

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**S. 4676**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Ms. SINEMA

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Shadow Wolves Im-  
5 provement Act”.

6 **SEC. 2. ENHANCING THE EFFECTIVENESS OF THE SHADOW**  
7 **WOLVES PROGRAM.**

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

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

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

8 “(b) STAFFING.—The Director shall determine—

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

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

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

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

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

24 “(3) milestones for recruiting qualified special  
25 agents for the Shadow Wolves Program to meet the

1 target identified in the staffing needs assessment re-  
2 quired under subsection (b)(1).

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

10 “(1) individualized information regarding how  
11 reclassification would affect pay, including changes  
12 to overtime pay, and retirement compensation;

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

15 “(A) whether they must meet training re-  
16 quirements;

17 “(B) a description of those requirements;

18 “(C) whether they are exempt from phys-  
19 ical fitness, medical, or polygraph examinations;  
20 and

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

23 “(3) any other relevant information that the  
24 Director believes would help such members make an  
25 informed decision regarding such classification.

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

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

6                   “(1) develop criteria for evaluating and select-  
7 ing additional tribal lands on which additional Shad-  
8 ow Wolves units may be located, including the  
9 amount of additional funding necessary and poten-  
10 tial sources for such funding; and

11                   “(2) in developing such criteria, give consider-  
12 ation to tribal lands located in proximity to existing  
13 facilities that provide Federal law enforcement train-  
14 ing.”.

15           (b) CLERICAL AMENDMENT.—The table of contents  
16 of the Homeland Security Act of 2002 (6 U.S.C. 101 et  
17 seq.) is amended by inserting after the item relating to  
18 section 446 the following:

“Sec. 447. Shadow Wolves Program.”.

19 **SEC. 3. REPORT TO CONGRESS ON IMPLEMENTATION OF**  
20 **SHADOW WOLVES PROGRAM ENHANCE-**  
21 **MENTS.**

22           (a) DEFINITIONS.—In this section:

23                   (1) DIRECTOR.—The term “Director” means  
24 the Director of U.S. Immigration and Customs En-  
25 forcement.

1           (2) RELEVANT CONGRESSIONAL COMMIT-  
2           TEES.—The term “relevant congressional commit-  
3           tees” means—

4                   (A) the Committee on Homeland Security  
5                   and Governmental Affairs of the Senate;

6                   (B) the Committee on the Judiciary of the  
7                   Senate;

8                   (C) the Committee on Homeland Security  
9                   of the House of Representatives; and

10                  (D) the Committee on the Judiciary of the  
11                  House of Representatives.

12           (b) REPORT.—Not later than 1 year after the date  
13 of the enactment of this Act, the Director shall submit  
14 a report to the relevant congressional committees that de-  
15 scribes the progress that has been made towards the full  
16 implementation of—

17                   (1) section 447 of the Homeland Security Act  
18                   of 2002, as added by section 2, including required  
19                   coordination with appropriate representatives of the  
20                   Tohono O’odham Nation and other partnering Trib-  
21                   al governments to specify the mission and goals of  
22                   the Shadow Wolves Program, which shall include  
23                   tracking, interdiction, and investigation; and

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

1 **SEC. 4. CONVERSION OF EXPERIENCED SHADOW WOLVES**  
2 **TO CAREER APPOINTMENT IN THE COMPETI-**  
3 **TIVE SERVICE.**

4 Section 2 of the Shadow Wolves Enhancement Act  
5 (Public Law 117–113) is amended—

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

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

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

11 “(4) to noncompetitively convert Shadow  
12 Wolves, after their successful completion of three  
13 years as Shadow Wolves, regardless of location as-  
14 signed, from the excepted service to career or career  
15 conditional appointments in the competitive serv-  
16 ice.”.

17 **SEC. 5. NO ADDITIONAL FUNDS.**

18 No additional funds are authorized to be appro-  
19 priated for the purpose of carrying out this Act.