

114TH CONGRESS
2D SESSION

S. 2781

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Law Enforce-
3 ment Training Centers Reform and Improvement Act of
4 2016”.

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

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

9 **“SEC. 884. FEDERAL LAW ENFORCEMENT TRAINING CEN-
10 TERS.**

11 “(a) ESTABLISHMENT.—The Secretary shall main-
12 tain in the Department the Federal Law Enforcement
13 Training Centers (referred to in this section as ‘FLETC’),
14 headed by a Director, who shall report to the Secretary.

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

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

19 “(1) develop training goals and establish stra-
20 tegic and tactical organizational program plans and
21 priorities;

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

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

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

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

19 “(6) carry out delegated acquisition responsibil-
20 ities in a manner that—

21 “(A) fully complies with—

22 “(i) Federal law;

23 “(ii) the Federal Acquisition Regula-
24 tion, including requirements regarding

1 agency obligations to contract only with re-
2 sponsible prospective contractors; and

3 “(iii) Department acquisition manage-
4 ment directives; and

5 “(B) maximizes opportunities for small
6 business participation;

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

10 “(8) advise the Secretary on matters relating to
11 executive level policy and program administration of
12 Federal, State, local, tribal, territorial, and inter-
13 national law enforcement and security training ac-
14 tivities and private sector security agency training
15 activities, including training activities related to do-
16 mestic preparedness and response to threats or acts
17 of terrorism;

18 “(9) collaborate with the Secretary and relevant
19 officials at other Federal departments and agencies,
20 as appropriate, to improve international instruc-
21 tional development, training, and technical assist-
22 ance provided by the Federal Government to foreign
23 law enforcement; and

24 “(10) 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, and inter-
18 national law enforcement and security agencies
19 and private sector security 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.—

6 “(A) IN GENERAL.—The Director may—

7 “(i) execute strategic partnerships
8 with State and local law enforcement to
9 provide such law enforcement with specific
10 training, including maritime law enforce-
11 ment training; and

12 “(ii) coordinate with the Under Sec-
13 retary responsible for overseeing critical in-
14 frastructure protection, cybersecurity, and
15 other related programs of the Department
16 and with private sector stakeholders, in-
17 cluding critical infrastructure owners and
18 operators, to provide training pertinent to
19 improving coordination, security, and resil-
20 iency of critical infrastructure.

21 “(B) PROVISION OF INFORMATION.—The
22 Director shall provide to the Committee on
23 Homeland Security of the House of Representa-
24 tives and the Committee on Homeland Security
25 and Governmental Affairs of the Senate, upon

1 request, information on activities undertaken in
2 the previous year pursuant to subparagraph
3 (A).

4 “(5) FLETC DETAILS TO DHS.—The Director
5 may detail employees of FLETC to positions
6 throughout the Department in furtherance of im-
7 proving the effectiveness and quality of training pro-
8 vided by the Department and, as appropriate, the
9 development of critical departmental programs and
10 initiatives.

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

1 “(7) PARTNER ORGANIZATION EXPENSES RE-
2 QUIREMENTS.—

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

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

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

19 “(B) EXCESS BASIC AND ADVANCED FED-
20 ERAL TRAINING.—All hours of advanced train-
21 ing and hours of basic training provided in ex-
22 cess of the training for which appropriations
23 were made available shall be paid by the part-
24 ner organizations and provided to FLETC on a

1 reimbursable basis in accordance with section
2 4104 of title 5, United States Code.

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

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

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

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

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

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

24 “(9) REIMBURSEMENT.—The Director is au-
25 thorized to reimburse travel or other expenses for

1 non-Federal personnel who attend activities related
2 to training sponsored by FLETC, at travel and per
3 diem rates established by the General Services Ad-
4 ministration.

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

8 “(A) Athletic and related activities.

9 “(B) Short-term medical services.

10 “(C) Chaplain services.

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

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

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

1 States Code, or similar provisions of any other
2 retirement system for employees.

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

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

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

15 “(12) TRAVEL FOR INTERMITTENT EMPLOY-
16 EES.—The Director is authorized to reimburse inter-
17 mittent Federal employees traveling from outside a
18 commuting distance (to be predetermined by the Di-
19 rector) for travel expenses.

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

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

10 “(g) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

19 “(D) the Government Printing Office;

20 “(E) the United States Capitol Police;

21 “(F) the United States Supreme Court Po-
22 lice; and

23 “(G) Government agencies with law en-
24 forcement related duties.

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

7 “(8) LOCAL.—The term ‘local’ means—

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

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

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

1 “(10) STATE.—The term ‘State’ means any
2 State of the United States, the District of Columbia,
3 the Commonwealth of Puerto Rico, the Virgin Is-
4 lands, Guam, American Samoa, the Commonwealth
5 of the Northern Mariana Islands, and any possession
6 of the United States.

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

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

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

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

Passed the Senate December 10 (legislative day, De-
cember 9), 2016.

Attest:

Secretary.

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AN ACT

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.