

integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of the Homeland Security Act of 2002 (Public Law 107-296) [6 U.S.C. 462]”.

§ 463. Requirement to comply with laws protecting equal employment opportunity and providing whistleblower protections

Nothing in this chapter shall be construed as exempting the Department from requirements applicable with respect to executive agencies—

(1) to provide equal employment protection for employees of the Department (including pursuant to the provisions in section 2302(b)(1) of title 5 and the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (Public Law 107-174)); or

(2) to provide whistleblower protections for employees of the Department (including pursuant to the provisions in section 2302(b)(8) and (9) of such title and the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002).

(Pub. L. 107-296, title VIII, § 883, Nov. 25, 2002, 116 Stat. 2247.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in introductory provisions, was in the original “this Act”, meaning Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, referred to in pars. (1) and (2), is Pub. L. 107-174, May 15, 2002, 116 Stat. 566, which is set out as a note under section 2301 of Title 5, Government Organization and Employees. For complete classification of this Act to the Code, see Tables.

§ 464. 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 delegated 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) maximizes opportunities for small business participation;

(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 Director of the Cybersecurity and Infrastructure Security Agency 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 allow-

ances 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.

(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, 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 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 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.

(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;¹

(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 453a of this title—

(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.

(6) Federal agency

The term “Federal agency” means—

(A) an Executive Department as defined in section 101 of title 5;

(B) an independent establishment as defined in section 104 of title 5;

(C) a Government corporation as defined in section 9101 of title 31;

(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

¹So in original. Probably should be “Government-owned property.”

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.

(Pub. L. 107–296, title VIII, § 884, Nov. 25, 2002, 116 Stat. 2247; Pub. L. 111–245, § 2(a)(3), Sept. 30, 2010, 124 Stat. 2621; Pub. L. 114–285, § 2(a), Dec. 16, 2016, 130 Stat. 1453; Pub. L. 115–278, § 2(g)(5)(A), Nov. 16, 2018, 132 Stat. 4178; Pub. L. 117–263, div. G, title LXXI, § 7143(c)(2), Dec. 23, 2022, 136 Stat. 3662.)

Editorial Notes

AMENDMENTS

2022—Subsec. (d)(4)(A)(ii). Pub. L. 117–263 substituted “Director of the Cybersecurity and Infrastructure Security Agency” for “Director of Cybersecurity and Infrastructure Security”.

2018—Subsec. (d)(4)(A)(ii). Pub. L. 115–278 substituted “Director of Cybersecurity and Infrastructure Security” for “Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department”.

2016—Pub. L. 114–285 amended section generally. Prior to amendment, section related to the Federal Law Enforcement Training Center.

2010—Subsec. (c). Pub. L. 111–245 added subsec. (c).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Government Printing Office redesignated Government Publishing Office. See section 1301(b) of Pub. L. 113–235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

RULE OF CONSTRUCTION

Nothing in amendment made by Pub. L. 117–263 to be construed to alter the authorities, responsibilities, functions, or activities of any agency (as such term is defined in 44 U.S.C. 3502) or officer or employee of the United States on or before Dec. 23, 2022, see section

7143(f)(1) of Pub. L. 117–263, set out in a note under section 650 of this title.

STANDARDS FOR MEASURING AND ASSESSING THE QUALITY AND EFFECTIVENESS OF FEDERAL LAW ENFORCEMENT TRAINING

Pub. L. 108–334, title V, § 506, Oct. 18, 2004, 118 Stat. 1316, provided that: “The Federal Law Enforcement Training Center shall establish an accrediting body, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108–90, title V, § 509, Oct. 1, 2003, 117 Stat. 1154.

Pub. L. 108–7, div. J, title I, § 122, Feb. 20, 2003, 117 Stat. 439.

ANNUAL OUTSTANDING STUDENT AWARD

Pub. L. 108–7, div. J, title I, Feb. 20, 2003, 117 Stat. 431, provided in part: “That the [Federal Law Enforcement Training] Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center’s gift authority”.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 107–67, title I, Nov. 12, 2001, 115 Stat. 516.

Pub. L. 106–554, § 1(a)(3) [title I], Dec. 21, 2000, 114 Stat. 2763, 2763A–127.

Pub. L. 106–58, title I, Sept. 29, 1999, 113 Stat. 432.

Pub. L. 105–277, div. A, § 101(h) [title I], Oct. 21, 1998, 112 Stat. 2681–480, 2681–483.

Pub. L. 105–61, title I, Oct. 10, 1997, 111 Stat. 1275.

Pub. L. 104–208, div. A, title I, § 101(f) [title I], Sept. 30, 1996, 110 Stat. 3009–314, 3009–317.

Pub. L. 104–52, title I, Nov. 19, 1995, 109 Stat. 470.

Pub. L. 103–329, title I, Sept. 30, 1994, 108 Stat. 2383.

Pub. L. 103–123, title I, Oct. 28, 1993, 107 Stat. 1227.

Pub. L. 102–393, title I, Oct. 6, 1992, 106 Stat. 1730.

Pub. L. 102–141, title I, Oct. 28, 1991, 105 Stat. 835.

Pub. L. 101–509, title I, Nov. 5, 1990, 104 Stat. 1390.

Pub. L. 101–136, title I, Nov. 3, 1989, 103 Stat. 784.

§ 464a. Repealed. Pub. L. 111–245, § 2(b)(2), Sept. 30, 2010, 124 Stat. 2621

Section, Pub. L. 108–90, title IV, Oct. 1, 2003, 117 Stat. 1150, related to Federal Law Enforcement Training Center’s acceptance and use of gifts. See section 464(f)(2) of this title.

§ 464b. Staffing accreditation function

In fiscal year 2004 and thereafter, the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function.

(Pub. L. 108–90, title IV, Oct. 1, 2003, 117 Stat. 1150.)

Editorial Notes

REFERENCES IN TEXT

The Center, referred to in text, means the Federal Law Enforcement Training Center.

CODIFICATION

Section was enacted as part of the Department of Homeland Security Appropriations Act, 2004, and not as