

SHADOW WOLVES ENHANCEMENT ACT

FEBRUARY 11, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 5681]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 5681) to authorize the reclassification of the tactical enforcement officers (commonly known as the “Shadow Wolves”) in the Homeland Security Investigations tactical patrol unit operating on the lands of the Tohono O’odham Nation as special agents, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 5681, the “Shadow Wolves Enhancement Act,” authorizes adjustments to the job classifications for tactical enforcement offi-

cers assigned to the Homeland Security Investigations (HSI) unit operating in the Tohono O’odham Nation, known as “Shadow Wolves”. The Shadow Wolves were established by congressional mandate in 1974 and specialize in the interdiction of human and drug smugglers through the rugged terrain of the Sonoran Desert utilizing both technology and the traditional art of tracking. Under this bill, Shadow Wolves serving in these positions would be reclassified as GS-1811 special agents upon the successful completion of certain training, and new officers added to this unit after the date of enactment would be classified as GS-1811 special agents upon completion of training.

The Act would also require the Secretary of Homeland Security to develop a strategy to retain existing Shadow Wolves, recruit new officers to the unit, and expand comparable units along the international land borders with the approval of appropriate Tribal governments. Finally, the Act requires the Government Accountability Office (GAO) to submit a report to Congress 1 year after receiving the strategy, as well as annually for the following 2 years, which assesses the effectiveness of this strategy and provides recommendations for improvement, as appropriate.

BACKGROUND AND NEED FOR LEGISLATION

The Committee prioritizes the development of a diverse and equitable Federal workforce and has heard concerns that Shadow Wolves face unique limitations to career advancement, job mobility, and pay equity due to their classification. The legislation seeks to address these limitations.

Shadow Wolves are assigned to the HSI tactical patrol unit currently operating in the Tohono O’odham Nation located in southern Arizona. Since 1974, this unit of Native American officers is known for its ability to track drug smugglers, human traffickers, and other illicit activity along Tribal lands. Over the last few years, Shadow Wolves have shifted from tracking to investigative work and support response due to technological advancements. Under existing authority, Shadow Wolves are only able to be hired as tactical officers in a lower paygrade even though five of the eight current officers in the unit have completed special agent training, causing pay and mobility limitations. In addition, Shadow Wolves who want to become HSI special agents must apply like candidates in the general public. Due to these limitations, the Shadow Wolves program is at risk of becoming nonoperational as officers retire, and the Committee has learned that some Shadow Wolves plan to retire soon.

The reclassification of Shadow Wolves as GS-1811 special agents under this Act would remove existing pay and upward mobility limitations to make the treatment within HSI more equitable.

Ahead of consideration of H.R. 5681, the Committee received Resolution No. 20-091 from the Tohono O’odham Nation, which expresses support for this legislation.

HEARINGS

For the purposes of clause 3(c)(6) of rule XIII of the Rules of the House of Representatives, the following hearings were used to develop H.R. 5681:

- The Committee did not hold a legislative hearing on H.R. 5681 in the 117th Congress.

COMMITTEE CONSIDERATION

The Committee met on October 26, 2021, a quorum being present, to consider H.R. 5681 and ordered the measure to be favorably reported to the House, without amendment, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 5681.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE, NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII and section 308(a) of the Congressional Budget Act of 1974, and with respect to the requirements of clause 3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the estimate of any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures contained in the cost estimate prepared by the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 11, 2022.

Hon. BENNIE G. THOMPSON,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5681, the Shadow Wolves Enhancement Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lindsay Wylie.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 5681, Shadow Wolves Enhancement Act			
As ordered reported by the House Committee on Homeland Security on October 26, 2021			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	1	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 5681 would authorize Immigration and Customs Enforcement (ICE) to convert officers currently in the Native American tactical patrol unit in the Tohono O'odham Nation (referred to as "Shadow Wolves") to a special agent pay status after meeting certain training requirements. The bill also would require ICE to develop a strategy within 90 days to retain and recruit Shadow Wolves and expand the program. Additionally, H.R. 5681 would require the Government Accountability Office (GAO) to report on the effectiveness of the ICE strategy annually for three years.

There are currently eight Shadow Wolves employed by ICE, five of whom meet the training requirements for conversion to the new pay status. CBO assumes officers who do not currently meet the training requirements will complete the training and all eight officers will convert to the new status within a year of eligibility. Based on those assumptions and information from the agency, CBO estimates that implementing H.R. 5681 would cost ICE less than \$500,000 over the 2022–2026 period for training, additional salaries, and developing the recruitment strategy. H.R. 5681 would not require ICE to implement the strategy, so CBO did not include those costs in this estimate. Furthermore, using information about the cost of similar activities, CBO estimates the cost of producing the GAO reports would be approximately \$500,000 over the 2022–2026 period. Taken together, CBO estimates the bill would cost \$1 million over the 2022–2026 period; such spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Lindsay Wylie. The estimate was reviewed by Leo Lex, Deputy Director of Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 5681 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H.R. 5681 is to reclassify GS-1801 tactical enforcement officers assigned to the Homeland Security Investigations unit operating in the Tohono O'odham Nation as GS-1811 special agents upon the successful completion of certain training requirements in order to improve pay equity and upward mobility opportunities for these officers and enable the expansion of the program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 5681 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section states that the Act may be cited as the "Shadow Wolves Enhancement Act".

Sec. 2. Reclassification of Shadow Wolves as GS-1811 Special Agents.

This section authorizes the Director of U.S. Immigration and Customs Enforcement to reclassify GS-1801 tactical enforcement officers assigned to the Homeland Security Investigations tactical patrol unit operating in the Tohono O'odham Nation as GS-1811 special agents upon successful completion of the Federal Law Enforcement Training Center's Criminal Investigator Training Program and Customs Basic Enforcement School or U.S. Immigration and Customs Enforcement Homeland Security Investigations Special Agent training. New Shadow Wolves hired after the date of enactment and assigned to the unit operating in the Tohono O'odham Nation, as well as new Shadow Wolves hired as part of a comparable unit, shall also be classified as GS-1811 special agents upon completion of training requirements and with the approval and consent of the appropriate Indian tribe.

Sec. 3. Expansion of Shadow Wolves Program.

This section requires the Secretary of Homeland Security to submit to GAO, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Homeland Security a strategy for retaining existing Shadow Wolves, recruiting new Shadow Wolves, and expanding comparable units near the international borders between the United States and Canada and the United States and Mexico with the approval and consent of the appropriate Indian tribe. This strategy shall be submitted no later than 90 days after the enactment of this Act.

Sec. 4. GAO Report.

This section directs GAO to submit a report to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Homeland Security no later than 1 year after receiving the strategy outlined in section 3, and annually thereafter for the following 2 years. This report shall assess the effectiveness of the strategy and provide recommendations to improve the strategy, as appropriate.