

FEDERAL LAW ENFORCEMENT TRAINING CENTERS
REFORM AND IMPROVEMENT ACT OF 2015

NOVEMBER 19, 2015.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,
submitted the following

R E P O R T

[To accompany H.R. 3842]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Law Enforcement Training Centers Reform and Improvement Act of 2015”.

SEC. 2. FEDERAL LAW ENFORCEMENT TRAINING CENTERS.

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

“SEC. 884. FEDERAL LAW ENFORCEMENT TRAINING CENTERS.

“(a) **ESTABLISHMENT.**—The Secretary shall maintain in the Department the Federal Law Enforcement Training Centers (FLETC), headed by a Director, who shall report to the Secretary.

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

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

“(1) develop training goals and establish strategic and tactical organizational program plan and priorities;

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

“(3) develop homeland security and law enforcement training curricula, including curricula related to domestic preparedness and response to threats or acts of terrorism, for Federal, State, local, tribal, territorial, and international law enforcement and security agencies and private sector security agencies;

“(4) monitor progress toward strategic and tactical FLETC plans regarding training curricula, including curricula related to domestic preparedness and response to threats or acts of terrorism, and facilities;

“(5) ensure the timely dissemination of homeland security information as necessary to Federal, State, local, tribal, territorial, and international law enforcement and security agencies and the private sector to achieve the training goals for such entities, in accordance with paragraph (1);

“(6) carry out acquisition responsibilities in a manner that—

“(A) fully complies with—

“(i) Federal law;

“(ii) the Federal Acquisition Regulation, including requirements regarding agency obligations to contract only with responsible prospective contractors; and

“(iii) Department acquisition management directives; and

“(B) ensures that a fair proportion of Federal contract and subcontract dollars are awarded to small businesses, maximizes opportunities for small business participation, and ensures, to the extent practicable, that small businesses which achieve qualified vendor status for security-related technologies have an opportunity to compete for contracts for such technologies;

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

“(8) advise the Secretary on matters relating to executive level policy and program administration of Federal, State, local, tribal, territorial, and international law enforcement and security training activities and private sector security agency training activities, including training activities related to domestic preparedness and response to threats or acts of terrorism;

“(9) collaborate with the Secretary and relevant officials at other Federal departments and agencies, as appropriate, to improve international instructional development, training, and technical assistance provided by the Federal Government to foreign law enforcement; and

“(10) carry out such other functions as the Secretary determines are appropriate.

“(d) **TRAINING RESPONSIBILITIES.**—

“(1) **IN GENERAL.**—The Director is authorized to provide training to employees of Federal agencies who are engaged, directly or indirectly, in homeland security operations or Federal law enforcement activities, including such operations or activities related to domestic preparedness and response to threats or acts of terrorism. In carrying out such training, the Director shall—

“(A) evaluate best practices of law enforcement training methods and curriculum content to maintain state-of-the-art expertise in adult learning methodology;

“(B) provide expertise and technical assistance, including on domestic preparedness and response to threats or acts of terrorism, to Federal, State,

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

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

“(2) RELATIONSHIP WITH LAW ENFORCEMENT AGENCIES.—The Director shall consult with relevant law enforcement and security agencies in the development and delivery of FLETC’s training programs.

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

“(4) STRATEGIC PARTNERSHIPS.—

“(A) IN GENERAL.—The Director may—

“(i) execute strategic partnerships with State and local law enforcement to provide such law enforcement with specific training, including maritime law enforcement training; and

“(ii) coordinate with the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department and with private sector stakeholders, including critical infrastructure owners and operators, to provide training pertinent to improving coordination, security, and resiliency of critical infrastructure.

“(B) PROVISION OF INFORMATION.—The Director shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, upon request, information on activities undertaken in the previous year pursuant to subparagraph (A).

“(5) FLETC DETAILS TO DHS.—The Director may detail employees of FLETC to positions throughout the Department in furtherance of improving the effectiveness and quality of training provided by the Department and, as appropriate, the development of critical departmental programs and initiatives.

“(6) DETAIL OF INSTRUCTORS TO FLETC.—Partner organizations that wish to participate in FLETC training programs shall assign non-reimbursable detailed instructors to FLETC for designated time periods to support all training programs at FLETC, as appropriate. The Director shall determine the number of detailed instructors that is proportional to the number of training hours requested by each partner organization scheduled by FLETC for each fiscal year. If a partner organization is unable to provide a proportional number of detailed instructors, such partner organization shall reimburse FLETC for the salary equivalent for such detailed instructors, as appropriate.

“(7) PARTNER ORGANIZATION EXPENSES REQUIREMENTS.—

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

“(i) Salaries, travel expenses, lodging expenses, and miscellaneous per diem allowances of their personnel attending training courses at FLETC.

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

“(B) EXCESS BASIC AND ADVANCED FEDERAL TRAINING.—All hours of advanced training and hours of basic training provided in excess of the training for which appropriations were made available shall be paid by the partner organizations and provided to FLETC on a reimbursable basis in accordance with section 4104 of title 5, United States Code.

“(8) PROVISION OF NON-FEDERAL TRAINING.—

“(A) IN GENERAL.—The Director is authorized to charge and retain fees that would pay for its actual costs of the training for the following:

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

“(ii) Foreign law enforcement officials, including provision of such training at the International Law Enforcement Academies wherever established.

“(iii) Private sector security officers, participants in the Federal Flight Deck Officer program under section 44921 of title 49, United States Code, and other appropriate private sector individuals.

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

“(9) REIMBURSEMENT.—The Director is authorized to reimburse travel or other expenses for non-Federal personnel who attend activities related to training sponsored by FLETC, at travel and per diem rates established by the General Services Administration.

“(10) STUDENT SUPPORT.—In furtherance of its training mission, the Director is authorized to provide the following support to students:

“(A) Athletic and related activities.

“(B) Short-term medical services.

“(C) Chaplain services.

“(11) AUTHORITY TO HIRE FEDERAL ANNUITANTS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Director is authorized to appoint and maintain, as necessary, Federal annuitants who have expert knowledge and experience to meet the training responsibilities under this subsection.

“(B) NO REDUCTION IN RETIREMENT PAY.—A Federal annuitant employed pursuant to this paragraph shall not be subject to any reduction in pay for annuity allocable to the period of actual employment under the provisions of section 8344 or 8468 of title 5, United States Code, or similar provision of any other retirement system for employees.

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

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

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

“(12) TRAVEL FOR INTERMITTENT EMPLOYEES.—The Director is authorized to reimburse intermittent Federal employees traveling from outside a commuting distance (to be predetermined by the Director) for travel expenses and to compensate such employees for time spent traveling from their homes to work sites.

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

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

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

“(2) accept and use gifts of property, both real and personal, and to accept gifts of services, for purposes that promote the functions of the Director pursuant to subsection (c) and the training responsibilities of the Director under subsection (d);

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

“(4) obligate funds in anticipation of reimbursements from agencies receiving training at FLETC, except that total obligations at the end of a fiscal year may not exceed total budgetary resources available at the end of such fiscal year;

“(5) in accordance with the purchasing authority provided under section 505 of the Department of Homeland Security Appropriations Act, 2004 (Public Law 108–90; 6 U.S.C. 453a)—

“(A) purchase employee and student uniforms; and

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

“(6) provide room and board for student interns; and

“(7) expend funds each fiscal year to honor and memorialize FLETC graduates who have died in the line of duty.

“(g) DEFINITIONS.—In this section:

“(1) BASIC TRAINING.—The term ‘basic training’ means the entry-level training required to instill in new Federal law enforcement personnel fundamental knowledge of criminal laws, law enforcement and investigative techniques, laws and rules of evidence, rules of criminal procedure, constitutional rights, search and seizure, and related issues.

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

“(3) DIRECTOR.—The term ‘Director’ means the Director of the Federal Law Enforcement Training Centers.

“(4) DISTRIBUTED LEARNING.—The term ‘distributed learning’ means education in which students take academic courses by accessing information and communicating with the instructor, from various locations, on an individual basis, over a computer network or via other technologies.

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

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

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

“(B) an independent establishment as defined in section 104 of title 5, United States Code;

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

“(D) the Government Printing Office;

“(E) the United States Capitol Police;

“(F) the United States Supreme Court Police; and

“(G) Government agencies with law enforcement related duties.

“(7) LAW ENFORCEMENT PERSONNEL.—The term ‘law enforcement personnel’ means an individual, including criminal investigators (commonly known as ‘agents’) and uniformed police (commonly known as ‘officers’), who has statutory authority to search, seize, make arrests, or to carry firearms.

“(8) LOCAL.—The term ‘local’ means—

“(A) of or pertaining to any county, parish, municipality, city, town, township, rural community, unincorporated town or village, local public authority, educational institution, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, any agency or instrumentality of a local government, or any other political subdivision of a State; and

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

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

“(10) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

“(11) STUDENT INTERN.—The term ‘student intern’ means any eligible baccalaureate or graduate degree student participating in FLETC’s College Intern Program.

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

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

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

PURPOSE AND SUMMARY

H.R. 3842 reforms and improves the Federal Law Enforcement Training Centers in the Department of Homeland Security (DHS). H.R. 3842 strengthens the role of the Director of Federal Law Enforcement Training Centers (FLETC) and improves training practices.

BACKGROUND AND NEED FOR LEGISLATION

Established in 1970, by Treasury Order 217, the FLETC was a bureau of the Treasury Department aimed at providing basic and advanced training to federal law enforcement personnel. With the formation of DHS, on March 1, 2003, FLETC was transferred to the Department to serve as an interagency law enforcement train-

ing organization for Federal, State, local, rural, Tribal, territorial, and international law enforcement personnel and partner organizations.

Since FLETC's move to DHS, legislation has not been introduced to reform and improve FLETC. Specifically, FLETC has yet to be reauthorized within the Department and has not had an opportunity to codify important authorities.

H.R. 3842 amends Section 884 of the Homeland Security Act of 2002 to improve domestic preparedness, prevention, and response to terrorism by establishing FLETC to provide consolidated and shared training to law enforcement agencies and partner organizations. H.R. 3842 lists ten functions to be carried out by the Director, including, but not limited to developing training goals and curricula, monitoring progress toward strategic and tactical curricula plans, and coordinating and sharing information with relevant component heads and offices on digital learning and training resources. Additionally, H.R. 3842 includes specific training responsibilities for the Director, FLETC, and partner organizations.

HEARINGS

No hearings were specifically held on H.R. 3842. However, the Committee held oversight hearings that are listed below.

On Thursday, May 24, 2005, the Subcommittee on Management, Integration, and Oversight of the Committee on Homeland Security held a hearing entitled "Training More Border Patrol Agents: How the Department of Homeland Security can Increase Training Capacity Most Effectively." The Subcommittee received testimony from Chief Tom Walters, Assistant Commissioner for Training and Development, U.S. Customs and Border Protection, Department of Homeland Security; Ms. Connie Patrick, Director, Federal Law Enforcement Training Center, Department of Homeland Security; Mr. T.J. Bonner, President, National Border Patrol Council; and Mr. Gary Jackson, President, Blackwater USA.

COMMITTEE CONSIDERATION

The Committee met on November 4, 2015, to consider H.R. 3842, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote. The Committee took the following actions:

The following amendments were offered:
An en bloc amendment offered by MRS. WATSON COLEMAN (#1);
was AGREED TO by voice vote.

Consisting of the following amendments:

Page 3, beginning line 14, insert the following (and redesignate subsequent paragraphs accordingly):

"(6) carry out acquisition responsibilities In a manner that—

"(A) fully complies with—

"(i) Federal law;

"(ii) the Federal Acquisition Regulation, including requirements regarding agency obligations to contract only with responsible prospective contractors; and

"(iii) Department acquisition management directives; and

"(B) ensures that a fair proportion of Federal contract and subcontract dollars are rewarded to small businesses, maximizes opportunities for small business participation, and ensures, to the extent practicable, that small businesses which achieve qualified vendor status for security-related technologies have an opportunity to compete for contracts for such technologies;"

Page 5, beginning line 5, strike paragraph (4) and insert a new paragraph entitled “(4) Strategic Partnerships.”

Page 5, beginning line 10, insert a new paragraph entitled “(5) FLETC Details to DHS.”

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives 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. 3842.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 3842, the Federal Law Enforcement Training Centers Reform and Improvement Act of 2015, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 13, 2015.

Hon. MICHAEL MCCAUL,
*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. 3842, the Federal Law Enforcement Training Centers Reform and Improvement Act of 2015.

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

Sincerely,

KEITH HALL.

Enclosure.

H.R. 3842—Federal Law Enforcement Training Centers Reform and Improvement Act of 2015

H.R. 3842 would aim to improve the effectiveness of the Federal Law Enforcement Training Center (FLETC) in the Department of Homeland Security; FLETC provides training to law enforcement agencies. FLETC is currently carrying out many activities similar to those required by the bill, and CBO estimates that implementing H.R. 3842 would not significantly affect spending by the center.

Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 3842 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

H.R. 3842 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 3842 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The purpose of H.R. 3842, Federal Law Enforcement Training Centers Reform and Improvement Act of 2015 is to reauthorize FLETC within the Department of Homeland Security and to codify important authorities.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 3842 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

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.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 3842 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 3842 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT
SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides that this bill may be cited as the “Federal Law Enforcement Training Centers Reform and Improvement Act of 2015”.

Sec. 2. Federal Law Enforcement Training Centers.

Section 2 amends Section 884 of the Homeland Security Act of 2002.

Sec. 2(a) Establishment.

Section 2(a) establishes the Federal Law Enforcement Training Centers (FLETC).

Sec. 2(b) Position.

Section 2(b) requires the Director of FLETC to serve a career reserved position within the Senior Executive Service.

Sec. 2(c) Functions of the Director.

Section 2(c) lays out 10 responsibilities of the Director, including, but not limited to developing training goals and curricula, monitoring progress toward strategic and tactical curricula plans, and coordinating and sharing information with relevant component heads and offices on digital learning and training resources.

This subsection also directs the Director of FLETC to conduct acquisition activities, as formally delegated, consistent with applicable Federal law, the Federal Acquisition Regulation, and DHS policy.

The Committee strongly encourages the Director to review the classification, pay, and fringe benefits of its workforce and recommend to the appropriate congressional committees any legislative changes, including changes to the compensation of FLETC personnel, deemed necessary to recruit new personnel as well as those transferring from other law enforcement agencies and retain workers with the skills and experience required to effectively support FLETC’s mission.

Sec. 2(d) Training Responsibilities.

Subsection 2(d) (1) authorizes the Director to provide training to employees of Federal agencies who are engaged in security or law enforcement activities. FLETC should ensure that its training enables law enforcement professionals to perform their duties in the safest possible manner, at the highest possible level of proficiency.

This subsection also requires the Director, while carrying out training, to examine law enforcement training methods, provide expertise and technical assistance, and to establish a student performance evaluation process that adheres to the standards and requirements set forth by FLETC.

Subsection 2(d) (2) directs the Director to consult with relevant law enforcement and security agencies in the development of FLETC’s training programs.

Subsection 2(d) (3) defines where FLETC training may occur. FLETC training may occur, but is not limited to its four main locations in Glynco, Georgia, Artesia, New Mexico, Charleston, South Carolina, and Cheltenham, Maryland.

Subsection 2(d) (4) authorizes the Director to execute strategic partnerships with state and local law enforcement. While executing strategic partnerships, the Committee encourages the promotion of interoperability, increased cooperation and intelligence-sharing in the field.

Subsection 2(d) (5) authorizes the Director to detail FLETC employees to positions throughout the Department.

Subsection 2(d) (6) through subsection 2(d) (12) provides for non-reimbursable detailed instructors to FLETC; lays out partner organization expense requirements; authorizes the Director to charge and retain fees for certain training; authorizes the Director to reimburse certain expenses; authorizes the Director to provide certain support to students; authorizes the Director to hire federal annuitants; and, provides for reimbursement of travel expenses for intermittent Federal employees.

Sec. 2(e) FLETC Housing.

Section 2(e) requires, when possible, students to reside at FLETC-provided housing.

Sec. 2(f) Additional Fiscal Authorities.

Section 2(f) authorizes the Director to expend funds for public awareness and community support, and obligate funds in anticipation of reimbursements, among other items. Additionally, this section allows FLETC to expend funds to honor and memorialize graduates who have died in the line of duty.

Sec. 2(g) Definitions.

Section 2(g) defines the terms: basic training; detailed instructors; Director; distributed learning; employee; Federal agency; law enforcement personnel; local; partner organization; state; and, student intern.

Sec. 2(h) Prohibition on New Funding.

Section 2(h) prohibits authorization of new funds to carry out section 2 of the bill. Existing appropriations will be used to carry out the requirements of the Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Homeland Security Act of 2002”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

*	*	*	*	*	*	*
TITLE VIII—COORDINATION WITH NON-FEDERAL ENTITIES; INSPECTOR GENERAL; UNITED STATES SECRET SERVICE; COAST GUARD; GENERAL PROVISIONS						
*	*	*	*	*	*	*
Subtitle H—Miscellaneous Provisions						
*	*	*	*	*	*	*
<p>【Sec. 884. Federal Law Enforcement Training Center.】 <i>Sec. 884. Federal Law Enforcement Training Centers.</i></p>						
*	*	*	*	*	*	*

TITLE VIII—COORDINATION WITH NON-FEDERAL ENTITIES; INSPECTOR GENERAL; UNITED STATES SECRET SERVICE; COAST GUARD; GENERAL PROVISIONS

* * * * *

Subtitle H—Miscellaneous Provisions

* * * * *

【SEC. 884. FEDERAL LAW ENFORCEMENT TRAINING CENTER.

【(a) IN GENERAL.—The transfer of an authority or an agency under this Act to the Department of Homeland Security does not affect training agreements already entered into with the Federal Law Enforcement Training Center with respect to the training of personnel to carry out that authority or the duties of that transferred agency.

【(b) CONTINUITY OF OPERATIONS.—All activities of the Federal Law Enforcement Training Center transferred to the Department of Homeland Security under this Act shall continue to be carried out at the locations such activities were carried out before such transfer.

【(c) ACCEPTANCE AND USE OF GIFTS.—The Federal Law Enforcement Training Center may accept and use gifts of property, both real and personal, and accept services, for authorized purposes.】

SEC. 884. FEDERAL LAW ENFORCEMENT TRAINING CENTERS.

(a) ESTABLISHMENT.—The Secretary shall maintain in the Department the Federal Law Enforcement Training Centers (FLETC), headed by a Director, who shall report to the Secretary.

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

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

- (1) develop training goals and establish strategic and tactical organizational program plan and priorities;*
- (2) provide direction and management for FLETC’s training facilities, programs, and support activities while ensuring that*

organizational program goals and priorities are executed in an effective and efficient manner;

(3) develop homeland security and law enforcement training curricula, including curricula related to domestic preparedness and response to threats or acts of terrorism, for Federal, State, local, tribal, territorial, and international law enforcement and security agencies and private sector security agencies;

(4) monitor progress toward strategic and tactical FLETC plans regarding training curricula, including curricula related to domestic preparedness and response to threats or acts of terrorism, and facilities;

(5) ensure the timely dissemination of homeland security information as necessary to Federal, State, local, tribal, territorial, and international law enforcement and security agencies and the private sector to achieve the training goals for such entities, in accordance with paragraph (1);

(6) carry out acquisition responsibilities in a manner that—

(A) fully complies with—

(i) Federal law;

(ii) the Federal Acquisition Regulation, including requirements regarding agency obligations to contract only with responsible prospective contractors; and

(iii) Department acquisition management directives; and

(B) ensures that a fair proportion of Federal contract and subcontract dollars are awarded to small businesses, maximizes opportunities for small business participation, and ensures, to the extent practicable, that small businesses which achieve qualified vendor status for security-related technologies have an opportunity to compete for contracts for such technologies;

(7) coordinate and share information with the heads of relevant components and offices on digital learning and training resources, as appropriate;

(8) advise the Secretary on matters relating to executive level policy and program administration of Federal, State, local, tribal, territorial, and international law enforcement and security training activities and private sector security agency training activities, including training activities related to domestic preparedness and response to threats or acts of terrorism;

(9) collaborate with the Secretary and relevant officials at other Federal departments and agencies, as appropriate, to improve international instructional development, training, and technical assistance provided by the Federal Government to foreign law enforcement; and

(10) carry out such other functions as the Secretary determines are appropriate.

(d) TRAINING RESPONSIBILITIES.—

(1) IN GENERAL.—The Director is authorized to provide training to employees of Federal agencies who are engaged, directly or indirectly, in homeland security operations or Federal law enforcement activities, including such operations or activities related to domestic preparedness and response to threats or acts of terrorism. In carrying out such training, the Director shall—

(A) evaluate best practices of law enforcement training methods and curriculum content to maintain state-of-the-art expertise in adult learning methodology;

(B) provide expertise and technical assistance, including on domestic preparedness and response to threats or acts of terrorism, to Federal, State, local, tribal, territorial, and international law enforcement and security agencies and private sector security agencies; and

(C) maintain a performance evaluation process for students.

(2) *RELATIONSHIP WITH LAW ENFORCEMENT AGENCIES.*—The Director shall consult with relevant law enforcement and security agencies in the development and delivery of FLETC's training programs.

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

(4) *STRATEGIC PARTNERSHIPS.*—

(A) *IN GENERAL.*—The Director may—

(i) execute strategic partnerships with State and local law enforcement to provide such law enforcement with specific training, including maritime law enforcement training; and

(ii) coordinate with the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department and with private sector stakeholders, including critical infrastructure owners and operators, to provide training pertinent to improving coordination, security, and resiliency of critical infrastructure.

(B) *PROVISION OF INFORMATION.*—The Director shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, upon request, information on activities undertaken in the previous year pursuant to subparagraph (A).

(5) *FLETC DETAILS TO DHS.*—The Director may detail employees of FLETC to positions throughout the Department in furtherance of improving the effectiveness and quality of training provided by the Department and, as appropriate, the development of critical departmental programs and initiatives.

(6) *DETAIL OF INSTRUCTORS TO FLETC.*—Partner organizations that wish to participate in FLETC training programs shall assign non-reimbursable detailed instructors to FLETC for designated time periods to support all training programs at FLETC, as appropriate. The Director shall determine the number of detailed instructors that is proportional to the number of training hours requested by each partner organization scheduled by FLETC for each fiscal year. If a partner organization is unable to provide a proportional number of detailed instructors, such partner organization shall reimburse FLETC for the salary equivalent for such detailed instructors, as appropriate.

(7) *PARTNER ORGANIZATION EXPENSES REQUIREMENTS.*—

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

(i) Salaries, travel expenses, lodging expenses, and miscellaneous per diem allowances of their personnel attending training courses at FLETC.

(ii) Salaries and travel expenses of instructors and support personnel involved in conducting advanced training at FLETC for partner organization personnel and the cost of expendable supplies and special equipment for such training, unless such supplies and equipment are common to FLETC-conducted training and have been included in FLETC's budget for the applicable fiscal year.

(B) EXCESS BASIC AND ADVANCED FEDERAL TRAINING.—All hours of advanced training and hours of basic training provided in excess of the training for which appropriations were made available shall be paid by the partner organizations and provided to FLETC on a reimbursable basis in accordance with section 4104 of title 5, United States Code.

(8) PROVISION OF NON-FEDERAL TRAINING.—

(A) IN GENERAL.—The Director is authorized to charge and retain fees that would pay for its actual costs of the training for the following:

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

(ii) Foreign law enforcement officials, including provision of such training at the International Law Enforcement Academies wherever established.

(iii) Private sector security officers, participants in the Federal Flight Deck Officer program under section 44921 of title 49, United States Code, and other appropriate private sector individuals.

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

(9) REIMBURSEMENT.—The Director is authorized to reimburse travel or other expenses for non-Federal personnel who attend activities related to training sponsored by FLETC, at travel and per diem rates established by the General Services Administration.

(10) STUDENT SUPPORT.—In furtherance of its training mission, the Director is authorized to provide the following support to students:

(A) Athletic and related activities.

(B) Short-term medical services.

(C) Chaplain services.

(11) AUTHORITY TO HIRE FEDERAL ANNUITANTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Director is authorized to appoint and maintain, as necessary, Federal annuitants who have expert knowledge and experience to meet the training responsibilities under this subsection.

(B) NO REDUCTION IN RETIREMENT PAY.—A Federal annuitant employed pursuant to this paragraph shall not be subject to any reduction in pay for annuity allocable to the period of actual employment under the provisions of section

8344 or 8468 of title 5, United States Code, or similar provision of any other retirement system for employees.

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

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

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

(12) *TRAVEL FOR INTERMITTENT EMPLOYEES.*—The Director is authorized to reimburse intermittent Federal employees traveling from outside a commuting distance (to be predetermined by the Director) for travel expenses and to compensate such employees for time spent traveling from their homes to work sites.

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

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

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

(2) accept and use gifts of property, both real and personal, and to accept gifts of services, for purposes that promote the functions of the Director pursuant to subsection (c) and the training responsibilities of the Director under subsection (d);

(3) accept reimbursement from other Federal agencies for the construction or renovation of training and support facilities and the use of equipment and technology on government owned-property;

(4) obligate funds in anticipation of reimbursements from agencies receiving training at FLETC, except that total obligations at the end of a fiscal year may not exceed total budgetary resources available at the end of such fiscal year;

(5) in accordance with the purchasing authority provided under section 505 of the Department of Homeland Security Appropriations Act, 2004 (Public Law 108–90; 6 U.S.C. 453a)—

(A) purchase employee and student uniforms; and

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

(6) provide room and board for student interns; and

(7) expend funds each fiscal year to honor and memorialize FLETC graduates who have died in the line of duty.

(g) *DEFINITIONS.*—In this section:

(1) *BASIC TRAINING.*—The term “basic training” means the entry-level training required to instill in new Federal law enforcement personnel fundamental knowledge of criminal laws, law enforcement and investigative techniques, laws and rules of evidence, rules of criminal procedure, constitutional rights, search and seizure, and related issues.

(2) *DETAILED INSTRUCTORS.*—The term “detailed instructors” means personnel who are assigned to the Federal Law Enforcement Training Centers for a period of time to serve as instructors for the purpose of conducting basic and advanced training.

(3) *DIRECTOR.*—The term “Director” means the Director of the Federal Law Enforcement Training Centers.

(4) *DISTRIBUTED LEARNING.*—The term “distributed learning” means education in which students take academic courses by accessing information and communicating with the instructor, from various locations, on an individual basis, over a computer network or via other technologies.

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

(6) *FEDERAL AGENCY.*—The term “Federal agency” means—

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

(B) an independent establishment as defined in section 104 of title 5, United States Code;

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

(D) the Government Printing Office;

(E) the United States Capitol Police;

(F) the United States Supreme Court Police; and

(G) Government agencies with law enforcement related duties.

(7) *LAW ENFORCEMENT PERSONNEL.*—The term “law enforcement personnel” means an individual, including criminal investigators (commonly known as “agents”) and uniformed police (commonly known as “officers”), who has statutory authority to search, seize, make arrests, or to carry firearms.

(8) *LOCAL.*—The term “local” means—

(A) of or pertaining to any county, parish, municipality, city, town, township, rural community, unincorporated town or village, local public authority, educational institution, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, any agency or instrumentality of a local government, or any other political subdivision of a State; and

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

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

(10) *STATE.*—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

(11) *STUDENT INTERN.*—The term “student intern” means any eligible baccalaureate or graduate degree student participating in FLETC’s College Intern Program.

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

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COMMITTEE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 19, 2015.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN MCCAUL: I am writing concerning H.R. 3842, the “Federal Law Enforcement Training Centers Reform and Improvement Act of 2015.” As a result of your having consulted with us on provisions in H.R. 3842 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I agree to discharge our Committee from further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 3842 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and asks that you support any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 3842, and would ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during floor consideration.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, November 19, 2015.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN GOODLATTE: Thank you for your letter regarding HR. 3842, the “Federal Law Enforcement Training Centers Reform and Improvement Act of 2015.” I acknowledge that by forgoing action on this legislation your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on the Judiciary with respect

to its jurisdictional prerogatives on this bill or similar legislation in the future. Furthermore, I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation.

I will include copies of this exchange in the *Congressional Record* during consideration of this measure on the House floor. I appreciate your cooperation regarding H.R. 3842, and I look forward to working with the Committee on the Judiciary as the bill moves through the legislative process.

Sincerely,

MICHAEL T. MCCAUL,
Chairman, Committee on Homeland Security.

