

117TH CONGRESS  
1ST SESSION

# H. R. 4484

To amend the Homeland Security Act of 2002 to provide for certain succession reforms, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2021

Miss RICE of New York introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To amend the Homeland Security Act of 2002 to provide for certain succession reforms, 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. SUCCESSION REFORMS.**

4 Subsection (g) of section 103 of the Homeland Secu-  
5 rity Act of 2002 (6 U.S.C. 113) is amended—

6 (1) in paragraph (1), by striking “neither the  
7 Secretary nor Deputy Secretary is” and inserting  
8 “the Secretary, Deputy Secretary, or Associate Sec-  
9 retary are not”; and

1           (2) by striking paragraph (2) and inserting the  
2 following new paragraphs:

3           “(2) FURTHER ORDER OF SUCCESSION.—Not-  
4 withstanding section 3345 of title 5, United States  
5 Code, the Secretary may designate such other offi-  
6 cial of the Department—

7           “(A) in further order of succession, to per-  
8 form the functions and duties of the Secretary,  
9 provided that such official has served in the De-  
10 partment for at least 90 days prior to such des-  
11 ignation in either—

12           “(i) the position of the head of a com-  
13 ponent; or

14           “(ii) in another position by and with  
15 the advice and consent of the Senate;

16           “(B) in the event that the Secretary posi-  
17 tion is vacant and an official meeting the cri-  
18 teria set forth in subparagraph (A) is not avail-  
19 able, the President may designate an officer or  
20 employee in the Department to perform the  
21 functions and duties of the Secretary, if—

22           “(i) prior to such designation, the of-  
23 ficer or employee served in a position in  
24 the Department for not less than 90 days;  
25 and

1           “(ii) the rate of pay for the position  
2           referred to in clause (i) is equal to or  
3           greater than the minimum rate of pay pay-  
4           able for a position at GS-15 of the Gen-  
5           eral Schedule; and

6           “(C) in the event the head of a Depart-  
7           ment component is vacant, the Secretary may  
8           designate an officer or employee of the Depart-  
9           ment to perform the functions and duties of  
10          such vacant position, if—

11           “(i) prior to such designation, the of-  
12          ficer or employee served in a position in  
13          the Department for not less than 90 days;  
14          and

15           “(ii) the rate of pay for the position  
16          referred to in clause (i) is equal to or  
17          greater than the minimum rate of pay pay-  
18          able for a position at GS-15 of the Gen-  
19          eral Schedule.

20           “(3) APPLICABILITY OF OTHER PROVISIONS OF  
21          LAW.—Sections 3346 through 3349d of title 5,  
22          United States Code, shall apply to any individual  
23          serving in an acting capacity under this subsection  
24          in the same manner and to the same extent as such  
25          sections are applicable to an individual serving as an

1 acting officer described under section 3345 of such  
2 title.”.

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