

Calendar No. 656

118TH CONGRESS
2D SESSION**S. 4676****[Report No. 118–255]**

To enhance the effectiveness of the Shadow Wolves Program, and for other purposes.

 IN THE SENATE OF THE UNITED STATES

JULY 11 (legislative day, JULY 10), 2024

Ms. SINEMA (for herself, Mr. HOEVEN, Mr. KELLY, and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 2, 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To enhance the effectiveness of the Shadow Wolves Program, 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 “Shadow Wolves Im-
5 ~~provement Act~~”.

1 **SEC. 2. ENHANCING THE EFFECTIVENESS OF THE SHADOW**
 2 **WOLVES PROGRAM.**

3 (a) **IN GENERAL.**—Subtitle D of title IV of the
 4 Homeland Security Act of 2002 (6 U.S.C. 251 et seq.)
 5 is amended by adding at the end the following:

6 **“SEC. 447. SHADOW WOLVES PROGRAM.**

7 “(a) **MISSION AND GOALS.**—The Director of U.S.
 8 Immigration and Customs Enforcement (referred to in
 9 this section as the ‘Director’), in coordination with appro-
 10 priate representatives of partnering Tribal governments,
 11 including the Tohono O’odham Nation, shall specify the
 12 mission and goals of the Shadow Wolves Program.

13 “(b) **STAFFING.**—The Director shall determine—

14 “(1) the number of special agents needed to
 15 staff the Shadow Wolves Program nationally; and

16 “(2) the knowledge, skills, and abilities that
 17 such special agents shall be required to possess.

18 “(c) **STRATEGY.**—Not later than 180 days after the
 19 date of the enactment of the Shadow Wolves Improvement
 20 Act, the Director, in consultation with appropriate rep-
 21 resentatives of partnering Tribal governments, including
 22 the Tohono O’odham Nation, shall update the strategy re-
 23 quired under section 3 of the Shadow Wolves Enhance-
 24 ment Act (Public Law 117–113) by adding—

1 “(1) measurable objectives to achieve the reten-
2 tion and recruitment of law enforcement officers;
3 and the expansion goals set forth in the strategy;

4 “(2) a timeline for achieving such goals; and

5 “(3) milestones for recruiting qualified special
6 agents for the Shadow Wolves Program to meet the
7 target identified in the staffing needs assessment re-
8 quired under subsection (b)(1).

9 “(d) PROVISION OF INFORMATION.—The Director
10 shall provide, to each GS-1801 Tactical Officer who is em-
11 ployed as a Shadow Wolf by Homeland Security Investiga-
12 tions as of the date of the enactment of the Shadow
13 Wolves Improvement Act, written information that will
14 help them make an informed decision about reclassifying
15 as a special agent, including—

16 “(1) individualized information regarding how
17 reclassification would affect pay, including changes
18 to overtime pay, and retirement compensation;

19 “(2) steps such members are required to com-
20 plete to be reclassified as special agents, including—

21 “(A) whether they must meet training re-
22 quirements;

23 “(B) a description of those requirements;

1 “(C) whether they are exempt from phys-
2 ical fitness, medical, or polygraph examinations;
3 and

4 “(D) whether they are eligible for overtime
5 pay during such training; and

6 “(3) any other relevant information that the
7 Director believes would help such members make an
8 informed decision regarding such classification.

9 “(e) SUCCESSION PLAN.—The Director shall develop
10 a plan for the timely recruitment of qualified individuals
11 to fill vacant special agent positions in the Shadow Wolves
12 Program that will result from anticipated retirements.

13 “(f) PROGRAM EXPANSION.—The Director shall—

14 “(1) develop criteria for evaluating and select-
15 ing additional tribal lands on which additional Shad-
16 ow Wolves units could be located, including the
17 amount of additional funding necessary and poten-
18 tial sources for such funding; and

19 “(2) in developing such criteria, give consider-
20 ation to tribal lands located in proximity to existing
21 facilities that provide Federal law enforcement train-
22 ing.”.

23 “(b) CLERICAL AMENDMENT.—The table of contents
24 of the Homeland Security Act of 2002 (6 U.S.C. 101 et

1 seq.) is amended by inserting after the item relating to
 2 section 446 the following:

“Sec. 447. Shadow Wolves Program.”.

3 **SEC. 3. REPORT TO CONGRESS ON IMPLEMENTATION OF**
 4 **SHADOW WOLVES PROGRAM ENHANCE-**
 5 **MENTS.**

6 (a) DEFINITIONS.—In this section:

7 (1) DIRECTOR.—The term “Director” means
 8 the Director of U.S. Immigration and Customs En-
 9 forcement.

10 (2) RELEVANT CONGRESSIONAL COMMIT-
 11 TEES.—The term “relevant congressional commit-
 12 tees” means—

13 (A) the Committee on Homeland Security
 14 and Governmental Affairs of the Senate;

15 (B) the Committee on the Judiciary of the
 16 Senate;

17 (C) the Committee on Homeland Security
 18 of the House of Representatives; and

19 (D) the Committee on the Judiciary of the
 20 House of Representatives.

21 (b) REPORT.—Not later than 1 year after the date
 22 of the enactment of this Act, the Director shall submit
 23 a report to the relevant congressional committees that de-
 24 scribes the progress that has been made towards the full
 25 implementation of—

1 (1) section 447 of the Homeland Security Act
 2 of 2002, as added by section 2, including required
 3 coordination with appropriate representatives of the
 4 Tohono O'odham Nation and other partnering Trib-
 5 al governments to specify the mission and goals of
 6 the Shadow Wolves Program, which shall include
 7 tracking, interdiction, and investigation; and

8 (2) section 2(4) of the Shadow Wolves En-
 9 hancement Act, as added by section 4.

10 **SEC. 4. CONVERSION OF EXPERIENCED SHADOW WOLVES**
 11 **TO CAREER APPOINTMENT IN THE COMPETI-**
 12 **TIVE SERVICE.**

13 Section 2 of the Shadow Wolves Enhancement Act
 14 (Public Law 117-113) is amended—

15 (1) in paragraph (2), by striking “and” at the
 16 end;

17 (2) in paragraph (3), by striking the period at
 18 the end and inserting “; and”; and

19 (3) by adding at the end the following:

20 “(4) to noncompetitively convert Shadow
 21 Wolves, after their successful completion of three
 22 years as Shadow Wolves, regardless of location as-
 23 signed, from the excepted service to career or career
 24 conditional appointments in the competitive serv-
 25 ice.”.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Shadow Wolves Improve-*
 3 *ment Act”.*

4 **SEC. 2. ENHANCING THE EFFECTIVENESS OF THE SHADOW**
 5 **WOLVES PROGRAM.**

6 *(a) IN GENERAL.—Subtitle D of title IV of the Home-*
 7 *land Security Act of 2002 (6 U.S.C. 251 et seq.) is amended*
 8 *by adding at the end the following:*

9 **“SEC. 447. SHADOW WOLVES PROGRAM.**

10 *“(a) MISSION AND GOALS.—The Director of U.S. Im-*
 11 *migration and Customs Enforcement (referred to in this*
 12 *section as the ‘Director’), in coordination with appropriate*
 13 *representatives of partnering Tribal governments, including*
 14 *the Tohono O’odham Nation, shall specify the mission and*
 15 *goals of the Shadow Wolves Program.*

16 *“(b) STAFFING.—The Director shall determine—*

17 *“(1) the number of special agents needed to staff*
 18 *the Shadow Wolves Program nationally; and*

19 *“(2) the knowledge, skills, and abilities that such*
 20 *special agents shall be required to possess.*

21 *“(c) STRATEGY.—Not later than 180 days after the*
 22 *date of the enactment of the Shadow Wolves Improvement*
 23 *Act, the Director, in consultation with appropriate rep-*
 24 *resentatives of partnering Tribal governments, including*
 25 *the Tohono O’odham Nation, shall update the strategy re-*

1 *quired under section 3 of the Shadow Wolves Enhancement*
2 *Act (Public Law 117–113) by adding—*

3 “(1) *measurable objectives to achieve the reten-*
4 *tion and recruitment of law enforcement officers, and*
5 *the expansion goals set forth in the strategy;*

6 “(2) *a timeline for achieving such goals; and*

7 “(3) *milestones for recruiting qualified special*
8 *agents for the Shadow Wolves Program to meet the*
9 *target identified in the staffing needs assessment re-*
10 *quired under subsection (b)(1).*

11 “(d) *PROVISION OF INFORMATION.—The Director shall*
12 *provide, to each GS–1801 Tactical Officer who is employed*
13 *as a Shadow Wolf by Homeland Security Investigations as*
14 *of the date of the enactment of the Shadow Wolves Improve-*
15 *ment Act, written information that will help them make*
16 *an informed decision about reclassifying as a special agent,*
17 *including—*

18 “(1) *individualized information regarding how*
19 *reclassification would affect pay, including changes to*
20 *overtime pay, and retirement compensation;*

21 “(2) *steps such members are required to complete*
22 *to be reclassified as special agents, including—*

23 “(A) *whether they must meet training re-*
24 *quirements;*

25 “(B) *a description of those requirements;*

1 “(C) *whether they are exempt from physical*
2 *fitness, medical, or polygraph examinations; and*

3 “(D) *whether they are eligible for overtime*
4 *pay during such training; and*

5 “(3) *any other relevant information that the Di-*
6 *rector believes would help such members make an in-*
7 *formed decision regarding such classification.*

8 “(e) *SUCCESSION PLAN.—The Director shall develop a*
9 *plan for the timely recruitment of qualified individuals to*
10 *fill vacant special agent positions in the Shadow Wolves*
11 *Program that will result from anticipated retirements.*

12 “(f) *PROGRAM EXPANSION.—The Director shall—*

13 “(1) *develop criteria for evaluating and selecting*
14 *additional tribal lands on which additional Shadow*
15 *Wolves units may be located, including the amount of*
16 *additional funding necessary and potential sources*
17 *for such funding; and*

18 “(2) *in developing such criteria, give consider-*
19 *ation to tribal lands located in proximity to existing*
20 *facilities that provide Federal law enforcement train-*
21 *ing.”.*

22 “(b) *CLERICAL AMENDMENT.—The table of contents of*
23 *the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)*
24 *is amended by inserting after the item relating to section*
25 *446 the following:*

 “Sec. 447. *Shadow Wolves Program.*”.

1 **SEC. 3. REPORT TO CONGRESS ON IMPLEMENTATION OF**
2 **SHADOW WOLVES PROGRAM ENHANCEMENTS.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *DIRECTOR.—The term “Director” means the*
5 *Director of U.S. Immigration and Customs Enforce-*
6 *ment.*

7 (2) *RELEVANT CONGRESSIONAL COMMITTEES.—*
8 *The term “relevant congressional committees”*
9 *means—*

10 (A) *the Committee on Homeland Security*
11 *and Governmental Affairs of the Senate;*

12 (B) *the Committee on the Judiciary of the*
13 *Senate;*

14 (C) *the Committee on Homeland Security of*
15 *the House of Representatives; and*

16 (D) *the Committee on the Judiciary of the*
17 *House of Representatives.*

18 (b) *REPORT.—Not later than 1 year after the date of*
19 *the enactment of this Act, the Director shall submit a report*
20 *to the relevant congressional committees that describes the*
21 *progress that has been made towards the full implementa-*
22 *tion of—*

23 (1) *section 447 of the Homeland Security Act of*
24 *2002, as added by section 2, including required co-*
25 *ordination with appropriate representatives of the*
26 *Tohono O’odham Nation and other partnering Tribal*

1 *governments to specify the mission and goals of the*
2 *Shadow Wolves Program, which shall include track-*
3 *ing, interdiction, and investigation; and*

4 *(2) section 2(4) of the Shadow Wolves Enhance-*
5 *ment Act, as added by section 4.*

6 **SEC. 4. CONVERSION OF EXPERIENCED SHADOW WOLVES**
7 **TO CAREER APPOINTMENT IN THE COMPETI-**
8 **TIVE SERVICE.**

9 *Section 2 of the Shadow Wolves Enhancement Act*
10 *(Public Law 117–113) is amended—*

11 *(1) in paragraph (2), by striking “and” at the*
12 *end;*

13 *(2) in paragraph (3), by striking the period at*
14 *the end and inserting “; and”; and*

15 *(3) by adding at the end the following:*

16 *“(4) to noncompetitively convert Shadow Wolves,*
17 *after their successful completion of three years as*
18 *Shadow Wolves, regardless of location assigned, from*
19 *the excepted service to career or career conditional ap-*
20 *pointments in the competitive service.”.*

21 **SEC. 5. NO ADDITIONAL FUNDS.**

22 *No additional funds are authorized to be appropriated*
23 *for the purpose of carrying out this Act.*

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Program, and for other purposes.

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