

(b) LEAD AGENCY AND WORKING GROUPS.—The Director may designate a lead agency to assist the Director in carrying out the responsibilities under this section. The Director may use interagency working groups to assist in carrying out such responsibilities.

(c) REVIEW OF PLANS AND REPORTS.—Agencies shall submit to the Director, upon his request and for his review, information and other reporting regarding their implementation of this Act.

(d) EXEMPTIONS.—

The Director may exempt any Federal agency or Federal financial assistance program from the requirements of this Act if the Director determines that the Federal agency does not have a significant number of Federal financial assistance programs. The Director shall maintain a list of exempted agencies which will be available to the public through OMB's Internet site.

SEC. 7. EVALUATION.

(a) IN GENERAL.—The Director (or the lead agency designated under section 6(b)) shall contract with the National Academy of Public Administration to evaluate the effectiveness of this Act. Not later than 4 years after the date of enactment of this Act the evaluation shall be submitted to the lead agency, the Director, and Congress. The evaluation shall be performed with input from State, local, and tribal governments, and nonprofit organizations.

(b) CONTENTS.—The evaluation under subsection (a) shall—

(1) assess the effectiveness of this Act in meeting the purposes of this Act and make specific recommendations to further the implementation of this Act;

(2) evaluate actual performance of each agency in achieving the goals and objectives stated in agency plans;

(3) assess the level of coordination among the Director, Federal agencies, State, local, and tribal governments, and nonprofit organizations in implementing this Act.

SEC. 8. COLLECTION OF INFORMATION.

Nothing in this Act shall be construed to prevent the Director or any Federal agency from gathering, or to exempt any recipient of Federal financial assistance from providing, information that is required for review of the financial integrity or quality of services of an activity assisted by a Federal financial assistance program.

SEC. 9. JUDICIAL REVIEW.

There shall be no judicial review of compliance or noncompliance with any of the provisions of this Act. No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

SEC. 10. STATUTORY REQUIREMENTS.

Nothing in this Act shall be construed as a means to deviate from the statutory requirements relating to applicable Federal financial assistance programs.

SEC. 11. EFFECTIVE DATE AND SUNSET.

This Act shall take effect on the date of enactment of this Act and shall cease to be effective five years after such date of enactment.

Mr. JEFFORDS. I ask unanimous consent that the substitute amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3817) was agreed to.

Mr. JEFFORDS. I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate

place in the RECORD, without intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1642), as amended, was considered read the third time and passed.

USDA INFORMATION TECHNOLOGY REFORM AND YEAR-2000 COMPLIANCE ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the agriculture committee be discharged from further consideration of S. 2116 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2116) to clarify and enhance the authorities of the Chief Information Officer of the Department of Agriculture.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3818

Mr. JEFFORDS. Mr. President, Senator LUGAR has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LUGAR, proposes an amendment numbered 3818.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LUGAR. Mr. President, today I rise in support of S. 2116, the USDA Information Technology Reform and Year-2000 Compliance Act of 1998. This legislation aims to centralize all year 2000 computer conversion and other information technology acquisition and management activities within the Office of the Chief Information Officer of the Department of Agriculture. Centralization is the most efficient way to manage the complex task of ensuring that all critical computer functions at the department are operational on January 1, 2000. It is also a wiser and more effective way to construct an information technology infrastructure to enable USDA's hundreds of computer systems to interoperate, which unfortunately they cannot now do.

The Department of Agriculture is charged with enormous responsibilities and its year 2000 readiness is crucial. It has a diverse portfolio of over 200 Federal programs throughout the Nation and the world. The department delivers about \$80 billion in programs. It is the fourth largest Federal agency, with approximately 30 agencies and offices. The department is responsible for the safety of our food supply, nutrition programs that serve the poor, young and old, and the protection of our natural resources. Since 40 percent of the non-tax debt owed to the Federal Government is owed to USDA, the depart-

ment has a responsibility to ensure the financial soundness of taxpayers' investments.

The centralized approach to the year 2000 issue at USDA led to a lack of focus on departmental priorities. This approach resulted in a lack of guidance, oversight and the development of contingency plans. Responsibility for keeping the mission-critical information technology functioning should clearly rest with the Chief Information Officer. I am pleased that Secretary of Agriculture Glickman has pledged his personal commitment to the success of year 2000 compliance and has made it one of the highest priorities for USDA.

The General Accounting Office has long chronicled USDA's history of problems in managing its information technology investments. In August 1993, USDA received authority to spend up to \$2.6 billion on a project called Info Share. The goal of Info Share was to improve operations and delivery of services by reengineering business processes and developing integrated information systems. In August 1994, GAO warned that the acquisition of information technology without business process reengineering would be problematic. Ineffective planning and management resulted in USDA's wasting \$100 million on Info Share before it was ultimately disbanded.

An August 1998 GAO report warned that USDA's ongoing effort to modernize information technology at its field service centers, faces significant risks. The department could spend more than \$3 billion on the project by 2011. The report revealed that USDA has not completed a comprehensive plan for the modernization and lacks the project management structure needed to manage a project of this magnitude. Specifically, USDA has not assigned a senior-level official with overall responsibility, authority and accountability for managing and coordinating the project to ensure it is completed on time and within budget.

In March of this year before a House agriculture subcommittee and again in May before the Senate Agriculture Committee, GAO testified in support of strong Chief Information Officer leadership at USDA. The Information Technology Management Reform Act of 1996, the Clinger-Cohen Act, seeks to strengthen executive leadership in information management and institute sound capital investment decision-making to maximize the return on information systems. Consistent with provisions of that act, more accountability and responsibility and responsibility over the substantial investments the department makes in information technology were recommended by the GAO. The GAO also noted major weaknesses in USDA's component agency efforts and testified that mitigating the risk of year 2000 disruptions requires leadership.

Last year, I introduced S. 805, a bill to reform the information technology systems of the Department of Agriculture. It gave the Chief Information

Officer control over the planning, development and acquisition of information technology at the department. Introduction of that bill prompted some coordination of information technology among the department's agencies and offices. This revised legislation, which includes input from the administration, is now needed to strengthen that coordination and ensure that centralized information technology management continues in the future.

This legislation requires that the Chief Information Officer manage the design and implementation of an information technology architecture based on strategic business plans to maximize the effectiveness and efficiency of USDA's program activities. Included in the bill is authority for the Chief Information Officer to approve expenditures over \$200,000 for information resources and for year 2000 compliance purposes, except for minor acquisitions. To accomplish these purposes, the bill requires the secretary to transfer up to 10 percent of each agency's information technology budget to the Chief Information Officer's control.

The bill makes the Chief Information Officer responsible for ensuring that the information technology architecture facilitates a flexible common computing environment for the field service centers based on integrated program delivery and provides maximum data sharing with USDA customers and other federal and state agencies, which is expected to result in significant reductions in operating costs.

The bill requires the Chief Information Officer to address the year 2000 computing crisis throughout USDA agencies, between USDA and other Federal, State, and local agencies and between USDA and private and international partners.

Mr. President, this is a bill whose time has come. Unfortunately, USDA's problems in managing information technology are not unusual among government agencies, according to the General Accounting Office. I commend the attention of my colleagues to this bill designed to address a portion of the information resource management problems of the Federal Government and ask for their support of it.

Mr. BOND. I rise to engage the chairman of the committee in a colloquy to clarify a provision of the bill. Mr. Chairman, Section 8 of S. 2116 requires the Secretary of Agriculture to transfer up to 10 percent of the information technology or information resource management funds from each office or agency to the account of the Chief Information Officer. Some of my constituents have expressed concern that this transfer of funds may cause a reduction in the number of employees in an office or agency. A scenario has been brought forth where an office or agency finds it necessary to reduce the number of its employees, using a variety of methods, to facilitate the transfer of funds. Would the chairman address this point?

Mr. LUGAR. At no point during deliberations with the Department of Agriculture was it ever envisioned the transfer of information technology funds would cause reductions in force or furloughs. In fact, great care was taken early in the process to exclude salaries and expenses and intergovernmental payments from the calculations used to determine the amount necessary to adequately fund the development of an information technology architecture. This legislation does not authorize reductions in force or furloughs. The information technology architecture includes telecommunications, service center implementation, and site licenses for computer software and hardware. As introduced, the bill required a transfer of 5 percent of the information technology funds from each office and agency to the Chief Information Officer. Five percent of those funds represented approximately \$40 million. Further negotiations with the department resulted in a revision in the bill that permits the Secretary to transfer up to 10 percent of the information technology funds. This amendment gives the Secretary the flexibility he requested to adjust transfers commensurate with the information technology architecture needs of each office and agency. This transfer authority terminates on September 30, 2003. I hope this addresses the Senator's concerns.

Mr. BOND. I thank the Chairman for the clarification.

Mr. CONRAD. I also rise to engage the chairman of the committee in a colloquy to clarify the provision of the bill. Mr. Chairman, I appreciate your response to the question from the Senator from Missouri. Workforce reductions at Farm Service Agency as well as other agencies within the U.S. Department of Agriculture have impacted the quality of services provided. Employees of the U.S. Department of Agriculture have expressed concern that fund transfers authorized by Section 8 of S. 2116 would be made from an agency's Salary and Expenses budgets and could result in additional workforce reductions. Given the increasing workload at Farm Service Agency field offices in many States, I feel that it is vital that this concern be addressed. Mr. Chairman, is it your intention that fund transfers will be made in a manner which does not jeopardize funds available for salaries?

Mr. LUGAR. As I noted in my earlier remarks, that is my intention. It is my hope that the Secretary will avoid such actions. If, however, the Secretary considers a reduction-in-force or furloughs, I expect that he will first consult the committee before going forward with such actions.

Mr. CONRAD. I thank the Chairman for his helpful remarks.

Mr. JEFFORDS. I ask unanimous consent that the substitute amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3818) was agreed to.

Mr. JEFFORDS. I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2116), as amended, was considered read the third time and passed.

ORDERS FOR TUESDAY, OCTOBER 13, 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Tuesday, October 13, 1998. I further ask that the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I further ask unanimous consent that there be a period for the transaction of morning business until 12 noon with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator KENNEDY, 20 minutes; Senator LOTT or his designee, 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, on Tuesday, the Senate will convene at 11 a.m., and begin a period of morning business until 12 noon. Following morning business, the Senate will await the outcome of the negotiations on the omnibus appropriations bill. As a reminder to all Members, it is hoped that the remaining legislation of the 105th Congress can be disposed of by unanimous consent. However, if a roll-call vote is needed on the omnibus bill, all Members will be given ample notice in order to plan their schedules accordingly.

I have one more unanimous consent request.

DAY OF NATIONAL CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 264, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 264) to designate October 8, 1998, as the Day of National Concern About Young People and Gun Violence.