§ 341. Under Secretary for Management

(a) In general
The Under Secretary 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. The Secretary, acting through the Under Secretary for Management, shall be responsible for the management and administration of the Department, including the following:

1. The budget, appropriations, expenditures of funds, accounting, and finance.
2. Procurement.
3. Human resources and personnel.
4. Information technology and communications systems.
5. Facilities, property, equipment, and other material resources.
6. Security for personnel, information technology and communications systems, facilities, property, equipment, and other material resources.
7. Strategic management planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department.
8. Grants and other assistance management programs.
9. The management integration and transformation process, as well as the transition process, to ensure an efficient and orderly consolidation of functions and personnel in the Department and transition, including—
   A. the development of a management integration strategy for the Department, and
   B. before December 1 of any year in which a Presidential election is held, the development of a transition and succession plan, to be made available to the incoming Secretary and Under Secretary for Management, to guide the transition of management functions to a new Administration.
10. The conduct of internal audits and management analyses of the programs and activities of the Department.
11. Any other management duties that the Secretary may designate.

(b) Immigration
(1) In general
In addition to the responsibilities described in subsection (a) of this section, the Under Secretary for Management shall be responsible for the following:

A. Maintenance of all immigration statistical information of the Bureau of Border Security and the Bureau of Citizenship and Immigration Services. Such statistical information shall include information and statistics of the type contained in the publication entitled “Statistical Yearbook of the Immigration and Naturalization Service” prepared by the Immigration and Naturalization Service (as in effect immediately before the date on which the transfer of functions specified under section 251 of this title takes effect), including region-by-region statistics on the aggregate number of applications and petitions filed by an alien (or filed on behalf of an alien) and denied by such bureau, and the reasons for such denials, disaggregated by category of denial and application or petition type.
B. Establishment of standards of reliability and validity for immigration statistics collected by such bureaus.
(2) Transfer of functions

In accordance with subchapter XII of this chapter, there shall be transferred to the Under Secretary for Management all functions performed immediately before such transfer occurs by the Statistics Branch of the Office of Policy and Planning of the Immigration and Naturalization Service with respect to the following programs:

(A) The Border Patrol program.
(B) The detention and removal program.
(C) The intelligence program.
(D) The investigations program.
(E) The inspections program.
(F) Adjudication of immigrant visa petitions.
(G) Adjudication of naturalization petitions.
(H) Adjudication of asylum and refugee applications.
(I) Adjudications performed at service centers.
(J) All other adjudications performed by the Immigration and Naturalization Service.

(c) Appointment and evaluation

The Under Secretary for Management shall—

(1) 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) enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

(3) be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Under Secretary for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (2).


Amendments

2007—Subsec. (a). Pub. L. 110–53, § 2405(a)(1), inserted in introductory provisions “The Under Secretary 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.”

Subsec. (a)(7). Pub. L. 110–53, § 2405(a)(2), added par. (7) and struck out former par. (7) which read as follows: “Identification and tracking of performance measures relating to the responsibilities of the Department.”

Subsec. (a)(9). Pub. L. 110–53, § 2405(a)(3), added par. (9) and struck out former par. (9) which read as follows: “The transition and reorganization process, to ensure an efficient and orderly transfer of functions and personnel to the Department, including the development of a transition plan.”

Change of Name


Deadline for Appointment; Incumbent

Pub. L. 110–53, title XXIV, § 2405(c), Aug. 3, 2007, 121 Stat. 549, provided that:

“(1) Deadline for appointment.—Not later than 90 days after the date of the enactment of this Act [Aug. 3, 2007], the Secretary of Homeland Security shall name an individual who meets the qualifications of section 701 of the Homeland Security Act (6 U.S.C. 341), as amended by subsections (a) and (b), to serve as the Under Secretary of Homeland Security for Management. The Secretary may submit the name of the individual who serves in the position of Under Secretary of Homeland Security for Management on the date of enactment of this Act together with a statement that informs the Congress that the individual meets the qualifications of such section as so amended.

“(2) Incumbent.—The incumbent serving as Under Secretary of Homeland Security for Management on November 4, 2008, is authorized to continue serving in that position until a successor is confirmed, to ensure continuity in the management functions of the Department.”