

114TH CONGRESS  
2D SESSION

# S. 2781

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 SENATE OF THE UNITED STATES

APRIL 12, 2016

Mr. PERDUE (for himself, Mr. ISAKSON, Mr. UDALL, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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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 2016”.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(A) fully complies with—

18 “(i) Federal law;

19 “(ii) the Federal Acquisition Regula-  
20 tion, including requirements regarding  
21 agency obligations to contract only with re-  
22 sponsible prospective contractors; and

23 “(iii) Department acquisition manage-  
24 ment directives; and

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

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

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

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

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

3           “(d) TRAINING RESPONSIBILITIES.—

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

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

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

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

24           “(2) RELATIONSHIP WITH LAW ENFORCEMENT  
25          AGENCIES.—The Director shall consult with relevant

1 law enforcement and security agencies in the devel-  
2 opment and delivery of FLETC’s training programs.

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

7 “(4) STRATEGIC PARTNERSHIPS.—

8 “(A) IN GENERAL.—The Director may—

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

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

23 “(B) PROVISION OF INFORMATION.—The  
24 Director shall provide to the Committee on  
25 Homeland Security of the House of Representa-

1           tives and the Committee on Homeland Security  
2           and Governmental Affairs of the Senate, upon  
3           request, information on activities undertaken in  
4           the previous year pursuant to subparagraph  
5           (A).

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

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

1 reimburse FLETC for the salary equivalent for such  
2 detailed instructors, as appropriate.

3 “(7) PARTNER ORGANIZATION EXPENSES RE-  
4 QUIREMENTS.—

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

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

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

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



1           ner organizations and provided to FLETC on a  
2           reimbursable basis in accordance with section  
3           4104 of title 5, United States Code.

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

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

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

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

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

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

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

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

10                   “(A) Athletic and related activities.

11                   “(B) Short-term medical services.

12                   “(C) Chaplain services.

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

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

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

1 of section 8344 or 8468 of title 5, United  
2 States Code, or similar provisions of any other  
3 retirement system for employees.

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

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

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

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

23 “(e) ON-FLETC HOUSING.—Notwithstanding any  
24 other provision of law, individuals attending training at  
25 any FLETC facility shall, to the extent practicable and

1 in accordance with FLETC policy, reside in on-FLETC  
2 or FLETC-provided housing.

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

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

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

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

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

24 “(5) in accordance with the purchasing author-  
25 ity provided under section 505 of the Department of

1 Homeland Security Appropriations Act, 2004 (Pub-  
2 lic Law 108–90; 6 U.S.C. 453a)—

3 “(A) purchase employee and student uni-  
4 forms; and

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

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

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

12 “(g) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

17                   “(B) an independent establishment as de-  
18 fined in section 104 of title 5, United States  
19 Code;

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

22                   “(D) the Government Printing Office;

23                   “(E) the United States Capitol Police;

24                   “(F) the United States Supreme Court Po-  
25 lice; and

1           “(G) Government agencies with law en-  
2           forcement related duties.

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

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

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

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

24           “(9) PARTNER ORGANIZATION.—The term  
25           ‘partner organization’ means any Federal agency

1 participating in FLETC’s training programs under  
2 a formal memorandum of understanding.

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

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

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

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

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

○