

Calendar No. 188

111TH CONGRESS
1ST SESSION**S. 872****[Report No. 111-91]**

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

IN THE SENATE OF THE UNITED STATES

APRIL 23, 2009

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

OCTOBER 26, 2009

Reported by Mr. LIEBERMAN, with an amendment
[Omit the part struck through and insert the part printed in *italie*]

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 2009”.

1 **SEC. 2. DEPUTY SECRETARY OF HOMELAND SECURITY FOR**
 2 **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 subsections (a) through (c) by striking
5 “Under Secretary for Management” each place that
6 term appears and inserting “Deputy Secretary of
7 Homeland Security for Management”.

8 (c) APPOINTMENT, EVALUATION, AND REAPPOINT-
9 MENT.—Section 701(c) of the Homeland Security Act of
10 2002 (6 U.S.C. 341) is amended—

11 (1) in the subsection heading, by striking “AND
12 EVALUATION” and inserting “, EVALUATION, AND
13 REAPPOINTMENT”;

14 (2) in the matter preceding paragraph (1), by
15 striking “shall”;

16 (3) in paragraph (1), by inserting “shall” after
17 “(1)”;

18 (4) in paragraph (2)—

19 (A) by inserting “shall” after “(2)”;

20 (B) by striking “and” after the semicolon;

21 (5) in paragraph (3)—

22 (A) by inserting “shall” after “(3)”;

23 (B) by striking the period and inserting a
24 semicolon; and

25 (6) by adding at the end the following:

1 “(4) shall—

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

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

5 “(i) finds that the performance of the
6 Deputy Secretary of Homeland Security
7 for Management is unsatisfactory; and

8 “(ii) communicates the reasons for re-
9 moving the Deputy Secretary of Homeland
10 Security for Management to Congress be-
11 fore such removal; and

12 “(5) may be reappointed in accordance with
13 paragraph (1), if the Secretary has made a satisfac-
14 tory determination under paragraph (3) for the 3
15 most recent performance years.”.

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

22 ~~(e) TECHNICAL AND CONFORMING AMENDMENTS.—~~

23 ~~(e) TREATMENT OF INCUMBENT.—~~

24 ~~(1) IN GENERAL.—If an individual has been ap-~~
25 ~~pointed as Under Secretary for Management of the~~

1 *Department of Homeland Security, by and with the*
2 *advice and consent of the Senate, and is serving in*
3 *that position on the date of enactment of this Act, the*
4 *individual shall serve as the Deputy Secretary of*
5 *Homeland Security for Management.*

6 (2) *TERM.—For an individual to whom para-*
7 *graph (1) applies, the 5-year term established under*
8 *section 701(c)(4) of the Homeland Security Act of*
9 *2002, as amended by this Act, shall begin on the date*
10 *of enactment of this Act.*

11 (f) *TECHNICAL AND CONFORMING AMENDMENTS.—*

12 (1) *OTHER REFERENCE.—Section 702(a) of the*
13 *Homeland Security Act of 2002 (6 U.S.C. 342(a))*
14 *is amended by striking “Under Secretary for Man-*
15 *agement” and inserting “Deputy Secretary of*
16 *Homeland Security for Management”.*

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

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

22 (3) *EXECUTIVE SCHEDULE.—Section 5313 of*
23 *title 5, United States Code, is amended by striking*
24 *the item relating to the Under Secretary of Home-*

1 land Security for Management, and inserting the fol-
2 lowing:

3 “Deputy Secretary of Homeland Security for
4 Management.”.

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