

109TH CONGRESS  
1ST SESSION

# S. 1712

To establish a Deputy Secretary of Homeland Security for Management,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2005

Mr. VOINOVICH (for himself and Mr. AKAKA) introduced the following bill;  
which was read twice and referred to the Committee on Homeland Security  
and Governmental Affairs

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## A BILL

To establish a Deputy Secretary of Homeland Security for  
Management, 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.**

4 This Act may be cited as the “Homeland Security  
5 Management Restructuring Act of 2005”.

6 **SEC. 2. DEPUTY SECRETARY OF HOMELAND SECRETARY**  
7 **FOR MANAGEMENT.**

8 (a) ESTABLISHMENT AND SUCCESSION.—Section  
9 103 of the Homeland Security Act of 2002 (6 U.S.C. 113)  
10 is amended—

1 (1) in subsection (a)—

2 (A) in the subsection heading, by striking  
3 “DEPUTY SECRETARY” and inserting “DEPUTY  
4 SECRETARIES”;

5 (B) by striking paragraph (7);

6 (C) by redesignating paragraphs (2)  
7 through (6) as paragraphs (3) through (7), re-  
8 spectively; and

9 (D) by striking paragraph (1) and insert-  
10 ing the following:

11 “(1) A Deputy Secretary of Homeland Security.

12 “(2) A Deputy Secretary of Homeland Security  
13 for Management.”; and

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

15 “(g) VACANCIES.—

16 “(1) VACANCY IN OFFICE OF SECRETARY.—

17 “(A) DEPUTY SECRETARY.—In case of a  
18 vacancy in the office of the Secretary, or of the  
19 absence or disability of the Secretary, the Dep-  
20 uty Secretary of Homeland Security may exer-  
21 cise all the duties of that office, and for the  
22 purpose of section 3345 of title 5, United  
23 States Code, the Deputy Secretary of Homeland  
24 Security is the first assistant to the Secretary.

1           “(B) DEPUTY SECRETARY FOR MANAGE-  
2           MENT.—When by reason of absence, disability,  
3           or vacancy in office, neither the Secretary nor  
4           the Deputy Secretary of Homeland Security is  
5           available to exercise the duties of the office of  
6           the Secretary, the Deputy Secretary of Home-  
7           land Security for Management shall act as Sec-  
8           retary.

9           “(2) VACANCY IN OFFICE OF DEPUTY SEC-  
10          RETARY.—In the case of a vacancy in the office of  
11          the Deputy Secretary of Homeland Security, or of  
12          the absence or disability of the Deputy Secretary of  
13          Homeland Security, the Deputy Secretary of Home-  
14          land Security for Management may exercise all the  
15          duties of that office.

16          “(3) FURTHER ORDER OF SUCCESSION.—The  
17          Secretary may designate such other officers of the  
18          Department in further order of succession to act as  
19          Secretary.”.

20          (b) RESPONSIBILITIES.—Section 701 of the Home-  
21          land Security Act of 2002 (6 U.S.C. 341) is amended—

22                 (1) in the section heading, by striking “**UNDER**  
23                 **SECRETARY**” and inserting “**DEPUTY SEC-**  
24                 **RETARY OF HOMELAND SECURITY**”;

25                 (2) in subsection (a)—

1 (A) by inserting “The Deputy Secretary of  
2 Homeland Security for Management shall serve  
3 as the Chief Management Officer and principal  
4 advisor to the Secretary on matters related to  
5 the management of the Department, including  
6 management integration and transformation in  
7 support of homeland security operations and  
8 programs.” before “The Secretary”;

9 (B) by striking “Under Secretary for Man-  
10 agement” and inserting “Deputy Secretary of  
11 Homeland Security for Management”;

12 (C) by striking paragraph (7) and insert-  
13 ing the following:

14 “(7) Strategic planning and annual perform-  
15 ance planning and identification and tracking of per-  
16 formance measures relating to the responsibilities of  
17 the Department.”; and

18 (D) by striking paragraph (9), and insert-  
19 ing the following:

20 “(9) The integration and transformation proc-  
21 ess, to ensure an efficient and orderly consolidation  
22 of functions and personnel to the Department, in-  
23 cluding the development of a management integra-  
24 tion strategy for the Department.”; and

25 (3) in subsection (b)—

1           (A) in paragraph (1), by striking “Under  
2           Secretary for Management” and inserting  
3           “Deputy Secretary of Homeland Security for  
4           Management”; and

5           (B) in paragraph (2), by striking “Under  
6           Secretary for Management” and inserting  
7           “Deputy Secretary of Homeland Security for  
8           Management”.

9           (c) APPOINTMENT, EVALUATION, AND REAPPOINT-  
10          MENT.—Section 701 of the Homeland Security Act of  
11          2002 (6 U.S.C. 341), as amended by this Act, is further  
12          amended by adding at the end the following:

13           “(c) APPOINTMENT, EVALUATION, AND REAPPOINT-  
14          MENT.—The Deputy Secretary of Homeland Security for  
15          Management—

16           “(1) shall be appointed by the President, by  
17           and with the advice and consent of the Senate, from  
18           among persons who have—

19           “(A) extensive executive level leadership  
20           and management experience in the public or  
21           private sector;

22           “(B) strong leadership skills;

23           “(C) a demonstrated ability to manage  
24           large and complex organizations; and

1           “(D) a proven record in achieving positive  
2           operational results;

3           “(2) shall serve for a term of 5 years, but may  
4           be removed by the Secretary of Homeland Security  
5           based upon an unsatisfactory annual determination  
6           under paragraph (5);

7           “(3) may be reappointed in accordance with  
8           paragraph (1), if the Secretary has made a satisfac-  
9           tory determination under paragraph (5) for the 3  
10          most recent performance years;

11          “(4) shall enter into a publicly available annual  
12          performance agreement with the Secretary that shall  
13          set forth measurable individual and organizational  
14          goals; and

15          “(5) shall be subject to an annual performance  
16          evaluation by the Secretary, who shall determine as  
17          part of each such evaluation whether the Deputy  
18          Secretary of Homeland Security for Management  
19          has made satisfactory progress toward achieving the  
20          goals set out in the performance agreement required  
21          under paragraph (4).”.

22          (d) INCUMBENT.—The individual who serves in the  
23          position of Under Secretary for Management of the De-  
24          partment of Homeland Security on the date of enactment  
25          of this Act—

1           (1) may perform all the duties of the Deputy  
2 Secretary of Homeland Security for Management at  
3 the pleasure of the President, until a Deputy Sec-  
4 retary of Homeland Security for Management is ap-  
5 pointed in accordance with subsection (c) of section  
6 701 of the Homeland Security Act of 2002 (6  
7 U.S.C. 341), as added by this Act; and

8           (2) may be appointed Deputy Secretary of  
9 Homeland Security for Management, if such ap-  
10 pointment is otherwise in accordance with sections  
11 103 and 701 of the Homeland Security Act of 2002  
12 (6 U.S.C. 113 and 341), as amended by this Act.

13       (e) REFERENCES.—References in any other Federal  
14 law, Executive order, rule, regulation, or delegation of au-  
15 thority, or any document of or relating to the Under Sec-  
16 retary for Management of the Department of Homeland  
17 Security shall be deemed to refer to the Deputy Secretary  
18 of Homeland Security for Management.

19       (f) TECHNICAL AND CONFORMING AMENDMENTS.—

20           (1) OTHER REFERENCE.—Section 702(a) of the  
21 Homeland Security Act of 2002 (6 U.S.C. 342(a))  
22 is amended by striking “Under Secretary for Man-  
23 agement” and inserting “Deputy Secretary of  
24 Homeland Security for Management”.

1           (2) TABLE OF CONTENTS.—The table of con-  
2           tents in section 1(b) of the Homeland Security Act  
3           of 2002 (6 U.S.C. 101(b)) is amended by striking  
4           the item relating to section 701 and inserting the  
5           following:

“Sec. 701. Deputy Secretary of Homeland Security for Management.”.

6           (3) EXECUTIVE SCHEDULE.—Section 5313 of  
7           title 5, United States Code, is amended by inserting  
8           after the item relating to the Deputy Secretary of  
9           Homeland Security the following:

10           “Deputy Secretary of Homeland Security for  
11           Management.”.

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