21 (6) committees of Congress, the General Ac-
22 counting Office, the Office of Management and
23 Budget, the Office of the Inspector General of the
24 Department, and private consultants have—

1 (A) strongly criticized the Department over
2 the past 10 years for ignoring business process
3 reengineering; and

4 (B) pointed to the Department's refusal to
5 use an industry accepted methodology as key to
6 its failure to develop a technology platform that
7 services the entire Department;

8 (7) the Department's role in regulating agri-
9 culture in the United States was substantially re-
10 duced by the FAIR Act;

11 (8) the Department has failed to adequately as-
12 sess the impact of the FAIR Act will have on the
13 needs of its customers;

14 (9) the Department has continued information
15 technology procurement absent future business need
16 considerations and workforce requirements resulting
17 from the FAIR Act;

18 (10) the Department continues to approach the
19 technological changes brought about by the Act
20 without studying the changes in the context of the
21 business processes of the Department;

22 (11) because the Department has failed to im-
23 plement the internal changes necessary to effectively
24 address the deficiencies raised by committees of
25 Congress, the General Accounting Office, the Office

1 of Management and Budget, and the Office of the
2 Inspector General of the Department over the past
3 decade, it is necessary to establish a single entity
4 within the Department with both the responsibility
5 and authority to make decisions regarding informa-
6 tion technology planning and procurement; and

7 (12) having an Information Technology System
8 Control Board to control the Department's informa-
9 tion technology planning and procurements will—

10 (A) provide the Department with strong
11 and coordinated leadership and direction;

12 (B) ensure that funds will be spent by the
13 Department on information technology only
14 after the Department has completed the re-
15 quired planning and review of future business
16 requirements; and

17 (C) force the Department to act as a single
18 enterprise with respect to information tech-
19 nology, thus eliminating the duplication and in-
20 efficiency associated with an independent agen-
21 cy-based approach.

22 **SEC. 102. DEFINITIONS.**

23 In this title:

1 (1) BOARD.—The term “Board” means the In-
2 formation Technology System Control Board estab-
3 lished under section 103.

4 (2) DEPARTMENT.—The term “Department”
5 means the Department of Agriculture.

6 (3) FAIR ACT.—The term “FAIR Act” means
7 the Federal Agriculture Improvement and Reform
8 Act of 1996 (Public Law 104–127).

9 (4) INFORMATION TECHNOLOGY SYSTEM.—The
10 term “information technology system” means all or
11 part of each system of automated data processing,
12 telecommunications, information resource manage-
13 ment, or business process reengineering of an office
14 or agency of the Department.

15 (5) OFFICE OR AGENCY OF THE DEPART-
16 MENT.—The term “office or agency of the Depart-
17 ment” means each current or future—

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

20 (B) county committee established under
21 section 8(b)(5) of the Soil Conservation and
22 Domestic Allotment Act (16 U.S.C.
23 590h(b)(5));

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

1 (D) multiple offices and agencies of the
2 Department that are currently, or will be, con-
3 nected by an information technology system.

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

7 (A) the transfer of funds (including appro-
8 priated funds, mandatory funds, and funds of
9 the Commodity Credit Corporation) from 1 ac-
10 count to another account of an office or agency
11 of the Department for the purpose of funding
12 any activity of the Department regarding plan-
13 ning, providing services, or leasing or purchas-
14 ing of personal property (including all hardware
15 and software) or services for an information
16 technology system of an office or agency of the
17 Department;

18 (B) the obligation of funds (including ap-
19 propriated funds, mandatory funds, and funds
20 of the Commodity Credit Corporation) for the
21 purpose of funding any activity of the Depart-
22 ment regarding planning, providing services, or
23 leasing or purchasing of personal property (in-
24 cluding all hardware and software) or services

1 for an information technology system of an of-
2 fice or agency of the Department; or

3 (C) the obligation of funds (including ap-
4 propriated funds, mandatory funds, and funds
5 of the Commodity Credit Corporation) for the
6 purpose of funding any activity of the Depart-
7 ment regarding planning, providing services, or
8 leasing or purchasing of personal property (in-
9 cluding all hardware and software) or services
10 for an information technology system of an of-
11 fice or agency of the Department, to be ob-
12 tained through a contract with any office or
13 agency of the Federal Government, a State, the
14 District of Columbia, or any person in the pri-
15 vate sector.

16 (7) SECRETARY.—The term “Secretary” means
17 the Secretary of Agriculture.

18 **SEC. 103. INFORMATION TECHNOLOGY SYSTEM CONTROL**

19 **BOARD.**

20 (a) ESTABLISHMENT.—An Information Technology
21 System Control Board is established in the Department.

22 (b) COMPOSITION.—The Board shall consist of 3
23 members, of whom—

1 (1) 2 members shall be appointed from the pri-
2 vate sector by the President by and with the advice
3 and consent of the Senate; and

4 (2) 1 member shall be the Secretary.

5 (c) QUALIFICATIONS OF BOARD MEMBERS.—Of the
6 members of the Board appointed by the President (other
7 than the Secretary)—

8 (1) 1 member shall have—

9 (A) extensive private sector work-related
10 experience in the field of total quality manage-
11 ment; and

12 (B) at least 5 years of demonstrated work
13 related experience in a full range of activities
14 with large organizations involving information
15 strategic planning, strategic quality planning,
16 and strategic process management, including
17 business process reengineering and business
18 process improvement project-related experience;
19 and

20 (2) 1 member shall have at least 15 years expe-
21 rience and industry-recognized credentials in the
22 field of planning and managing the specification, de-
23 sign, and implementation of information technology,
24 telecommunications, and information management
25 systems in the private sector.

1 (d) COMPENSATION.—

2 (1) IN GENERAL.—A member of the Board ap-
3 pointed by the President (other than the Secretary)
4 shall—

5 (A) be a limited term appointee (as defined
6 in section 3132(a) of title 5, United States
7 Code); and

8 (B) be paid an annual rate of compensa-
9 tion that does not exceed the annual rate in ef-
10 fect for positions at level V of the Executive
11 Schedule.

12 (2) ADMINISTRATION.—A member of the Board
13 (other than the Secretary) shall not be governed
14 by—

15 (A) the provisions of title 5, United States
16 Code, relating to appointments in the competi-
17 tive service; or

18 (B) the provisions of chapter 51 and sub-
19 chapter III of chapter 53 of title 5, or any
20 other provision of law, relating to number or
21 classification of General Schedule rates.

22 (3) CONFORMING AMENDMENT.—Section 5316
23 of title 5, United States Code, is amended by adding
24 at the end the following:

1 “Limited term appointees of the Information
2 Technology System Control Board, Department of
3 Agriculture (2).”.

4 (e) CLERICAL AND SUPPORT PERSONNEL.—Notwith-
5 standing any other provision of law:

6 (1) IN GENERAL.—The Board is authorized to
7 obtain and employ such clerical or other support
8 personnel, including detailees from an office or agen-
9 cy of the Department, as are necessary to enable the
10 Board to carry out this title. The Secretary shall ap-
11 prove the transfer of each detailee selected by the
12 Board.

13 (2) MANAGEMENT AND SUPERVISORY DU-
14 TIES.—The Board shall have general management
15 and supervisory authority over all clerical and sup-
16 port personnel and detailees selected by the Board.

17 (3) SPECIFIC DUTIES.—In the case of clerical
18 and support personnel and detailees selected by the
19 Board, the supervisory and management authority of
20 the Board under paragraph (2) shall include the ex-
21 clusive authority (unless expressly delegated by a
22 unanimous vote of the Board) to—

23 (A) establish and control workloads, qual-
24 ity of work, and work content;

1 (B) approve bonuses, step advancements,
2 and promotions; and

3 (C) discipline employees for unsatisfactory
4 performance or conduct.

5 (f) BOARD VOTING PROCEDURE.—Except as other-
6 wise provided in this title—

7 (1) a decision or action of the Board shall re-
8 quire at least a $\frac{2}{3}$ -majority vote in favor of the deci-
9 sion or action; and

10 (2) if at least a $\frac{2}{3}$ -majority vote on a decision
11 or action is obtained, the Secretary shall carry out
12 the decision or action of the Board.

13 **SEC. 104. MISSION OF THE BOARD.**

14 (a) IN GENERAL.—The Board shall—

15 (1) develop and implement for the future a
16 blueprint for a single platform information tech-
17 nology system of the Department that is coordinated
18 between the offices or agencies of the Department,
19 eliminate duplication, and are cost effective; and

20 (2) provide the strong central leadership, plan-
21 ning, and accountability that is needed in light of
22 the substantial changes created by the FAIR Act
23 and reorganization and downsizing initiatives al-
24 ready commenced within the Department.

1 (b) SPECIFIC GOALS OF THE BOARD.—The Board
2 shall ensure that—

3 (1) information technology systems of the De-
4 partment are designed to coordinate the functions of
5 the offices or agencies of the Department on a de-
6 partmental basis in contrast to the current practice
7 of individual agencies designing and procuring infor-
8 mation technology systems that service only a single
9 agency;

10 (2) information technology systems are de-
11 signed for field service centers—

12 (A) to best facilitate the exchange of infor-
13 mation between field service centers and other
14 offices or agencies of the Department;

15 (B) that integrate the changed missions of
16 the Department in light of the FAIR Act and
17 reorganization and downsizing initiatives of the
18 Department; and

19 (C) that are cost effective; and

20 (3) a technical architecture is established that
21 serves the entire Department.

22 (c) BUSINESS PLAN.—

23 (1) APPROVAL; REPORT.—Not later than 90
24 days after the date the last member of the Board
25 appointed by the President (other than the Sec-

1 retary) is confirmed by the Senate, the Board shall
2 approve and report to the Committee on Agriculture
3 of the House of Representatives and the Committee
4 on Agriculture, Nutrition, and Forestry of the Sen-
5 ate a business plan to carry out this section through
6 March 31, 2002.

7 (2) FAILURE TO REPORT.—If a business plan is
8 not approved and reported in accordance with para-
9 graph (1), notwithstanding any other provision of
10 law, the transfer or obligation of funds available to
11 the Department for the purpose of funding any ac-
12 tivity of the Department regarding planning, provid-
13 ing services, or leasing or purchasing of personal
14 property (including all hardware and software) or
15 services for an information technology system of an
16 office or agency of the Department shall be prohib-
17 ited until the business plan is reported to the Com-
18 mittee on Agriculture of the House of Representa-
19 tives and the Committee on Agriculture, Nutrition,
20 and Forestry of the Senate.

21 **SEC. 105. DUTIES OF THE BOARD.**

22 The Board shall—

23 (1) review, evaluate, and approve (or, at the op-
24 tion of the Board, develop) each plan or design for

1 all or part of each information technology system of
2 each office or agency of the Department;

3 (2) exercise exclusive authority to approve each
4 transfer or obligation of funds to be used to acquire
5 all or part of each information technology system
6 (including all hardware and software) for each office
7 or agency of the Department;

8 (3) ensure that major information technology
9 systems of the Department, where appropriate, re-
10 sult in improvements to the operations of the De-
11 partment that are commensurate with the level of
12 investment;

13 (4) ensure that the information technology sys-
14 tem of each office or agency of the Department
15 maximizes the effectiveness and efficiency of mission
16 delivery and is focused first on specific improve-
17 ments to core business processes (the strategic proc-
18 ess management architecture) of the Department;

19 (5) ensure that the information technology sys-
20 tem of each office or agency of the Department
21 maximizes quality per dollar expended, and maxi-
22 mizes efficiency and coordination of information
23 technology systems between offices and agencies of
24 the Department;

1 (6) ensure that planning for, leases, and pur-
2 chases of the information technology system of each
3 office or agency of the Department most efficiently
4 satisfy the needs of the office or agency in terms of
5 the demographics, program, and the number of em-
6 ployees affected by the system; and

7 (7) ensure that funding used for planning or
8 purchasing of the information technology system of
9 each office or agency of the Department is used in
10 the most effective manner.

11 **SEC. 106. POWERS OF THE BOARD.**

12 (a) IN GENERAL.—Subject to subsection (c) and not-
13 withstanding any other provision of law, the Board shall
14 have the exclusive authority (except as expressly delegated
15 by a unanimous vote of the Board) to—

16 (1) review, evaluate, and approve each plan or
17 design for each activity or regulation of the Depart-
18 ment regarding planning, providing services, leasing,
19 or purchasing of personal property (including all
20 hardware and software) or services for the informa-
21 tion technology system of each office or agency of
22 the Department;

23 (2) develop (or, on a unanimous vote of the
24 Board, direct employees of an agency or office of the
25 Department to develop) a plan or design for an ac-

1 tivity of the Department regarding planning, provid-
2 ing services, leasing, or purchasing of personal prop-
3 erty (including hardware and software) or services
4 for the information technology system of an office or
5 agency of the Department; and

6 (3) approve each transfer or obligation of funds
7 to be used for the purpose of funding any activity
8 of the Department regarding planning, providing
9 services, or leasing or purchasing of personal prop-
10 erty (including all hardware and software) or serv-
11 ices for the information technology system of each
12 office or agency of the Department.

13 (b) REPORT TO BOARD.—An employee directed by
14 the Board to develop a plan or design under paragraph
15 (2) of subsection (a) shall report to the Board on actions
16 taken to carry out the paragraph.

17 (c) BOARD NOT SUBJECT TO CONTROL OF SEC-
18 RETARY.—The Board (including a decision or action of
19 the Board approved by at least a $\frac{2}{3}$ -majority vote) shall
20 not be subject to the control, direction, or supervision of
21 the Secretary.

22 (d) EXCLUSIVE AUTHORITY.—Notwithstanding any
23 other provision of law, the Board shall have the exclusive
24 authority to exercise all powers described in subsection (a)
25 during the period—

1 (1) beginning on the earlier of—

2 (A) the date the last member of the Board
3 appointed by the President (other than the Sec-
4 retary) is confirmed by the Senate; or

5 (B) March 31, 1997; and

6 (2) ending on March 31, 2002.

7 **SEC. 107. REVIEW BY OFFICE OF MANAGEMENT AND BUDG-**
8 **ET.**

9 The Director of the Office of Management and Budg-
10 et may review any regulation or transfer or obligation of
11 funds involving an information technology system of the
12 Department.

13 **SEC. 108. TECHNICAL AMENDMENT.**

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

18 **SEC. 109. TERMINATION OF AUTHORITIES.**

19 The Board and all other authorities provided by this
20 title (other than section 108) shall terminate on March
21 31, 2002.

1 **TITLE II—ADMINISTRATION OF**
2 **DEPARTMENT OF AGRICULTURE**

3 **SEC. 201. ADMINISTRATION OF DEPARTMENT OF AGRI-**
4 **CULTURE.**

5 Section 735 of the Agriculture, Rural Development,
6 Food and Drug Administration, and Related Agencies Ap-
7 propriations Act, 1997 (Public Law 104–180; 110 Stat.
8 1604), is amended—

9 (1) in subsection (a)(2)—

10 (A) in subparagraph (F), by striking “or”
11 at the end;

12 (B) in subparagraph (G), by striking the
13 period at the end and inserting “; or”; and

14 (C) by adding at the end the following:

15 “(H) any employee who, on separation and
16 application, would be eligible for an immediate
17 annuity under subchapter III of chapter 83 or
18 chapter 84 of title 5, United States Code (or
19 another retirement system for an employee of
20 the agency), other than an annuity subject to a
21 reduction under section 8339(h) or 8415(f) of
22 title 5, United States Code (or corresponding
23 provisions of another retirement system for an
24 employee of the agency).”;

25 (2) in subsection (c)—

1 (A) in paragraph (2)—

2 (i) by striking subparagraph (B) and
3 inserting the following:

4 “(B) shall be paid from appropriations
5 made available for salaries and expenses of the
6 agency;”;

7 (ii) by redesignating subparagraphs
8 (C) through (E) as subparagraphs (D)
9 through (F), respectively;

10 (iii) by inserting after subparagraph
11 (B) the following:

12 “(C) may not originate from funds of a
13 mandatory account (including funds of the
14 Commodity Credit Corporation) that are trans-
15 ferred to the salaries and expenses account of
16 the agency;” and

17 (iv) in subparagraph (D)(ii) (as so re-
18 designated), by striking “in fiscal year
19 1997,” and all that follows through
20 “2000”; and

21 (B) in paragraph (3), by striking “Septem-
22 ber 30, 2000” and inserting “March 31, 1997”;
23 and

24 (3) by striking subsection (g) and inserting the
25 following:

1 “(g) PERIOD.—The authority to offer separation in-
2 centive payments under this section shall apply during the
3 period beginning October 1, 1996, and ending March 31,
4 1997.”.

5 **TITLE III—EFFECTIVE DATE**

6 **SEC. 301. EFFECTIVE DATE.**

7 Except as provided in section 106(d)(1), this Act and
8 the amendments made by this Act shall become effective
9 on the date of enactment of this Act.

○