

118TH CONGRESS
2D SESSION

H. R. 8497

To provide the Secretary of Homeland Security certain direct hiring authorities.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2024

Mr. GALLEGO introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Oversight and Accountability, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide the Secretary of Homeland Security certain direct hiring authorities.

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. DIRECT HIRE AUTHORITY.**

4 (a) USCIS DIRECT HIRE AUTHORITY.—

5 (1) IN GENERAL.—The Secretary of Homeland
6 Security may appoint, without regard to the provi-
7 sions of sections 3309 through 3319 of title 5,
8 United States Code, candidates needed for positions
9 within the Refugee, Asylum and International Oper-

1 ations Directorate, the Field Operations Directorate,
2 and the Service Center Operations Directorate of
3 U.S. Citizenship and Immigration Services for
4 which—

5 (A) public notice has been given;

6 (B) the Secretary has determined that a
7 critical hiring need exists; and

8 (C) the Secretary has consulted with the
9 Director of the Office of Personnel Management
10 regarding—

11 (i) the positions for which the Sec-
12 retary plans to recruit;

13 (ii) the quantity of candidates Sec-
14 retary is seeking; and

15 (iii) the assessment and selection poli-
16 cies the Secretary plans to utilize.

17 (2) DEFINITION OF CRITICAL HIRING NEED.—

18 In this subsection, the term “critical hiring need”
19 means personnel necessary for the implementation of
20 this Act and associated work.

21 (3) REPORTING.—Not later than 1 year after

22 the date of enactment of this Act, and annually
23 thereafter for the following 4 years, the Secretary of
24 Homeland Security, in consultation with the Direc-

1 tor of the Office of Personnel Management, shall
2 submit to Congress a report that includes—

3 (A) demographic data, including veteran
4 status, regarding individuals hired pursuant to
5 the authority under paragraph (1);

6 (B) salary information of individuals hired
7 pursuant to such authority; and

8 (C) how the Department of Homeland Se-
9 curity exercised such authority consistently with
10 merit system principles.

11 (4) SUNSET.—The authority to make an ap-
12 pointment under this subsection shall terminate on
13 the date that is 5 years after the date of the enact-
14 ment of this Act.

15 (b) ICE DIRECT HIRE AUTHORITY.—

16 (1) IN GENERAL.—The Secretary of Homeland
17 Security may appoint, without regard to the provi-
18 sions of sections 3309 through 3319 of title 5,
19 United States Code, candidates needed for positions
20 within Enforcement and Removal Operations of U.S.
21 Immigration and Customs Enforcement as a depor-
22 tation officer or with duties exclusively relating to
23 the Enforcement and Removal, Custody Operations,
24 Alternatives to Detention, or Transportation and
25 Removal program for which—

1 (A) public notice has been given;

2 (B) the Secretary has determined that a
3 critical hiring need exists; and

4 (C) the Secretary has consulted with the
5 Director of the Office of Personnel Management
6 regarding—

7 (i) the positions for which the Sec-
8 retary plans to recruit;

9 (ii) the quantity of candidates the
10 Secretary is seeking; and

11 (iii) the assessment and selection poli-
12 cies the Secretary plans to utilize.

13 (2) DEFINITION OF CRITICAL HIRING NEED.—

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15 means personnel necessary for the implementation of
16 this Act and associated work.

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18 the date of the enactment of this Act, and annually
19 thereafter for the following 4 years, the Secretary of
20 Homeland Security, in consultation with the Direc-
21 tor of the Office of Personnel Management, shall
22 submit to Congress a report that includes—

23 (A) demographic data, including veteran
24 status, regarding individuals hired pursuant to
25 the authority under paragraph (1);

1 (B) salary information of individuals hired
2 pursuant to such authority; and

3 (C) how the Department of Homeland Se-
4 curity exercised such authority consistently with
5 merit system principles.

6 (4) SUNSET.—The authority to make an ap-
7 pointment under this subsection shall terminate on
8 the date that is 5 years after the date of the enact-
9 ment of this Act.

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