

Calendar No. 1099110TH CONGRESS
2D SESSION**S. 547**

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2007

Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, Mrs. MCCASKILL, and
Mr. CARPER) introduced the following bill; which was read twice and re-
ferred to the Committee on Homeland Security and Governmental Affairs

OCTOBER 1 (legislative day, SEPTEMBER 17), 2008

Reported by Mr. LIEBERMAN, without amendment

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 “Effective Homeland
5 Security Management Act of 2007”.

1 **SEC. 2. DEPUTY SECRETARY OF HOMELAND SECRETARY**
2 **FOR MANAGEMENT.**

3 (a) ESTABLISHMENT AND SUCCESSION.—Section
4 103 of the Homeland Security Act of 2002 (6 U.S.C. 113)
5 is amended—

6 (1) in subsection (a)—

7 (A) in the subsection heading, by striking
8 “DEPUTY SECRETARY” and inserting “DEPUTY
9 SECRETARIES”;

10 (B) by striking paragraph (6);

11 (C) by redesignating paragraphs (2)
12 through (5) as paragraphs (3) through (6), re-
13 spectively; and

14 (D) by striking paragraph (1) and insert-
15 ing the following:

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

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

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

20 “(g) VACANCIES.—

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

22 “(A) DEPUTY SECRETARY.—In case of a
23 vacancy in the office of the Secretary, or of the
24 absence or disability of the Secretary, the Dep-
25 uty Secretary of Homeland Security may exer-
26 cise all the duties of that office, and for the

1 purpose of section 3345 of title 5, United
2 States Code, the Deputy Secretary of Homeland
3 Security is the first assistant to the Secretary.

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

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

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

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

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

4 (2) in subsection (a)—

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

13 (B) by striking “Under Secretary for Man-
14 agement” and inserting “Deputy Secretary of
15 Homeland Security for Management”;

16 (C) by striking paragraph (7) and insert-
17 ing the following:

18 “(7) Strategic planning and annual perform-
19 ance planning and identification and tracking of per-
20 formance measures relating to the responsibilities of
21 the Department.”; and

22 (D) by striking paragraph (9), and insert-
23 ing the following:

24 “(9) The integration and transformation proc-
25 ess, to ensure an efficient and orderly consolidation

1 of functions and personnel to the Department, in-
2 cluding the development of a management integra-
3 tion strategy for the Department.”; and

4 (3) in subsection (b)—

5 (A) in paragraph (1), by striking “Under
6 Secretary for Management” and inserting
7 “Deputy Secretary of Homeland Security for
8 Management”; and

9 (B) in paragraph (2), by striking “Under
10 Secretary for Management” and inserting
11 “Deputy Secretary of Homeland Security for
12 Management”.

13 (c) APPOINTMENT, EVALUATION, AND REAPPOINT-
14 MENT.—Section 701 of the Homeland Security Act of
15 2002 (6 U.S.C. 341) is amended by adding at the end
16 the following:

17 “(c) APPOINTMENT, EVALUATION, AND REAPPOINT-
18 MENT.—The Deputy Secretary of Homeland Security for
19 Management—

20 “(1) shall be appointed by the President, by
21 and with the advice and consent of the Senate, from
22 among persons who have—

23 “(A) extensive executive level leadership
24 and management experience in the public or
25 private sector;

1 “(B) strong leadership skills;

2 “(C) a demonstrated ability to manage
3 large and complex organizations; and

4 “(D) a proven record in achieving positive
5 operational results;

6 “(2) shall—

7 “(A) serve for a term of 5 years; and

8 “(B) be subject to removal by the Presi-
9 dent if the President—

10 “(i) finds that the performance of the
11 Deputy Secretary of Homeland Security
12 for Management is unsatisfactory; and

13 “(ii) communicates the reasons for re-
14 moving the Deputy Secretary of Homeland
15 Security for Management to Congress be-
16 fore such removal;

17 “(3) may be reappointed in accordance with
18 paragraph (1), if the Secretary has made a satisfac-
19 tory determination under paragraph (5) for the 3
20 most recent performance years;

21 “(4) shall enter into an annual performance
22 agreement with the Secretary that shall set forth
23 measurable individual and organizational goals; and

24 “(5) shall be subject to an annual performance
25 evaluation by the Secretary, who shall determine as

1 part of each such evaluation whether the Deputy
2 Secretary of Homeland Security for Management
3 has made satisfactory progress toward achieving the
4 goals set out in the performance agreement required
5 under paragraph (4).”.

6 (d) INCUMBENT.—The individual who serves in the
7 position of Under Secretary for Management of the De-
8 partment of Homeland Security on the date of enactment
9 of this Act—

10 (1) may perform all the duties of the Deputy
11 Secretary of Homeland Security for Management at
12 the pleasure of the President, until a Deputy Sec-
13 retary of Homeland Security for Management is ap-
14 pointed in accordance with subsection (c) of section
15 701 of the Homeland Security Act of 2002 (6
16 U.S.C. 341), as added by this Act; and

17 (2) may be appointed Deputy Secretary of
18 Homeland Security for Management, if such ap-
19 pointment is otherwise in accordance with sections
20 103 and 701 of the Homeland Security Act of 2002
21 (6 U.S.C. 113 and 341), as amended by this Act.

22 (e) REFERENCES.—References in any other Federal
23 law, Executive order, rule, regulation, or delegation of au-
24 thority, or any document of or relating to the Under Sec-
25 retary for Management of the Department of Homeland

1 Security shall be deemed to refer to the Deputy Secretary
2 of Homeland Security for Management.

3 (f) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

14 (3) EXECUTIVE SCHEDULE.—Section 5313 of
15 title 5, United States Code, is amended by inserting
16 after the item relating to the Deputy Secretary of
17 Homeland Security the following:

18 “Deputy Secretary of Homeland Security for
19 Management.”.

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