

## Calendar No. 1099

110TH CONGRESS  
2D SESSION**S. 547**

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

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

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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 “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) 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

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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