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

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

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

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—
(1) in subsection (a)—

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

   (B) by striking paragraph (7); 

   (C) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and 

   (D) by striking paragraph (1) and inserting the following:

   “(1) A Deputy Secretary of Homeland Security. 

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

   (2) by adding at the end the following:

   “(g) VACANCIES.—

   “(1) VACANCY IN OFFICE OF SECRETARY.—

   “(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.
“(B) Deputy Secretary for Management.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

“(2) Vacancy in Office of Deputy Secretary.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

“(3) Further Order of Succession.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.”.

(b) Responsibilities.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking “UNDER SECRETARY” and inserting “DEPUTY SECRETARY OF HOMELAND SECURITY”; 

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

(B) by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”; 

(C) by striking paragraph (7) and inserting the following:

“(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department.”; and

(D) by striking paragraph (9), and inserting the following:

“(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department.”; and

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

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

(e) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as amended by this Act, is further amended by adding at the end the following:

“(e) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—The Deputy Secretary of Homeland Security for Management—

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

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

“(B) strong leadership skills;

“(C) a demonstrated ability to manage large and complex organizations; and
“(D) a proven record in achieving positive operational results;

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

“(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (5) for the 3 most recent performance years;

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

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

(d) INCUMBENT.—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—
(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

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

(e) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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(2) Table of Contents.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

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

(3) Executive Schedule.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

“Deputy Secretary of Homeland Security for Management.”.