

**Suspend the Rules and Pass the Bill, H. R. 3842, With an  
Amendment**

**(The amendment strikes all after the enacting clause and inserts a  
new text)**

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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.

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## 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

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## **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”.

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

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

11 **“SEC. 884. FEDERAL LAW ENFORCEMENT TRAINING CEN-**  
12 **TERS.**

13 “(a) ESTABLISHMENT.—The Secretary shall main-  
14 tain in the Department the Federal Law Enforcement  
15 Training Centers (FLETC), headed by a Director, who  
16 shall report to the Secretary.

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

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

21 “(1) develop training goals and establish stra-  
22 tegic and tactical organizational program plan and  
23 priorities;

24 “(2) provide direction and management for  
25 FLETC’s training facilities, programs, and support

1 activities while ensuring that organizational program  
2 goals and priorities are executed in an effective and  
3 efficient manner;

4 “(3) develop homeland security and law en-  
5 forcement training curricula, including curricula re-  
6 lated to domestic preparedness and response to  
7 threats or acts of terrorism, for Federal, State, local,  
8 tribal, territorial, and international law enforcement  
9 and security agencies and private sector security  
10 agencies;

11 “(4) monitor progress toward strategic and tac-  
12 tical FLETC plans regarding training curricula, in-  
13 cluding curricula related to domestic preparedness  
14 and response to threats or acts of terrorism, and fa-  
15 cilities;

16 “(5) ensure the timely dissemination of home-  
17 land security information as necessary to Federal,  
18 State, local, tribal, territorial, and international law  
19 enforcement and security agencies and the private  
20 sector to achieve the training goals for such entities,  
21 in accordance with paragraph (1);

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

24 “(A) fully complies with—

25 “(i) Federal law;

1                   “(ii) the Federal Acquisition Regula-  
2                   tion, including requirements regarding  
3                   agency obligations to contract only with re-  
4                   sponsible prospective contractors; and

5                   “(iii) Department acquisition manage-  
6                   ment directives; and

7                   “(B) ensures that a fair proportion of Fed-  
8                   eral contract and subcontract dollars are award-  
9                   ed to small businesses, maximizes opportunities  
10                  for small business participation, and ensures, to  
11                  the extent practicable, that small businesses  
12                  which achieve qualified vendor status for secu-  
13                  rity-related technologies have an opportunity to  
14                  compete for contracts for such technologies;

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

18                  “(8) advise the Secretary on matters relating to  
19                  executive level policy and program administration of  
20                  Federal, State, local, tribal, territorial, and inter-  
21                  national law enforcement and security training ac-  
22                  tivities and private sector security agency training  
23                  activities, including training activities related to do-  
24                  mestic preparedness and response to threats or acts  
25                  of terrorism;

1           “(9) collaborate with the Secretary and relevant  
2 officials at other Federal departments and agencies,  
3 as appropriate, to improve international instruc-  
4 tional development, training, and technical assist-  
5 ance provided by the Federal Government to foreign  
6 law enforcement; and

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

9           “(d) TRAINING RESPONSIBILITIES.—

10           “(1) IN GENERAL.—The Director is authorized  
11 to provide training to employees of Federal agencies  
12 who are engaged, directly or indirectly, in homeland  
13 security operations or Federal law enforcement ac-  
14 tivities, including such operations or activities re-  
15 lated to domestic preparedness and response to  
16 threats or acts of terrorism. In carrying out such  
17 training, the Director shall—

18           “(A) evaluate best practices of law enforce-  
19 ment training methods and curriculum content  
20 to maintain state-of-the-art expertise in adult  
21 learning methodology;

22           “(B) provide expertise and technical assist-  
23 ance, including on domestic preparedness and  
24 response to threats or acts of terrorism, to Fed-  
25 eral, State, local, tribal, territorial, and inter-

1 national law enforcement and security agencies  
2 and private sector security agencies; and

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

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

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

13 “(4) STRATEGIC PARTNERSHIPS.—

14 “(A) IN GENERAL.—The Director may—

15 “(i) execute strategic partnerships  
16 with State and local law enforcement to  
17 provide such law enforcement with specific  
18 training, including maritime law enforce-  
19 ment training; and

20 “(ii) coordinate with the Under Sec-  
21 retary responsible for overseeing critical in-  
22 frastructure protection, cybersecurity, and  
23 other related programs of the Department  
24 and with private sector stakeholders, in-  
25 cluding critical infrastructure owners and

1 operators, to provide training pertinent to  
2 improving coordination, security, and resil-  
3 iency of critical infrastructure.

4 “(B) PROVISION OF INFORMATION.—The  
5 Director shall provide to the Committee on  
6 Homeland Security of the House of Representa-  
7 tives and the Committee on Homeland Security  
8 and Governmental Affairs of the Senate, upon  
9 request, information on activities undertaken in  
10 the previous year pursuant to subparagraph  
11 (A).

12 “(5) FLETC DETAILS TO DHS.—The Director  
13 may detail employees of FLETC to positions  
14 throughout the Department in furtherance of im-  
15 proving the effectiveness and quality of training pro-  
16 vided by the Department and, as appropriate, the  
17 development of critical departmental programs and  
18 initiatives.

19 “(6) DETAIL OF INSTRUCTORS TO FLETC.—  
20 Partner organizations that wish to participate in  
21 FLETC training programs shall assign non-reim-  
22 bursable detailed instructors to FLETC for des-  
23 ignated time periods to support all training pro-  
24 grams at FLETC, as appropriate. The Director  
25 shall determine the number of detailed instructors

1 that is proportional to the number of training hours  
2 requested by each partner organization scheduled by  
3 FLETC for each fiscal year. If a partner organiza-  
4 tion is unable to provide a proportional number of  
5 detailed instructors, such partner organization shall  
6 reimburse FLETC for the salary equivalent for such  
7 detailed instructors, as appropriate.

8 “(7) PARTNER ORGANIZATION EXPENSES RE-  
9 QUIREMENTS.—

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

12 “(i) Salaries, travel expenses, lodging  
13 expenses, and miscellaneous per diem al-  
14 lowances of their personnel attending  
15 training courses at FLETC.

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

1           “(B) EXCESS BASIC AND ADVANCED FED-  
2 ERAL TRAINING.—All hours of advanced train-  
3 ing and hours of basic training provided in ex-  
4 cess of the training for which appropriations  
5 were made available shall be paid by the part-  
6 ner organizations and provided to FLETC on a  
7 reimbursable basis in accordance with section  
8 4104 of title 5, United States Code.

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

10           “(A) IN GENERAL.—The Director is au-  
11 thorized to charge and retain fees that would  
12 pay for its actual costs of the training for the  
13 following:

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

16           “(ii) Foreign law enforcement offi-  
17 cials, including provision of such training  
18 at the International Law Enforcement  
19 Academies wherever established.

20           “(iii) Private sector security officers,  
21 participants in the Federal Flight Deck  
22 Officer program under section 44921 of  
23 title 49, United States Code, and other ap-  
24 propriate private sector individuals.

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

6           “(9) REIMBURSEMENT.—The Director is au-  
7           thorized to reimburse travel or other expenses for  
8           non-Federal personnel who attend activities related  
9           to training sponsored by FLETC, at travel and per  
10          diem rates established by the General Services Ad-  
11          ministration.

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

15                  “(A) Athletic and related activities.

16                  “(B) Short-term medical services.

17                  “(C) Chaplain services.

18          “(11) AUTHORITY TO HIRE FEDERAL ANNU-  
19          ITANTS.—

20                  “(A) IN GENERAL.—Notwithstanding any  
21                  other provision of law, the Director is author-  
22                  ized to appoint and maintain, as necessary,  
23                  Federal annuitants who have expert knowledge  
24                  and experience to meet the training responsibil-  
25                  ities under this subsection.

1           “(B) NO REDUCTION IN RETIREMENT  
2 PAY.—A Federal annuitant employed pursuant  
3 to this paragraph shall not be subject to any re-  
4 duction in pay for annuity allocable to the pe-  
5 riod of actual employment under the provisions  
6 of section 8344 or 8468 of title 5, United  
7 States Code, or similar provision of any other  
8 retirement system for employees.

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

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

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

21           “(12) TRAVEL FOR INTERMITTENT EMPLOY-  
22 EES.—The Director is authorized to reimburse inter-  
23 mittent Federal employees traveling from outside a  
24 commuting distance (to be predetermined by the Di-  
25 rector) for travel expenses and to compensate such

1 employees for time spent traveling from their homes  
2 to work sites.

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

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

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

15 “(2) accept and use gifts of property, both real  
16 and personal, and to accept gifts of services, for pur-  
17 poses that promote the functions of the Director  
18 pursuant to subsection (c) and the training respon-  
19 sibilities of the Director under subsection (d);

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

24 “(4) obligate funds in anticipation of reim-  
25 bursements from agencies receiving training at

1 FLETC, except that total obligations at the end of  
2 a fiscal year may not exceed total budgetary re-  
3 sources available at the end of such fiscal year;

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

8 “(A) purchase employee and student uni-  
9 forms; and

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

12 “(6) provide room and board for student in-  
13 terns; and

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

17 “(g) DEFINITIONS.—In this section:

18 “(1) BASIC TRAINING.—The term ‘basic train-  
19 ing’ means the entry-level training required to instill  
20 in new Federal law enforcement personnel funda-  
21 mental knowledge of criminal laws, law enforcement  
22 and investigative techniques, laws and rules of evi-  
23 dence, rules of criminal procedure, constitutional  
24 rights, search and seizure, and related issues.

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

6           “(3) DIRECTOR.—The term ‘Director’ means  
7           the Director of the Federal Law Enforcement Train-  
8           ing Centers.

9           “(4) DISTRIBUTED LEARNING.—The term ‘dis-  
10          tributed learning’ means education in which students  
11          take academic courses by accessing information and  
12          communicating with the instructor, from various lo-  
13          cations, on an individual basis, over a computer net-  
14          work or via other technologies.

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

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

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

22                 “(B) an independent establishment as de-  
23                 fined in section 104 of title 5, United States  
24                 Code;

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

3           “(D) the Government Printing Office;

4           “(E) the United States Capitol Police;

5           “(F) the United States Supreme Court Po-  
6           lice; and

7           “(G) Government agencies with law en-  
8           forcement related duties.

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

15          “(8) LOCAL.—The term ‘local’ means—

16               “(A) of or pertaining to any county, par-  
17               ish, municipality, city, town, township, rural  
18               community, unincorporated town or village,  
19               local public authority, educational institution,  
20               special district, intrastate district, council of  
21               governments (regardless of whether the council  
22               of governments is incorporated as a nonprofit  
23               corporation under State law), regional or inter-  
24               state government entity, any agency or instru-

1           mentality of a local government, or any other  
2           political subdivision of a State; and

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

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

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

16          “(11) STUDENT INTERN.—The term ‘student  
17          intern’ means any eligible baccalaureate or graduate  
18          degree student participating in FLETC’s College In-  
19          tern Program.

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

24          (b) CLERICAL AMENDMENT.—The table of contents  
25          in section 1(b) of the Homeland Security Act of 2002 is

- 1 amended by amending the item relating to section 884 to
- 2 read as follows:

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