

114TH CONGRESS
1ST SESSION

H. R. 3842

To improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2015

Mr. CARTER of Georgia (for himself and Mrs. TORRES) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, 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 improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, 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 “Federal Law Enforce-
5 ment Training Centers Reform and Improvement Act of
6 2015”.

1 **SEC. 2. FEDERAL LAW ENFORCEMENT TRAINING CENTERS.**

2 (a) ESTABLISHMENT.—Section 884 of the Homeland
3 Security Act of 2002 (6 U.S.C. 464) is amended to read
4 as follows:

5 **“SEC. 884. FEDERAL LAW ENFORCEMENT TRAINING CEN-**
6 **TERS.**

7 “(a) ESTABLISHMENT.—The Secretary shall main-
8 tain in the Department the Federal Law Enforcement
9 Training Centers (FLETC), headed by a Director, who
10 shall report to the Secretary.

11 “(b) POSITION.—The Director shall occupy a career-
12 reserved position within the Senior Executive Service.

13 “(c) FUNCTIONS OF THE DIRECTOR.—The Director
14 shall—

15 “(1) develop training goals and establish stra-
16 tegic and tactical organizational program plan and
17 priorities;

18 “(2) provide direction and management for
19 FLETC’s training facilities, programs, and support
20 activities while ensuring that organizational program
21 goals and priorities are executed in an effective and
22 efficient manner;

23 “(3) develop homeland security and law en-
24 forcement training curricula, including curricula re-
25 lated to domestic preparedness and response to
26 threats or acts of terrorism, for Federal, State, local,

1 tribal, territorial, international, and private sector
2 law enforcement and security agencies;

3 “(4) monitor progress toward strategic and tac-
4 tical FLETC plans regarding training curricula, in-
5 cluding curricula related to domestic preparedness
6 and response to threats or acts of terrorism, and fa-
7 cilities;

8 “(5) ensure the timely dissemination of home-
9 land security information as necessary to Federal,
10 State, local, tribal, territorial, and international law
11 enforcement and security agencies and the private
12 sector to achieve the training goals for such entities,
13 in accordance with paragraph (1);

14 “(6) coordinate and share information with the
15 heads of relevant components and offices on digital
16 learning and training resources, as appropriate;

17 “(7) advise the Secretary on matters relating to
18 executive level policy and program administration of
19 Federal, State, local, tribal, territorial, international,
20 and private sector law enforcement and security
21 training activities, including training activities re-
22 lated to domestic preparedness and response to
23 threats or acts of terrorism; and

24 “(8) carry out such other functions as the Sec-
25 retary determines are appropriate.

1 “(d) TRAINING RESPONSIBILITIES.—

2 “(1) IN GENERAL.—The Director is authorized
3 to provide training to employees of Federal agencies
4 who are engaged, directly or indirectly, in homeland
5 security operations or Federal law enforcement ac-
6 tivities, including such operations or activities re-
7 lated to domestic preparedness and response to
8 threats or acts of terrorism. In carrying out such
9 training, the Director shall—

10 “(A) evaluate best practices of law enforce-
11 ment training methods and curriculum content
12 to maintain state-of-the-art expertise in adult
13 learning methodology;

14 “(B) provide expertise and technical assist-
15 ance, including on domestic preparedness and
16 response to threats or acts of terrorism, to Fed-
17 eral, State, local, tribal, territorial, international
18 and private sector law enforcement and security
19 agencies; and

20 “(C) maintain a performance evaluation
21 process for students.

22 “(2) RELATIONSHIP WITH LAW ENFORCEMENT
23 AGENCIES.—The Director shall consult with relevant
24 law enforcement and security agencies in the devel-
25 opment and delivery of FLETC’s training programs.

1 “(3) TRAINING DELIVERY LOCATIONS.—The
2 training required under paragraph (1) may be con-
3 ducted at FLETC facilities, at appropriate off-site
4 locations, or by distributed learning.

5 “(4) STRATEGIC PARTNERSHIPS.—The Director
6 may execute strategic partnerships with State and
7 local law enforcement to provide such law enforce-
8 ment with specific training, including maritime law
9 enforcement training.

10 “(5) DETAIL OF INSTRUCTORS TO FLETC.—
11 Partner organizations that wish to participate in
12 FLETC training programs shall assign non-reim-
13 bursable detailed instructors to FLETC for des-
14 ignated time periods to support all training pro-
15 grams at FLETC, as appropriate. The Director
16 shall determine the number of detailed instructors
17 that is proportional to the number of training hours
18 requested by each partner organization scheduled by
19 FLETC for each fiscal year. If a partner organiza-
20 tion is unable to provide a proportional number of
21 detailed instructors, such partner organization shall
22 reimburse FLETC for the salary equivalent for such
23 detailed instructors, as appropriate.

24 “(6) PARTNER ORGANIZATION EXPENSES RE-
25 QUIREMENTS.—

1 “(A) IN GENERAL.—Partner organizations
2 shall be responsible for the following expenses:

3 “(i) Salaries, travel expenses, lodging
4 expenses, and miscellaneous per diem al-
5 lowances of their personnel attending
6 training courses at FLETC.

7 “(ii) Salaries and travel expenses of
8 instructors and support personnel involved
9 in conducting advanced training at
10 FLETC for partner organization personnel
11 and the cost of expendable supplies and
12 special equipment for such training, unless
13 such supplies and equipment are common
14 to FLETC-conducted training and have
15 been included in FLETC’s budget for the
16 applicable fiscal year.

17 “(B) EXCESS BASIC AND ADVANCED FED-
18 ERAL TRAINING.—All hours of advanced train-
19 ing and hours of basic training provided in ex-
20 cess of the training for which appropriations
21 were made available shall be paid by the part-
22 ner organizations and provided to FLETC on a
23 reimbursable basis in accordance with section
24 4104 of title 5, United States Code.

25 “(7) PROVISION OF NON-FEDERAL TRAINING.—

1 “(A) IN GENERAL.—The Director is au-
2 thorized to charge and retain fees that would
3 pay for its actual costs of the training for the
4 following:

5 “(i) State, local, tribal, and territorial
6 law enforcement personnel.

7 “(ii) Foreign law enforcement offi-
8 cials, including provision of such training
9 at the International Law Enforcement
10 Academies wherever established.

11 “(iii) Private sector security officers,
12 participants in the Federal Flight Deck
13 Officer program under section 44921 of
14 title 49, United States Code, and other ap-
15 propriate private sector individuals.

16 “(B) WAIVER.—The Director may waive
17 the requirement for reimbursement of any cost
18 under this section and shall maintain records
19 regarding the reasons for any requirements so
20 waived.

21 “(8) REIMBURSEMENT.—The Director is au-
22 thorized to reimburse travel or other expenses for
23 non-Federal personnel who attend activities related
24 to training sponsored by FLETC, at travel and per

1 diem rates established by the General Services Ad-
2 ministration.

3 “(9) STUDENT SUPPORT.—In furtherance of its
4 training mission, the Director is authorized to pro-
5 vide the following support to students:

6 “(A) Athletic and related activities.

7 “(B) Short-term medical services.

8 “(C) Chaplain services.

9 “(10) AUTHORITY TO HIRE FEDERAL ANNU-
10 ITANTS.—

11 “(A) IN GENERAL.—Notwithstanding any
12 other provision of law, the Director is author-
13 ized to appoint and maintain, as necessary,
14 Federal annuitants who have expert knowledge
15 and experience to meet the training responsibil-
16 ities under this subsection.

17 “(B) NO REDUCTION IN RETIREMENT
18 PAY.—A Federal annuitant employed pursuant
19 to this paragraph shall not be subject to any re-
20 duction in pay for annuity allocable to the pe-
21 riod of actual employment under the provisions
22 of section 8344 or 8468 of title 5, United
23 States Code, or similar provision of any other
24 retirement system for employees.

1 “(C) RE-EMPLOYED ANNUITANTS.—A
2 Federal annuitant employed pursuant to this
3 paragraph shall not be considered an employee
4 for purposes of subchapter III of chapter 83 or
5 chapter 84 of title 5, United States Code, or
6 such other retirement system (referred to in
7 subparagraph (B)) as may apply.

8 “(D) COUNTING.—Federal annuitants
9 shall be counted on a full time equivalent basis.

10 “(E) LIMITATION.—No appointment under
11 this paragraph may be made which would result
12 in the displacement of any employee.

13 “(11) TRAVEL FOR INTERMITTENT EMPLOY-
14 EES.—The Director is authorized to reimburse inter-
15 mittent Federal employees traveling from outside a
16 commuting distance (to be predetermined by the Di-
17 rector) for travel expenses and to compensate such
18 employees for time spent traveling from their homes
19 to work sites.

20 “(e) ON-FLETC HOUSING.—Notwithstanding any
21 other provision of law, individuals attending training at
22 any FLETC facility shall, to the extent practicable and
23 in accordance with FLETC policy, reside in on-FLETC
24 or FLETC-provided housing.

1 “(f) ADDITIONAL FISCAL AUTHORITIES.—In order to
2 further the goals and objectives of FLETC, the Director
3 is authorized to—

4 “(1) expend funds for public awareness and to
5 enhance community support of law enforcement
6 training, including the advertisement of available law
7 enforcement training programs;

8 “(2) accept and use gifts of property, both real
9 and personal, and to accept gifts of services, for pur-
10 poses that promote the functions of the Director
11 pursuant to subsection (c) and the training respon-
12 sibilities of the Director under subsection (d);

13 “(3) accept reimbursement from other Federal
14 agencies for the construction or renovation of train-
15 ing and support facilities and the use of equipment
16 and technology on government-owned property;

17 “(4) obligate funds in anticipation of reim-
18 bursements from agencies receiving training at
19 FLETC, except that total obligations at the end of
20 a fiscal year may not exceed total budgetary re-
21 sources available at the end of such fiscal year;

22 “(5) in accordance with the purchasing author-
23 ity provided under section 505 of the Department of
24 Homeland Security Appropriations Act, 2004 (Pub-
25 lic Law 108–90; 6 U.S.C. 453a)—

1 “(A) purchase employee and student uni-
2 forms; and

3 “(B) purchase and lease passenger motor
4 vehicles, including vehicles for police-type use;
5 and

6 “(6) provide room and board for student in-
7 terns.

8 “(g) DEFINITIONS.—In this section:

9 “(1) BASIC TRAINING.—The term ‘basic train-
10 ing’ means the entry-level training required to instill
11 in new Federal law enforcement personnel funda-
12 mental knowledge of criminal laws, law enforcement
13 and investigative techniques, laws and rules of evi-
14 dence, rules of criminal procedure, constitutional
15 rights, search and seizure, and related issues.

16 “(2) DETAILED INSTRUCTORS.—The term ‘de-
17 tailed instructors’ means personnel who are assigned
18 to the Federal Law Enforcement Training Centers
19 for a period of time to serve as instructors for the
20 purpose of conducting basic and advanced training.

21 “(3) DIRECTOR.—The term ‘Director’ means
22 the Director of the Federal Law Enforcement Train-
23 ing Centers.

24 “(4) DISTRIBUTED LEARNING.—The term ‘dis-
25 tributed learning’ means education in which students

1 take academic courses by accessing information and
2 communicating with the instructor, from various lo-
3 cations, on an individual basis, over a computer net-
4 work or via other technologies.

5 “(5) EMPLOYEE.—The term ‘employee’ has the
6 meaning given such term in section 2105 of title 5,
7 United States Code.

8 “(6) FEDERAL AGENCY.—The term ‘Federal
9 agency’ means—

10 “(A) an Executive Department as defined
11 in section 101 of title 5, United States Code;

12 “(B) an independent establishment as de-
13 fined in section 104 of title 5, United States
14 Code;

15 “(C) a Government corporation as defined
16 in section 9101 of title 31, United States Code;

17 “(D) the Government Publishing Office;

18 “(E) the United States Capitol Police;

19 “(F) the United States Supreme Court Po-
20 lice; and

21 “(G) Government agencies with law en-
22 forcement related duties.

23 “(7) LAW ENFORCEMENT PERSONNEL.—The
24 term ‘law enforcement personnel’ means an indi-
25 vidual, including criminal investigators (commonly

1 known as ‘agents’) and uniformed police (commonly
2 known as ‘officers’), who has statutory authority to
3 search, seize, make arrests, or to carry firearms.

4 “(8) LOCAL.—The term ‘local’ means—

5 “(A) of or pertaining to any county, par-
6 ish, municipality, city, town, township, rural
7 community, unincorporated town or village,
8 local public authority, educational institution,
9 special district, intrastate district, council of
10 governments (regardless of whether the council
11 of governments is incorporated as a nonprofit
12 corporation under State law), regional or inter-
13 state government entity, any agency or instru-
14 mentality of a local government, or any other
15 political subdivision of a State; and

16 “(B) an Indian tribe or authorized tribal
17 organization, or in Alaska a Native village or
18 Alaska Regional Native Corporation.

19 “(9) PARTNER ORGANIZATION.—The term
20 ‘partner organization’ means any Federal agency
21 participating in FLETC’s training programs under
22 a formal memorandum of understanding.

23 “(10) STATE.—The term ‘State’ means any
24 State of the United States, the District of Columbia,
25 the Commonwealth of Puerto Rico, the Virgin Is-

1 lands, Guam, American Samoa, the Commonwealth
2 of the Northern Mariana Islands, and any possession
3 of the United States.

4 “(11) STUDENT INTERN.—The term ‘student
5 intern’ means any eligible baccalaureate or graduate
6 degree student participating in FLETC’s College In-
7 tern Program.

8 “(h) PROHIBITION ON NEW FUNDING.—No funds
9 are authorized to carry out this section. This section shall
10 be carried out using amounts otherwise appropriated or
11 made available for such purpose.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002 is
14 amended by amending the item relating to section 884 to
15 read as follows:

“Sec. 884. Federal Law Enforcement Training Centers.”.

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