

**ENSURING WE HAVE WELL-TRAINED BOOTS ON  
THE GROUND AT THE BORDER**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON MANAGEMENT,  
INVESTIGATIONS, AND OVERSIGHT

OF THE

COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES

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(II)

# CONTENTS

	Page
STATEMENTS	
The Honorable Christopher P. Carney, a Representative in Congress From the State of Pennsylvania, and Chairman, Subcommittee on Management, Investigations, and Oversight .....	1
The Honorable Mike Rogers, a Representative in Congress From the State of Alabama, and Ranking Member, Subcommittee on Management, Investigations, and Oversight .....	2
The Honorable Ed Perlmutter, a Representative in Congress From the State Colorado .....	29
WITNESSES	
PANEL I	
Mr. T.J. Bonner, President, National Border Patrol Council, American Federation of Government Employees:	
Oral Statement .....	13
Prepared Statement .....	15
Ms. Colleen M. Kelley, National President, The National Treasury Employees Union:	
Oral Statement .....	3
Prepared Statement .....	5
Mr. Robert B. Rosenkranz, Senior Vice-President, Government Services Division, DynCorp International:	
Oral Statement .....	17
Prepared Statement .....	19
PANEL II	
Ms. Cynthia Atwood, Assistant Director, Field Training Directorate, Federal Law Enforcement Training Center, Department of Homeland Security:	
Oral Statement .....	58
Prepared Statement .....	59
Mr. Art Morgan, Director, Field Operations Academy, Customs and Border protection:	
Oral Statement .....	52
Prepared Statement .....	55
Mr. Richard M. Stana, Director, Homeland Security and Justice, Government Accountability Office:	
Oral Statement .....	37
Prepared Statement .....	39
Chief Charlie Whitmire, Director, Border Patrol Training Academy, Customs and Border Protection, Department of Homeland Security:	
Oral Statement .....	53
Prepared Statement .....	55
APPENDIX	
Additional Questions and Responses:	
Responses from Ms. Colleen M. Kelley .....	73
Responses from Mr. Robert B. Rosenkranz .....	74
Responses from Chief Charlie Whitmire .....	75



## ENSURING WE HAVE WELL-TRAINED BOOTS ON THE GROUND AT THE BORDER

Tuesday, June 19, 2007

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS  
AND OVERSIGHT,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 11:04 a.m., in room 311, Cannon House Office Building, Hon. Christopher Carney [chairman of the subcommittee] presiding.

Present: Representatives Carney, Perlmutter, and Rogers.

Mr. CARNEY. [Presiding.] The Subcommittee on Management, Investigations and Oversight will come to order.

The subcommittee is meeting today to receive testimony on "Ensuring We Have Well-Trained Boots on the Ground at the Border."

For some time now, I have been listening to my constituents' concerns about immigration and potential reforms to the system. Not surprisingly, border security is one of their prime concerns. This conversation has gone national, and that is a good thing. All Americans should be worried about our porous borders.

But these discussions mean nothing if we can't hire and retain the personnel we need to keep our borders secure, and personnel are only as good as their training. That is why we are holding this hearing today.

The Customs and Border Patrol force is one of the best agencies in DHS and the Federal Government. Border Patrol agents train at the elite Border Patrol Training Academy, and customs and border protection officers are trained by the Federal Law Enforcement Training Center.

But it is no secret that CBP as a whole lacks the manpower to fulfill its crucial mission. Currently, there are about 13,500 Border Patrol officers on the ground and only 18,000 customs and border protection officers who are responsible for inspections at more than 300 official ports of entry. The administration urged for, and the last Congress authorized but failed to fund, an additional 10,000 Border Patrol agents. I haven't been here more than 6 months, but I know the money is always hard to find.

I was happy to be able to support the fiscal year 2008 homeland security appropriations bill last week, which provides funding for about 3,000 more Border Patrol officers and 400 to 450 more CBPOs. I am hopeful that we can continue down this road in the coming years and fully fund all 10,000 of the new positions.

My constituents are certainly fiscally conservative, and so am I, but when they talk with me about immigration reform and border security, the cost of training and retaining CBP agents is not their primary concern. They want secure borders and the peace of mind that comes with them.

Aside from funding more boots on the ground, we must also ensure funding for our Federal law enforcement training apparatus. Without adequate training capacity and infrastructure, the staffing levels needed to enforce our immigration laws and secure our border will simply be insufficient.

Even with the best training, CBP still faces annual attrition due to retirements and transfers. This subcommittee and the full committee have been continually examining the morale problems within DHS, but CBP personnel are so good at what they do, they are being recruited to join other law enforcement agencies. We have spent enough time and money on their training that we must do everything we can in order to keep retention up.

I look forward to hearing from our distinguished witnesses.

The chair now recognizes the ranking member of the subcommittee, the gentleman from Alabama, Mr. Rogers, for an opening statement.

Mr. ROGERS. I thank Chairman Carney for holding this hearing that I had asked for earlier this year.

I would like to thank the witnesses for taking the time to be with us. I know you are all busy.

We also are welcoming back to the subcommittee the president of NTEU and the president of the National Border Patrol Council, who also testified on this very topic 2 years ago.

In 2004, the Congress authorized 2,000 new Border Patrol agents for fiscal years 2006 through 2010, for a total of 10,000 agents over 5 years.

At that time, I raised concerns that the Department of Homeland Security lacked the capacity and the ability to hire and train this many agents in such a short period of time. Therefore, this subcommittee held a hearing in May of 2005 to examine in detail the capacity and cost of training new Border Patrol agents.

At that time, we heard startling testimony from an assistant commissioner of Customs and Border Protection who said that it cost \$179,000 to train, hire, equip and deploy just one Border Patrol agent. As a part of its review, the subcommittee was informed that the cost per agent could actually range from \$150,000 to \$190,000 per agent. Today, we explore whether any progress has been made to rein in those costs.

Also in our 2005 hearing, we heard from the director of FLETC that she was confident that the expansion of the Border Patrol Training Academy could keep up with the influx of new trainees. Last August, I toured the academy at Artesia, New Mexico, and found many construction projects under way. Today, we will hear about the current capacity of FLETC and how it plans to meet this growing Border Patrol training demand.

In 2005, there were approximately 10,800 Border Patrol agents. Today, we are told there are 12,380 agents on board, with another 1,250 in training. To meet the president's goal of adding 6,000

more new agents over 2 years, it is estimated that 8,800 will need to be hired during that period.

We will hear from our witnesses about the challenge in hiring and retaining new agents, specifically the extent and impact of attrition. We also will hear a private sector perspective from the president of the Government Services Division of DynCorp International. This company has provided personnel for peacekeeping operations worldwide since 1994 and currently trains the police in Iraq and Afghanistan for the State Department.

It is critical that we stay on track to deploy the agents Congress has authorized to secure our borders as quickly and cost-effectively as possible. I look forward to hearing from our witnesses how we are doing and what more can be done to meet this goal.

With that, Mr. Chairman, I would ask unanimous consent to include in the record a GAO report that I requested on this topic.<sup>1</sup>

Mr. CARNEY. Without objection, so ordered.

Mr. ROGERS. I yield back.

Mr. CARNEY. I thank the gentleman from Alabama.

Other members of the subcommittee are reminded that, under committee rules, opening statements may be submitted for the record.

I welcome the first panel of witnesses.

Our first witness is Colleen Kelley, president of the National Treasury Employees Union. NTEU represents over 150,000 Federal employees, 15,000 of whom are customs and border protection employees within the Department of Homeland Security. President Kelley has been an NTEU member since 1974 and has served in various NTEU chapter leadership positions. She was first elected president in August of 1999 and was reelected to a second 4-year term in August of 2003.

Our second witness is T.J. Bonner, who serves as the president of the National Border Patrol Council, a position he has held since 1989. The National Border Patrol Council is part of the American Federation of Government Employees. As president of the NBPC, Mr. Bonner represents approximately 11,000 nonsupervisory Border Patrol employees.

Our third witness is Robert B. Rosenkranz, senior vice president of DynCorp International and president of the government services division. His prior employment includes positions with DynCorp International predecessor KEI Pearson and with Beamhit. Mr. Rosenkranz has a 34-year career in the United States Army, retiring with the rank of major general.

Without objection, the witnesses' full statements will be inserted in the record.

I now ask each witness to summarize his or her statement for 5 minutes, beginning with President Kelley.

**STATEMENT OF COLLEEN M. KELLEY, NATIONAL PRESIDENT,  
NATIONAL TREASURY EMPLOYEES UNION**

Ms. KELLEY. Thank you very much, Chairman Carney, Ranking Member Rogers, members of the committee. I appreciate the oppor-

<sup>1</sup>See also, GAO Report No. GAO-07-540R *Border Training*, March 30, 2007.

tunity to testify on behalf of customs and border protection officers' recruitment, retention and training issues.

Shortly after DHS was created, CBP announced the One Face at the Border initiative that combined three different inspector occupations—customs, immigration and agriculture—into one single inspectional position, naming it the Customs and Border Protection officer, CBPO. This change in job description and job duties resulted in the Herculean task of training, retraining and cross-training over 18,000 newly created CBPOs.

This major reorganization of the roles and responsibilities of the inspectional workforce at the ports of entry has resulted in a huge expansion of skills and duties and has led to dilution of the customs, immigration and agriculture inspection specializations, weakening the quality of inspections.

The Government Accountability Office has been asked by Congress to review this initiative, and I hope that hearings will be held on its findings that are due out this fall.

Under the One Face at the Border initiative, the curriculum for new hires at the Federal Law Enforcement Training Center has undergone major changes. Prior to the merger, INS trainees studied at FLETC for 65 days. Trainees from the former Customs Service had a 55-day course, and agriculture inspectors received separate specialized training.

New CBPOs today receive 73 days at FLETC, covering all three types of inspections. Upon returning to their assigned ports, CBPOs are to continue training through a combination of classroom, computer-based and on-the-job training. NTEU believes that this continuing training is inadequate. The lack of mentoring and insufficient on-the-job training make it difficult for CBPOs to become proficient in even one concentration, even though they are expected to be proficient in all three.

Almost all training except that received at FLETC and firearms training is computer-based. Most of it is to be completed by CBPOs using the virtual learning center on the Internet, DVDs and videos. No time is specifically allotted for CBPOs to view the videos or to sign onto the computer and complete the training. CBPOs are expected to squeeze in this training in between performing their other administrative duties. They often use breaks or their own time before or after work.

Upon completion of a training module, CBPOs are required to place a training certificate into their personnel file. This certificate states that the CBPO is fully trained on that topic. If any problem occurs or mistakes are made, supervisors refer to these training certificates and can use them as a basis for discipline. CBPOs have twin goals in doing their job: antiterrorism and facilitating legitimate trade and travel.

On the one hand, CBPOs are to fully perform their inspection duties, yet at all times they are made aware by management of wait times. In land port booths, wait times are clearly displayed. At airports, all international arrivals are expected to be cleared within 45 minutes. CBP's emphasis on reducing wait times without increasing staffing at the ports of entry creates an extremely challenging work environment for the CBPO.



It is my understanding that there are currently over 1,000 CBPO vacancies. Widely reported morale problems at DHS affect recruitment and retention and the ability of the agency to accomplish its mission. This is a result of longstanding issues such as the lack of law enforcement officer status for CBPOs that Congress is now trying to address, and new issues such as the proposed DHS personnel regulations that would be repealed under H.R. 1684.

Additionally, CBP's unilateral elimination of employee input into important workplace issues such as shift schedules has had a serious negative impact on morale.

To ensure well-trained boot on the ground at the 327 ports of entry, NTEU recommends the following. First, fill the vacancies and increase CBPO staffing. Second, end the One Face at the Border initiative. Third, reestablish specialization of prior CBPO functions. Four, put into effect an in-depth on-the-job training plan.

Five, allot specific times during tours of duty for CBPOs to do all assigned computer-based training. Six, require structured discussion time with all computer-based training. Seven, make available refresher courses to all CBPOs upon request. Eight, repeal the DHS personnel flexibility authority. Nine, provide LEO coverage for all CBPOs and legacy inspectors. And ten, allow employee input into the shift assignment system.

I urge the committee's continued oversight of both the One Face at the Border initiative and the proposed resource allocation model that is due this month from CBP.

I very much appreciate the efforts of this committee, particularly on providing law enforcement officer status to CBPOs and on repealing DHS's personnel flexibilities. I would be happy to answer any questions. Thank you.

[The statement of Ms. Kelley follows:]

PREPARED STATEMENT OF COLLEEN M. KELLEY

Chairman Carney, Ranking Member Rogers, I would like to thank the subcommittee for the opportunity to testify on training of frontline Customs and Border Protection Officers (CBPOs) at the Department of Homeland Security (DHS). As President of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 18,000 Customs and Border Protection Officers (CBPOs) and trade enforcement specialists who are stationed at 327 land, sea and air ports of entry (POEs) across the United States. CBPOs make up our nation's first line of defense in the wars on terrorism and drugs.

In addition, Customs and Border Protection (CBP) entry specialists and trade compliance personnel enforce over 400 U.S. trade and tariff laws and regulations in order to ensure a fair and competitive trade environment pursuant to existing international agreements and treaties, as well as stemming the flow of illegal contraband such as child pornography, illegal arms, weapons of mass destruction and laundered money. CBP is also a revenue collection agency, collecting an estimated \$31.4 billion in revenue on over 29 million trade entries in 2005.

**ONE FACE AT THE BORDER INITIATIVE**

As part of the establishment of U.S. Customs and Border Protection (CBP) in March 2003, DHS brought together employees from three departments of government—Treasury, Justice and Agriculture to operate at the 327 Ports of Entry (POEs).

On September 2, 2003, CBP announced the One Face at the Border initiative. The initiative was designed to eliminate the pre-9/11 separation of immigration, customs, and agriculture functions at US land, sea and air ports of entry. **Inside CBP, three different inspector occupations—Customs Inspector, Immigration Inspector and Agriculture Inspector duties and responsibilities were combined into a single inspectional position—the CBPO.**

The priority mission of the CBPO is to prevent terrorists and terrorist weapons from entering the U.S., while simultaneously facilitating legitimate trade and travel—as well as **upholding the laws and performing the traditional missions of the three legacy agencies, the U.S. Customs Service, the Immigration and Naturalization Service (INS) and the Animal, Plant and Health Inspection Service (APHIS).**

This change in job description and job duties established by the One Face at the Border initiative resulted in the Herculean task of training, retraining and cross training over 18,000 newly created CBPOs. The U.S. Border Patrol was spared this monumental training, retraining and cross training need because DHS transferred the U.S. Border Patrol Service as an intact unit within CBP and did not integrate the Border Patrol Agent position with the three inspectional positions working at the ports.

**In practice, the major reorganization of the roles and responsibility of the inspectional workforce as a result of the One Face at the Border initiative has resulted in job responsibility overload and dilution of the customs, immigration and agriculture inspection specialization and in weakening the quality of passenger and cargo inspections.**

The processes, procedures and skills are very different at land, sea and air ports, as are the training and skill sets needed for passenger processing, cargo and agriculture inspection. Under One Face at the Border, former INS agents that are experts in identifying counterfeit foreign visas are now at seaports reviewing bills of lading from foreign container ships, while expert seaport Customs inspectors are now reviewing passports at airports.

It is apparent that CBP sees its One Face at the Border initiative as a means to “increase management flexibility” without increasing staffing levels. According to CBP, “there will be no extra cost to taxpayers. CBP plans to manage this initiative within existing resources. The ability to combine these three inspectional disciplines and to cross-train frontline officers will allow CBP to more easily handle projected workload increases and stay within present budgeted levels.”

This has not been the case. The knowledge and skills required to perform the expanded inspectional tasks under One Face at the Border have also increased the workload of the CBPO. Also lacking in the actual implementation of One Face at the Border is the ability to consistently practice in doing the job. Practice at doing a job is what makes a worker better at that job. A lawyer specializes in litigation, contracts, family law or one of many specialties. A doctor specializes in general medicine, surgery or one of many specialties. The CBPO has no opportunity to develop a specialty now.

The CBPO is a generalist and is rotated from seaport cargo inspection to land port vehicle processing to airport passenger processing. The CBPO must know the laws and duties of all of these specialized inspection processing systems. The CBPO is responsible for ensuring nothing and no one gets through the port that threatens the health, safety and security of the U.S. population, while at the same time facilitating legal trade and travel. It is a heavy load that has been demanded of these men and women.

Congress has some understanding that the security of the ports of entry is dependent on transforming specialized immigration, customs and agriculture inspectors into CBPO generalists under the One Face at the Border initiative. That is why Congress requested that the Government Accountability Office (GAO) evaluate the One Face at the Border initiative and its impact on legacy customs, immigration and agricultural inspection and workload. It is my understanding that GAO's final report on the One Face at the Border initiative will be issued this fall. **NTEU strongly urges the Committee to hold hearings on the content and recommendations contained in the final GAO One Face at the Border report.**

Also, the Homeland Security Appropriations Committee added report language to the FY 2007 DHS Appropriations bill that, with regard to CBP's One Face at the Border initiative, directs “CBP to ensure that all personnel assigned to primary and secondary inspection duties at ports of entry have received adequate training in all relevant inspection function.” It is my understanding that CBP has not reported to DHS Appropriators pursuant to this language.

#### ***Training of New CBPOs:***

With the implementation of the One Face at the Border initiative, the curriculum for new hires at the Federal Law Enforcement Training Center (FLETC) in Glynn, Georgia has undergone major changes. Prior to the merger, INS trainees studied at FTETC for 65 days. Trainees from the former Customs Service had a 55-day course at FLETC. Unlike Customs and Immigration Inspectors who all attended basic Academy training at FLETC, Agriculture Inspectors have a different background;

those Agriculture Inspectors who became CBPOs were required to complete the same basic training course as a new CBPO hire.

New CBPOs receive 73 days of FLETC training on all three types of inspection. "Upon returning to their assigned port, they will be trained for the next year by a combination of classroom, computer based, and OJT training." The most critical part of this training is the year of on-the-job (OTJ) training to teach specialized information.

This OJT training phase is not being adequately done. Many new CBPOs report that few of them have received extensive post-academy training yet are assigned to the primary passenger processing line. Inadequate mentoring and OTJ training make it difficult for CBPOs to become proficient in even one job while they are expected to be proficient at three.

***Cross-training of Legacy Inspectors:***

The three disciplines' skill sets—immigration, customs, and agriculture are highly specialized and require in-depth training and on-the-job experience. Agriculture specialists have a science background, immigration officers are trained to recognize suspect documents and customs officers are trained to identify counterfeit goods, drug smugglers and look for suspect passenger behavior at the airports and suspect product at the ports.

CBPOs that have been given cross-training have reported to NTEU that training is inadequate in time, resources and mentoring. According to CBP, all cross-training has been provided via video, CD-ROM/Internet, classroom instruction, on the job training (OJT), or a combination of these methods. With limited exceptions, all of the training is provided at the CBPOs' post-of-duty.

For legacy inspectors, the training both in class, computer based and on-the-job is totally inadequate. According to CBP, all legacy Customs and CBPOs had mandatory training on Immigration Fundamentals. "It will be delivered during Officers' normal tour of duty in the form of eight electronic 45-minute lessons, after which the employee will be tested to ensure comprehension. A passing grade on the review is a prerequisite to taking the training for Full Unified Primary inspections."

This is a typical story about this training from legacy inspectors:

"I took the immigration class in January of 2005 and have not been in a booth since. That is until I was told 3 weeks ago to go upstairs and get in the booth. I told the supervisor that I could not do it because I do not remember the training as it had been almost a year. She told me that she would put me with another inspector who would watch me for about 30 minutes and then I should be good to go on my own. After speaking with the experienced legacy INS inspector in the booth about how I was doing she changed her mind when he told her I was screwing up everything. CBP must **create a refresher class** for us or we will wind up screwing up and getting fired. I feel we are being fed to the lions."

***The Computer-based training Process:***

Almost all training outside of training received at FLETC and firearms recertification and safety training is computer based. Training is supposed to be completed by CBPOs using the Virtual Learning Center on the intranet, DVDs and videos. No time is specifically allotted for CBPOs to view the videos or sign on to the computer and complete the training. CBPOs are expected to squeeze this training in on their breaks, and in-between performing other administrative duties, or on their own time before or after work. If attempted, some of these modules require them to start again at the beginning; others allow for picking up at the screen that they left off.

Upon completion of the training module, CBPOs are required to input completion data into the Training Record and Enrollment Network (TRAEN). This certificate states that the CBPO is fully trained on that topic. If any problem occurs or mistakes are made, supervisors pull out these training certificates and use them as a basis for discipline.

Some training modules refer to allotting time for a structured 10 to 15 minute discussion upon completion of the module. Rarely does this happen. There usually is no interaction with their supervisor on module content, nor are there any structured discussion or question and answer sessions following completion of the training video.

For example, on 2/25/2004, CBP notified NTEU that "CBP will be providing Bio/Agroterrorism training to all CBPOs and Agriculture Specialists. It will be delivered during employees' normal tour of duty via a 20-minute video, with 10—15 minutes allotted for structured discussion." I have heard that at most ports; the 10—15 minute structured discussion did not take place.

***CBP Emphasis on Wait Times:***

Currently, there are thousands of different documents that a traveler can present to CBPOs when attempting to enter the United States, creating a tremendous potential for fraud. Each day CBPOs inspect more than 1.1 million passengers and pedestrians, including many who reside in border communities who cross legally and contribute to the economic prosperity of our country and our neighbors. At the U.S. land borders, approximately two percent of travelers crossing the border are responsible for nearly 48 percent of all cross-border trips.

In FY 2005, over 84,000 individuals were apprehended at the ports of entry trying to cross the border with fraudulent claims of citizenship or documents. On an average day, CBP intercepts more than 200 fraudulent documents, arrests over sixty people at ports of entry, and refuses entry to hundreds of non-citizens, a few dozen of which are criminal aliens that are attempting to enter the U.S.

**CBPOs have "Twin Goals" in doing their job—Anti-Terrorism and Facilitating Legitimate Trade and Travel.** CBP's priority mission is preventing terrorists and terrorist weapons from entering the United States, while also facilitating the flow of legitimate trade and travel. **CBP's emphasis on reducing wait times without increasing staffing at the ports of entry** creates a challenging work environment for the CBPO. On the one hand, CBPOs are to fully perform their inspection duties, yet at all times they are made aware by management of wait times. In land port booths, wait times are clearly displayed. At airports, all international arrivals are expected to be cleared within 45 minutes or a visual alert is displayed at headquarters and local management is notified. CBP's website posts wait times at every land port and allows travelers to check airport wait times by location.

Most travelers enter the U.S. through the nation's 166 land border ports of entry (POEs). About two-thirds involve aliens and about one-third involve returning U.S. citizens. The vast majority arrive by vehicle. The purpose of the primary inspection process is to determine if the person is a U.S. citizen or alien, and if alien, whether the alien is entitled to enter the U.S. In general, CBPOs are to question travelers about their nationality and purpose of their visit, whether they have anything to declare, and review any travel documents the traveler may be required to present.

**At the land ports, primary inspections are expected to be conducted in less than one minute. Travelers routinely spend about 45 seconds at U.S.-Canadian crossings during which CBPOs have to assess oral claims of citizenship in the United States or Canada.**

When CBPOs are viewing documents and questioning individuals for less than one minute, how much attention can realistically be put into examining the documents, verifying that the person presenting the document is the actual owner of the document, and determine that the vehicle may or may not be carrying drugs or other illegal items?

Each day, CBPOs at 327 crossings process 1.1 million inbound travelers, 327,500 private vehicles and 85,300 shipments of goods. Eight thousand forms of driver's licenses, birth certificates, baptism, or hospital records can be presented under existing rules. U.S. citizens are not required to show any documentation to enter the U.S. and need only make a declaration. If a person declares that they are a U.S. Citizen, CBPOs are limited in what we can ask to determine if they are telling the truth. **Many complaints are lodged when CBPOs ask for documentation.**

At the airports, CBPOs are expected to clear international passengers within **45 minutes**. Prior to 9/11 there was a law on the books requiring INS to process incoming international passengers within 45 minutes. The Enhanced Border Security and Visa Protection Act of 2002 repealed the 45 minute standard, however "it added a provision specifying that staffing levels estimated by CBP in workforce models be based upon the goal of providing immigration services within 45 minutes. According to GAO, "the number of CBP staff available to perform primary inspections is also a primary factor that affects wait times at airports."

It has also come to NTEUY's attention that the U.S. Travel and Tourism industry has called for a further reduction in passenger clearance time to 30 minutes. The industry's recently announced plan, called "A Blueprint to Discover America," includes a provision for "modernizing and securing U.S. ports of entry by hiring customs and border [protection] officers at the top 12 entry ports to process inbound visitors through customs within 30 minutes." This **CANNOT** be achieved at current staffing levels without jeopardizing security.

The emphasis on passenger processing and reducing wait times results in limited staff available at secondary to perform those inspections referred to them. NTEU has noted the diminution of secondary inspection in favor of passenger facilitation at primary inspection since the creation of the Department of Homeland Security. Why has there been this decrease in secondary inspections? NTEU believes that it is because of the large number of CBPO job vacancies and static overall CBPO staffing levels.

**Staffing Shortages at the Ports of Entry:**

The President's FY 2008 budget proposal requests \$647.8 million to fund the hiring of 3000 Border Patrol agents. But, for salaries and expenses for Border Security, Inspection and Trade Facilitation at the 327 POEs, the President's funding request is woefully inadequate.

The President's FY 2008 budget calls for an increase of only \$8.24 million, for annualization of 450 CBPOs appropriated in the FY 2007 DHS Appropriations bill. NTEU is extremely grateful that Congress included funding for an additional 450 CBPOs in the FY 2007 DHS Appropriations bill.

In addition, the Emergency Supplemental Appropriations bill for fiscal year ending September 30, 2007, recently signed into law, "recommends an additional \$1 00,000,000 to improve significantly the ability of CBP to target and analyze US-bound cargo containers, achieve a capacity to screen 100 percent of such cargo overseas, and double the number of containers that are subject to physical inspections. The funding would support hiring up to 1,000 additional CBP Officers, Intelligence Analysts and support staff, to be located at Container Security Initiative locations overseas, U.S. ports of entry, or the National Targeting Center."

In addition, the SAFE Port Act authorizes CBP to hire a minimum of 200 additional CBP Officers in FY 2008 for ports of entry around the nation and the House Appropriations Committee funded 450 additional CBPO positions in the DHS FY 2008 funding bill.

There is concern among CBPOs, however, that in terms of real numbers CBP has hired more new managers than frontline workers. According to GAO, the number of CBPOs has increased from 18,001 in October 2003 to 18,382 in February 2006, an increase of 381 officers. **In contrast, GS 12-15 CBP supervisors on board as of October 2003 were 2,262 and in February 2006 there were 2,731, an increase of 462 managers over the same of time. This is a 17 % increase in CBP managers and only a 2% increase in the number of frontline CBPOs.** (See attachment 1)

**There is also much concern that because of CBPO job vacancies, today the number of CBPOs on board and working at the POEs is less than the 18,001 CBPOs on board in October 2003.**

According to the Government Accountability Office (GAO) Report (GAO-05- 663), *International Air Passengers Staffing Model for Airport Inspections Personnel Can Be Improved*, there is much evidence that airports are continuing to experience staffing shortages. Also, some land ports are experiencing staffing shortages that have resulted in compelled overtime.

In order to assess CBPO staffing needs, Congress, in its FY 07 DHS appropriations conference report, directed CBP to submit by January 23, 2007 a resource allocation model for current and future year staffing requirements. Specifically, this report should assess optimal staffing levels at all land, air and sea ports of entry and provide a complete explanation of CBP's methodology for aligning staffing levels to threats, vulnerabilities, and workload across all mission areas." It is NTEU's understanding that, to date, the Appropriations Committee has not received this report from CBP.

Congress also mandated CBP to perform a Resource Allocation Model in Section 402 of the SAFE Port Act. The CBP Resource Allocation Model (RAM) is due this month, June 2007. NTEU urges Committee hearings to review the findings of the CBP RAM.

**It is instructive here to note that the former U.S. Customs Service's last internal review of staffing for Fiscal Years 2000-2002 dated February 25, 2000 also known as the 2000-2002 RAM, shows that the Customs Service needed over 14,776 new hires just to fulfill its basic mission-and that was before September 11.** Since then the Department of Homeland Security was created and the U.S. Customs Service was merged with the Immigration and Naturalization Service and parts of the Agriculture Plant Health Inspection Service to create Customs and Border Protection and given an expanded mission of providing the first line of defense against terrorism, in addition to making sure trade laws are enforced and trade revenue collected.

**RECRUITMENT AND RETENTION ISSUES**

In February of this year, DHS received the lowest scores of any federal agency on a survey for job satisfaction, leadership and workplace performance. Of the 36 agencies surveyed, DHS ranked 36th on job satisfaction, 35th on leadership and knowledge management, 36th on results-oriented performance culture, and 33rd on talent management. As I have stated previously widespread dissatisfaction with DHS management and leadership creates a morale problem that affects recruitment and retention and the ability of the agency to accomplish its mission.

In 2004, an OPM survey of federal employees revealed that employees rated DHS 29th out of 30 agencies considered as a good place to work. On key areas covered by the survey, employees' attitudes in most categories were *less positive* and *more negative* than those registered by employees in other federal agencies. Employee answers on specific questions revealed that 44% of DHS employees believe their supervisors are doing a fair to a very poor job; less than 20% believe that personnel decisions are based on merit; only 28% are satisfied with the practices and policies of senior leaders; 29% believe grievances are resolved fairly; 27% would not recommend DHS as a place to work; 62% believe DHS is an average or below average place to work; only 33% believe that arbitrary action, favoritism, and partisan political action are *not* tolerated; over 40% are not satisfied with their involvement in decisions that affect their work; 52% do not feel that promotions are based on merit; and over 50% believe their leaders do not generate high levels of motivation and commitment. On the other hand, most employees feel there is a sense of cooperation among their coworkers to get the job done.

The 2006 Federal Human Capital Survey ratings were released in January 2007 and not much has changed. Nearly 10,400 Homeland Security employees participated in the survey and gave the department rock-bottom scores in key job satisfaction, leadership and management areas in relation to 35 other agencies in the survey. Of the 36 agencies surveyed, DHS ranked 36th on job satisfaction, 35th on leadership and knowledge management, 36th on results-oriented performance culture, and 33rd on talent management.

According to OPM, 44 percent of all federal workers and 42 percent of non-supervisory workers will become eligible to retire within the next five years. If the agency's goal is to build a workforce that feels both valued and respected, the results from the OPM survey raises serious questions about the department's ability to recruit and retain the top notch personnel necessary to accomplish the critical missions that keep our country safe.

***DHS Human Resources System:***

NTEU continues to have concerns about funding priorities at DHS. On March 7, 2007, DHS announced that it will put into effect portions of its compromised personnel system. Just a few weeks earlier, DHS outlined plans to move slower on its controversial personnel overhaul, formerly known as MaxHR, but now called the Human Capital Operations Plan. The President's FY 2008 budget calls for only \$15 million to fund the renamed MaxHR personnel plan.

In July 2005, a U.S. District Court for the District of Columbia ruled that portions of the proposed DHS personnel regulations infringed on employees' collective bargaining rights, failed to provide an independent third-party review of labor-management disputes and lacked a fair process to resolve appeals of adverse management actions. The Appellate Court rejected DHS appeal of this District Court decision and DHS declined to appeal the ruling to the Supreme Court.

In a number of critical ways, the personnel system established by the Homeland Security Act and the subsequent regulations issued by the Department of Homeland Security (DHS) have been a litany of failure because the law and the regulations effectively gut employee due process rights and put in serious jeopardy the agency's ability to recruit and retain a workforce capable of accomplishing its critical missions.

When Congress passed the Homeland Security Act in 2002 (HSA), it granted the new department very broad discretion to create new personnel rules. It basically said that DHS could come up with new systems as long as employees were treated fairly and continued to be able to organize and bargain collectively. The regulations DHS came up with were subsequently found by the Courts to not even comply with these two very minimal and basic requirements.

With the abysmal morale and extensive recruitment and retention challenges at DHS, implementing these personnel changes now will only further undermine the agency's employees and mission. From the beginning of discussions over personnel regulations with DHS more than four years ago, it was clear that the only system that would work in this agency is one that is fair, credible and transparent. These regulations promulgated under the statute fail miserably to provide any of those critical elements. It is time to end this flawed personnel experiment.

It has become clear to the Committee that the Department of Homeland Security has learned little from these Court losses and repeated survey results and will continue to overreach in its attempts to implement the personnel provisions included in the Homeland Security Act of 2002. On May 11, 2007, the full House approved H.R.1648, the FY 2008 DHS Authorization bill that includes a provision that repeals the DHS Human Resources Management System. This past Friday, June 15, 2007

the full House approved H.R. 2638, the fiscal 2008 DHS Appropriations bill that zeros out all funding for MaxHR. Senate action on both these measures is pending.

DHS employees deserve more resources, training and technology to perform their jobs better and more efficiently. DHS employees also deserve personnel policies that are fair. The DHS personnel system has failed utterly and should be repealed by the full Congress. Continuing widespread dissatisfaction with DHS management and leadership creates a morale problem that affects the safety of this nation.

**Law Enforcement Officer Status:**

The most significant impediment to recruitment and retention of CBPOs is the lack of law enforcement officer (LEO) status. LEO recognition is of vital importance to CBPOs. CBPOs perform work every day that is as demanding and dangerous as any member of the federal law enforcement community, yet they have long been denied LEO status.

Within the CBP there are two classes of federal employees, those with law enforcement officer status, Border Patrol Agents, and those without. Unfortunately, CBPOs fall into the latter class and are denied benefits given to other federal employees in CBP.

CBPOs carry weapons, and at least three times a year, they must qualify and maintain proficiency on a firearm range. This tri-annual firearms training and recertification also includes classes in arrest techniques and self defense tactics training, and defensive and restraint techniques. CBPOs are issued weapons (24-hour carry), body armor, pepper spray and batons. For the most part, CBPOs believe that firearms' training is adequate. When CBP changed the make of firearms from one manufacturer to another, at the CBPOs request, NTEU protested that the four hour training session on the new weapon was not adequate. CBP addressed NTEU's members concerns by expanding training on the new firearm to eight hours.

CBPOs have the authority to apprehend and detain those engaged in smuggling drugs and violating other civil and criminal laws. They have search and seizure authority, as well as the authority to enforce warrants. All of which are standard tests of law enforcement officer status.

Every day, CBPOs stand on the front lines in the war to stop the flow of drugs, pornography and illegal contraband into the United States. It was a legacy Customs Inspector who apprehended a terrorist trying to cross the border into Washington State with the intent to blow up Los Angeles International Airport in December 1999. Every day, CBPOs detain criminals attempting to enter or leave the country through the ports.

For example, on June 5th, the *El Paso Times* reported that "Customs and Border Protection officers stopped a Kansas man wanted for murder and rape Friday afternoon at the Zaragoza Bridge, agency officials said.

Anthony Javier Llamas, 21, was crossing the bridge in a 2000 Mercury Cougar with three other occupants when an officer checked for warrants and discovered an "armed and dangerous" alert for Llamas.

Llamas is wanted in Kansas in connection with a May 15 killing in Wichita and on an unrelated rape charge, officials said."

CBPOs clearly deserve LEO status. For this reason, legislation has been introduced to amend the definition of law enforcement officer, H.R. 1073, the Law Enforcement Officers Equity Act of 2007. NTEU strongly supports this bipartisan legislation introduced by Representatives Bob Filner (D-CA) and John McHugh (R-NY) which has 97 cosponsors to date. This legislation would treat CBPOs and legacy Customs and Immigration Inspectors and Canine Enforcement Officers as law enforcement officers for the purpose of 20-year retirement.

On May 1 1,2007, the House of Representatives approved H.R. 1684 that included Section 501, a provision that grants LEO status to CBPOs as of the creation of CBP in March 2003. CBPOs are extremely grateful for this recognition of their law enforcement activities at CBP. Unfortunately, Section 501 does not recognize previous law enforcement service in the legacy agencies that were merged to create CBP. Therefore, in order for CBPOs with legacy service to qualify for the enhanced LEO retirement benefit, they must serve an additional 20 years starting in March 2003.

The Committee is sympathetic to this unfortunate consequence of Section 501 and is working with NTEU on hybrid-LEO coverage proposals that would mitigate this result.

Section 501 is a start. It is a breakthrough in that Congress recognizes that CBPOs should have LEO coverage and NTEU members are very appreciative of the Committee's efforts.

**Work Shift Schedules:**

Another major factor that has hindered recruitment and retention of CBPOs is work shift determinations. In the past, the agency had the ability to determine what

the shift hours will be at a particular port of entry, the number of people on the shift, and the job qualifications of the personnel on that shift. The union representing the employees had the ability to negotiate with the agency, once the shift specifications are determined, as to which eligible employees will work which shift. This was determined by such criteria as seniority, expertise, volunteers, or a number of other factors.

CBP Officers around the country have overwhelmingly supported this method for determining their work schedules for a number of reasons. One, it provides employees with a transparent and credible system for determining how they will be chosen for a shift. They may not like management's decision that they have to work the midnight shift but the process is credible and both sides can agree to its implementation. Two, it takes into consideration lifestyle issues of individual officers, such as single parents with day care needs, employees taking care of sick family members or officers who prefer to work night shifts. CBP's unilateral elimination of employee input into this type of routine workplace decision-making has had probably the most negative impact on employee morale.

A real life example of CBP's management insensitivity in scheduling work occurred recently at a large airport. Due to a mistake by management, two CBPOs who are married and have an 11 year old child were both scheduled to work during the early morning shift for the coming pay period, forcing them to scramble for child care coverage between the hours of 4:30 am and the start of school. The couple only recently moved to the area, and did not have family nearby. When this matter was brought to management's attention, the Port Director would not take any action to help the family. Clearly, this is exactly the kind of situation that contributes to retention problems at CBP.

This is not an isolated incident. The "command and control" attitude of CBP management has created a work environment that is reflected in the dismal DHS showing in the OPM federal jobs survey.

**NTEU urges the Committee to look at CBPO attrition and vacancy rates. I believe that CBPOs are quitting or retiring in large numbers due to many of the problems I have cited.**

#### ***NTEU RECOMMENDATIONS***

To ensure well-trained boots on the ground at the POEs, NTEU recommends the following:

1. Fill vacancies and increase CBPO staffing;
2. End the failed One Face at the Border initiative;
3. Reestablish specialization of prior CBPO functions;
4. Put into effect an in-depth on the job training plan;
5. Allot specific times during tours of duty for CBPOs to do all assigned computer-based training;
6. Structured discussion time must accompany all computer-based training;
7. Refresher courses should be available to all CBPOs upon request;
8. Repeal the DHS personnel regulations;
9. Comprehensive LEO coverage for all CBPOs and legacy inspectors; and
10. Allow employee input in shift assignment system.

#### ***CONCLUSION***

CBP employees represented by NTEU are capable and committed to the varied missions of DHS from border control to the facilitation of trade into and out of the United States. They are proud of their part in keeping our country free from terrorism, our neighborhoods safe from drugs and our economy safe from illegal trade.

The American public expects its borders and ports be properly defended. Congress must show the public that it is serious about protecting the homeland by fully funding CBP staffing needs, extending LEO coverage to all CBPOs, ending the One Face at the Border initiative, reestablishing CBPO inspection specialization at our 327 POEs and repealing the compromised DHS personnel system.

I urge each of you to visit the land, sea and air ports of entry in your home districts. Talk to the CBPOs, canine officers, and trade entry and import specialists there to fully comprehend the jobs they do and what their work lives are like.

Again, I would like to thank the committee for the opportunity to be here today on behalf of the 150,000 employees represented by NTEU to discuss these extremely important federal employee issues.

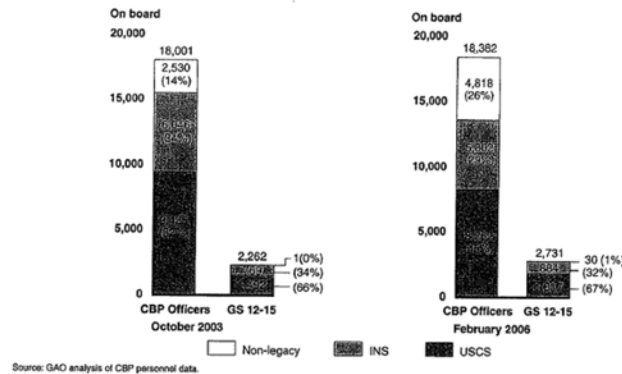


## Attachment I



Background  
CBP Officers and Supervisors (GS12-15)

CBP Officers and GS 12-15 Supervisors On Board as of  
October 2003 and February 2006, by Legacy Agency



Mr. CARNEY. Thank you for your testimony, President Kelley. I now recognize Mr. Bonner to summarize his statement for 5 minutes.

**STATEMENT OF T.J. BONNER, PRESIDENT, NATIONAL BORDER PATROL COUNCIL, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES**

Mr. BONNER. Thank you, Chairman Carney, Ranking Member Rogers, other members of the subcommittee.

On behalf of the 11,000 frontline Border Patrol agents, we have some concerns about the training efforts that are under way right now, to bring on so many people in such a short time. As Mr. Rogers noted, back in 2004, Congress authorized the addition of 2,000 agents a year over a span of 5 years. At that point in time, that goal was achievable.

Now, we approach the 11th hour and there is a rush to bring on an additional 5,000 agents, which will require the hiring of perhaps as many as 9,000 employees in the span of 18 months. Every major police department that has undergone even less ambitious recruitment campaigns has suffered the consequences. Corruption has increased. Officers have been poorly trained, and the level of confidence that the public has in that department has decreased dramatically.

I don't want to see the same thing happen to the United States Border Patrol. There is no magic number to achieve border security. It is not 18,000, even if there were such a number. The number would be far greater than that. This is something that the president is pushing for in the span of his administration, but I think we need to step back and take a close look at this and see if it is a wise, achievable goal. I believe it is not.

Too many corners will have to be cut in order to attain the goal of 18,000 agents by the end of 2008. We have already seen a reduction of 2 weeks at the Border Patrol Academy. Further reductions are planned. Another 3 weeks is being talked about being removed. For employees who demonstrate proficiency in the Spanish language, another 8 weeks would be removed.

In other words, some employees would be back on the line after merely 6 weeks in the Border Patrol Academy. This, in the estimation of the frontline agents who are the ones responsible for providing the on-the-job training, is insufficient. They need more time at the academy. They need more instruction. The curriculum at the academy was not established on a whim. It was established based on a lot of experience as to what people need to be taught in an academy setting.

Then, of course, there is the challenge of providing one-on-one mentoring. When you dump that many people into an organization that is relatively small, essentially you are taxing it beyond its capability to function properly. There is one way that you can provide that one-on-one mentoring. In some cases in the past, we have had one-on-twelve mentoring. That is simply unacceptable.

We have morale problems causing attrition at an unacceptably high rate. It is approaching 12 percent. Now, the administration will try and claim that this number is lower than 12 percent because they exclude people who leave within the first 18 months of their employment, and they also exclude people who transfer to other components of the Department of Homeland Security. When you are trying to increase the size of the Border Patrol, you have to factor in every person who leaves the Border Patrol because they all have to be replaced.

Some would suggest that private corporations are better suited to do this job. The National Border Patrol Council disagrees. People who have been there and done that are in the best position to impart the knowledge and the skills necessary to do the job.

On behalf of the frontline employees, we implore you to take a close look at this, slow this process down so that we get it right. There is an old saying that there never seems to be enough time to do something right, but there is always enough time to do it over. Let's get it right the first time. We need properly trained people. Absolutely we need border security, but border security is not a function of the number of agents on the line.

Let me posit this definition of "border security." Border security means that no person or no thing enter this country without our permission. When we reach that goal, then we have true border security, not when we have 18,000 Border Patrol agents or 180,000 Border Patrol agents, but when we are effectively controlling the border.

One other quick point—in order to do that, we need to crack down on the employers because we could increase the number of agents ten-fold and desperate people will still come across as long as they can find work in this country.

Thank you, and I would be happy to answer any questions you might have.

[The statement of Mr. Bonner follows:]

## PREPARED STATEMENT OF T.J. BONNER

The National Border Patrol Council appreciates this opportunity to share the views and recommendations of the 11,000 front-line Border Patrol employees that it represents regarding the challenges posed by recent efforts to significantly increase the size of the Border Patrol.

It is quite obvious that our Nation's borders are out of control. In any given year, the Border Patrol apprehends about one million people attempting to illegally enter our country, and front-line agents estimate that about two to three times that number slip by them. Currently, somewhere between 12 and 20 million illegal aliens are residing in the United States.

In recognition of this crisis, Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 authorized the addition of at least 2,000 Border Patrol agents per year over the five-year span from 2006 to 2010. Sadly, the Administration's budget request for the first of those years only requested funding for 210 positions. Fortunately, Congress ignored that request and funded a total of 1,500 additional agents.

In May of last year, President Bush announced with a great deal of fanfare that he was committed to increasing the size of the Border Patrol to slightly more than 18,000 agents by the end of next year. While these additional resources are desperately needed, the wisdom of adding so many new agents in such a short period of time is questionable. Every sizeable law enforcement agency that has ever engaged in an overambitious recruitment program has suffered the inevitable consequences of increased corruption and attrition, as well as poorly-trained new officers, with a resultant loss of public confidence. This occurred because these agencies were forced by artificial time constraints to relax hiring standards and cut corners in the screening and training processes. These same types of shortcuts have already been implemented in the recruiting and training of Border Patrol agents, and there is no reason to expect that the outcome in this case will be any different from the experiences of those other agencies.

Realistically, there is no magic number of Border Patrol agents required to secure our borders, and even there were, it would certainly be much higher than the 18,000 proposed by the Administration. The goal of border security can only be attained by means of an all-encompassing enforcement strategy that simultaneously focuses resources and efforts on the border and the interior. The single most important step that must be taken is the elimination of the employment magnet that entices millions of people to violate our immigration laws every year. Once people enter this country illegally, it is incredibly easy for them to obtain a job. In order to fix this problem, a system must be put in place that makes it simple for employers to determine who is authorized to work in this country, and ensures that those employers who do not comply with the law are severely punished. H.R. 98, the "Illegal Immigration Enforcement and Social Security Protection Act of 2007," meets these objectives. It would require every job applicant to present a counterfeit-proof Social Security card containing a recent digital photograph and encrypted biometric information, and would mandate that every employer verify the authenticity of such documents by passing them through an electronic reader.

While an effective workplace enforcement system would dramatically change the dynamic at the border by discouraging millions of laborers from illegally crossing, it would do nothing to deter the tens of thousands of criminals and handful of terrorists who attempt to enter our country illegally every year. With proper types of surveillance technology and barriers at the border, however, the odds of apprehending these criminals and terrorists would be greatly enhanced. This assumes, of course, that the Border Patrol has sufficient staffing, and that these employees are provided with the proper tools, training, and support. Otherwise, our borders will remain porous and vulnerable. In order to maintain adequate levels of staffing, measures must be taken to transform the Border Patrol into an organization that is capable of attracting and retaining the best and brightest. Although that once was the case, it is no longer true. For a variety of reasons, morale has plummeted and attrition has soared to 12%.<sup>1</sup> Unless these disturbing trends are quickly reversed, it will be impossible to recruit and retain large numbers of additional Border Patrol agents. Thus, before discussing changes that need to be made in the hiring and training processes, it is important to understand the problems that cause em-

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<sup>1</sup> Any claims by the agency that the attrition rate is lower are disingenuous. Its attrition figures often exclude employees who leave during their first 18 months, as well as those who transfer to other components of the Department of Homeland Security. It is clear, however, that every person who leaves the Border Patrol for **any** reason must be replaced in order to reach and maintain a numeric goal.

ployees to leave the agency. It is senseless to spend millions of dollars recruiting and training individuals who will depart after a short period of time.

Without question, the greatest sources of frustration among front-line employees are the policies that interfere with the accomplishment of the mission. These include:

- The “strategy of deterrence” that forces agents to maintain fixed positions and does not allow them to pursue intruders who circumvent those positions.
- The diversion of scarce resources from the border to traffic checkpoints, to the detriment of the agency’s capability to apprehend people at the border. (Traffic checkpoints have a legitimate backup role, but should never be relied upon as the primary means of intercepting terrorist, criminals, illegal aliens, and contraband.)
- The vehicle pursuit policy that does not allow agents to stop vehicles that break any traffic laws unless they have supervisory approval to do so. Such approval is rarely granted.
- Arbitrary reductions in the amount of overtime that can be worked, further decreasing the agency’s ability to accomplish its mission.
- A lack of critical infrastructure, including adequate facilities, communications capabilities, and useful equipment. At the same time, billions of dollars are being expended on projects of dubious utility.

Systemic problems with the organization also contribute to the low morale of employees. The transfer of the Border Patrol into the Bureau of Customs and Border Protection was ill-advised from the outset, and the situation has deteriorated with the passage of time. In order to maximize its effectiveness, the Border Patrol should be an independent component of the Department of Homeland Security. Moreover, it needs to be divorced from the politics of immigration. Law enforcement agencies should never be allowed to become offshoots of the Executive Branch’s political agenda. They must be allowed to function independently, and to objectively enforce all of the laws on the books.

Almost all of the emphasis during this recent hiring push has been on recruitment, with very little attention paid to the retention of experienced agents. This is a very serious oversight. Unless the agency addresses the underlying causes of dissatisfaction, employees will continue to leave at an alarmingly high rate. The agency therefore also needs to utilize existing statutory authority to pay retention and other types of bonuses to entice employees to stay.

Significant increases in the number of Border Patrol agents must also be accompanied by a commensurate growth in the infrastructure that supports them. Adequate equipment, facilities, and support personnel are all necessary in order to ensure that the front-line agents are able to effectively carry out the mission of the agency. Currently, there are serious deficiencies in all of these areas. These additional expenses must be factored not only into the cost of hiring new employees, but also into upgrading support for current employees.

Some of the problems that exist in the recruitment and training processes are:

- The recruitment materials are extremely misleading, highlighting duties that very few agents are actually allowed to perform. This quickly leads to disillusionment once new-hires are assigned to the field. It would be far better to initially discourage applicants through an accurate portrayal of work assignments instead of waiting for them to discover the truth after large amounts of money have been wasted on recruiting and training.
- Agents who preside over oral hiring boards no longer receive any information about the candidates they are interviewing. This makes it extremely difficult to question candidates about potentially troubling aspects of their past.
- Background checks continue to be contracted-out even after this process allowed an illegal alien to be hired as a Border Patrol agent. That individual’s immigration status was not discovered until after he was arrested for smuggling hundreds of other illegal aliens into the United States while on duty. This is by no means an isolated case. Several gang members have also been hired by the Border Patrol in recent years, and they were also caught smuggling on duty.
- In order to be able to train more recruits, the length of the Border Patrol Academy has already been reduced from nineteen to seventeen weeks. In October, an additional three weeks will be removed from the curriculum. At the same time, a new program will be instituted that eliminates another eight weeks of instruction for trainees who demonstrate proficiency in the Spanish language. These shortcuts will undoubtedly create critical knowledge gaps for those who are trained in these abbreviated classes.
- Instead of being released, recruits who fail mandatory subjects such as Spanish, law, firearms, physical training and driver’s training are being allowed to retake the courses under Project Second Change, which is euphemistically

called "P2C." the clear intent of this program is to meet the artificial recruitment goals at all costs.

- Although the training facility in Artesia, New Mexico is being significantly expanded, it is still incapable of handling the numbers of recruits envisioned by the Administration and Congress. Its remote location makes it difficult to attract volunteer instructors, many of whom must live in Carlsbad or Rosewell, New Mexico, each of which are about an 80-mile round-trip commute. As a result, some agents have already been assigned there against their will for six months or longer. This policy is incredibly foolish. Impressionable new-hires should be trained by instructors who are both highly-qualified and highly-motivated. Serious consideration needs to be given to utilizing an alternate location that is better suited for the purpose of training large numbers of recruits, or concurrently utilizing another facility in order to handle to increased number of trainees.
- The border Patrol's field training program needs to be revamped and standardized in order to ensure that recruits are learning all of the requisite skills in a systematic manner after they graduate from the academy. Moreover, instead of flooding high-intensity areas with large numbers of inexperienced agents, the Borer Patrol needs to ensure that there is a balanced mixture of personnel so that experienced agents can provide critical one-on-one instruction and evaluation of the recruits.

While some people believe that the foregoing problems suggest that private contractors could perform these functions more efficiently, the National Border Patrol Council does not share that view. The training of law enforcement officers is a function that should always be performed by those who have first-hand field experience in the organization, as well as a vested interest in the success of its mission.

In summary, hiring and training thousands of additional Border Patrol agents during the next few years presents a number of formidable, but not insurmountable, challenges. Although many of them will require substantial expenditures to address, the security of our Nation demands that we make that investment. The goal here is not simply to hire more Border Patrol agents for the sake of doing so, but to hire them for the purpose of securing our borders. All decisions concerning the recruitment and training of Border Patrol agents must therefore be governed by that overarching goal and purpose. Shortchanging this process will ultimately diminish the security of our Nation, and cannot be tolerated.

Mr. CARNEY. Thank you, Mr. Bonner, for your testimony.

I now recognize Mr. Rosenkranz to summarize his statement for 5 minutes.

**STATEMENT OF ROBERT ROSENKRANZ, SENIOR VICE PRESIDENT, GOVERNMENT SERVICES DIVISION, DYNACORP INTERNATIONAL**

Mr. ROSENKRANZ. Chairman Carney, Ranking Member Rogers, members of the subcommittee, I thank you for this invitation this morning to discuss the vital contribution that DynCorp can make to the U.S. Border Patrol mission.

Border patrol is a daunting challenge in trying to secure our expansive borders with limited resources. Last year, the U.S. military supplemented the Border Patrol and provided valuable assistance. DynCorp International believes we can also mitigate the impact of understaffing by providing a substantial number of additional agents to work directly under the command of the Bureau of Customs and Border Protection and other agencies with the mission of securing the border.

We have been providing technical services to the Federal Government for over 60 years. We have provided quality technical services to our government in every war since Vietnam. Our ethic has never changed. When we are needed, we are there in support of the government's missions no matter how difficult, no matter how dangerous, and no matter how remote.

We currently have about 14,000 employees, \$2 billion in annual sales, and our employees are in some 35 countries. We have broad and deep experience in our core competencies of law enforcement services, contingency support, logistics, base-ops, field construction, aircraft and ground equipment maintenance, maritime services, and program management.

Our experience providing civilian police to the Department of State and the Department of Defense for peacekeeping and community policing operations in post-conflict societies and for foreign police training and development provide us with the model and the infrastructure that allows us to meet the staffing requirements of the Border Service.

Our role would be to recruit, vet, train and support the Border Patrol agents that are needed to increase or temporarily augment the border protection force. We have the competencies, facilities and capacity to provide the quality and volume required at very rapid rates. Although DynCorp is sometimes labeled a private security contractor, we are not a traditional security company at all. Primarily, we are a contractor for the Department of State in support of the civilian police program.

The primary objective of that program is to assist emerging and post-conflict nations with the critical task of creating, renewing, revising or reestablishing the rule of law infrastructure, including the establishment, reestablishment or strengthening of local police forces. We have recruited, screened, trained and deployed more than 6,000 American police officers to conduct security policing in the Balkans, East Timor, Haiti, Israel, Sudan, Afghanistan and Iraq.

After 13 years supporting the Department of State's civilian police program, DynCorp has accumulated a great deal of institutional knowledge on the most effective and efficient way to recruit, screen, train, deploy and support our personnel serving on police and security missions. In Iraq, we currently deploy 754 police officers, and in Afghanistan, 622 U.S. advisors and mentors. We train, advise and mentor Iraq and Afghan police officers at all levels, and also provide full support to our in-country workforce, including logistics, life support, close protection, communications, transportation, security, procurement and construction.

Active and retired U.S. law enforcement professionals form the pool of target candidates to support the Department of State's objectives. We have 48,000 names of current, former and potential candidates for international law enforcement service in our recruiting database. That includes 500 Spanish-speakers.

DynCorp International's traditions, values and experience are the ideal alignment for the Border Patrol mission. Our global experience in support of nation building and rule of law training and mentoring are directly compatible with the mission of our U.S. Border Patrol.

Our skills developed over the years in police training and logistics ensure successful execution. Our demonstrated contingency response capabilities in austere, remote and inhospitable environments should instill confidence that we can get tough missions done on time and in compliance with high standards of performance.

Thank you Mr. Chairman. I stand ready for your questions.  
[The statement of Mr. Rosenkranz follows:]

PREPARED STATEMENT OF ROBERT B. ROSENKRANZ

Chairman Carney, Ranking Member Rogers, and members of the subcommittee, I want to thank you for this invitation this morning to discuss the vital contribution that DynCorp International can make to the U.S. Border Patrol mission. The Border Patrol has a daunting challenge in trying to secure our expansive borders with limited resources. Last year, the U.S. military supplemented the Border Patrol and provided valuable assistance. DynCorp International believes we can also mitigate the impact of under-staffing by providing a substantial number of additional agents to work directly under the command of the Bureau of Customs and Border Protection and other agencies with the mission of securing the border.

DynCorp International has been providing technical services to the Federal Government for more than 60 years, together with our namesake predecessor corporation, DynCorp. We have provided quality technical services to our government in every war since Vietnam. Our ethos has never changed: When we are needed, we are there, in support of the government's missions, no matter how difficult, no matter how dangerous, no matter how remote. We currently have approximately 14,000 employees, more than \$2 billion in annual sales, and employees deployed in some 35 countries. Some 4,000 personnel support our contracts in Iraq and Afghanistan and 142 have paid the ultimate sacrifice, including 23 Americans. We have broad and deep experience in our core competencies of law enforcement services, contingency support, logistics, base operations, field construction, aircraft and ground equipment maintenance, maritime services, and program management. We also support the government's counter-drug efforts in Latin America and South Asia and provide selected security services to customers in various locations around the world.

Most people would agree that patrolling and securing the border is essentially a policing function, not a function for a private security company. It requires personnel who have been trained in the appropriate use of force in civilian policing situations, who are sensitive to the concerns of American citizens and governments located along the border, who can work with local law enforcement, and who respect other cultures.

Our experience providing civilian police to the Departments of State and Defense for peacekeeping and community policing operations in post-conflict societies and for foreign police training and development provides both the model and the infrastructure that allow us to meet the staffing requirements of the Border Service. Our role would be to recruit, vet, train, and support the Border Patrol agents needed to increase or temporarily augment the border-protection force. We have the competencies, facilities and capacity to provide the quality and volume required at rapid rates.

Although DynCorp International is sometimes labeled a "private security contractor," we are not a traditional security company at all. Primarily, we are a contractor for the Department of State in support of its Civilian Police Program. The primary objective of that program is to assist emerging and post-conflict nations with the critical task of creating, renewing, revising, or re-establishing Rule of Law infrastructure, including the establishment, reestablishment, or strengthening of local police forces. Since 1994, DynCorp International's role has been to provide the mechanism through which these foreign policy objectives can be accomplished. In the process, we have recruited, screened, trained, and deployed more than 6,000 American police officers to conduct security policing in the Balkans, East Timor, Haiti, Israel, Sudan, Afghanistan, and Iraq. Separately, we also provided timely support to the police force of St Bernard Parish, Louisiana, after Hurricane Katrina.

Importantly, these officers have served under the direct operational command of appropriate legal authority, such as the United Nations, the Organization for Security and Cooperation in Europe, the United States Central Command, or the St. Bernard Parish Sheriff. In our opinion, this is the best way for private companies to support law enforcement—by helping to provide and sustain an augmented force, not by engaging as an institution in actual law enforcement or quasi-law enforcement operations.

In St. Bernard Parish, all the personnel we provided were licensed law enforcement officers who were deputized by the St. Bernard Sheriff. This was an essential element of the service we provided to the parish, because it allowed for clean lines of authority, established clear rules for the use of weapons, and ensured that the assistance we were providing would complement and augment the work of the Sheriff's Department rather than interfere with it.

After 13 years supporting the Department of State's Civilian Police Program, DynCorp International has accumulated a great deal of institutional knowledge on the most effective and efficient ways to recruit, screen, train, deploy, and support our personnel serving on police and security missions. In Iraq, we currently deploy 754 U.S. police officers (700 International Police Liaison Officers—IPLO's and 54 Border Enforcement Advisors), and in Afghanistan 622 U.S. advisors and mentors. We train, advise, and mentor Iraqi and Afghan police officers at all levels and also provide full support to our in-country workforce, including logistics, life support, close protection, communications, transportation, security, procurement, and construction.

Active and retired U.S. law enforcement professionals form the pool of target candidates to support the Department of State's objectives. We have 48,000 names of current, former, and potential candidates for international law enforcement service in our recruiting database, including 500 Spanish speakers. Experience in every law enforcement discipline and administrative or leadership level is represented in that group. For service in Iraq and Afghanistan, these officers sign one-year contracts, and are able to apply for a second or third year. Approximately 40 percent of the officers who go to Iraq and Afghanistan to train police sign on for a second year. To prepare our officers for their assignments, we use three training facilities—one in northern Virginia, one in southern Virginia, and one in central Texas, with a total capability to train as many as 450 personnel at one time.

The support DynCorp International provides to police-reform and development efforts in Iraq and Afghanistan may be the most extensive and challenging mission in the history of the Department of State's Civilian Police Program. We advise, assist, monitor, and mentor indigenous police officers in the full gamut of law enforcement services, provide technical assistance, identify non-conforming practices, establish investigative services and facilities, construct or refurbish infrastructure facilities, and supply our government with the vehicle to assist the local government with anything it may need to be successful. We accomplish these tasks under very difficult and dangerous conditions, with local police institutions that are severely handicapped by inexperienced and poorly supported personnel who are frequently the target of terrorism. They struggle against a lack of tradition and education, and must eventually overcome distrust, lack of confidence, and an absence of community support because of the reputations established in the past.

DynCorp International's experience in supporting these missions in austere foreign locations offers another important benefit to the protection of our national frontiers—the ability to sustain Border Patrol forces in remote locations along the border. In Iraq, Afghanistan, Sudan, Liberia, and Iraq, we have built and operated forward operating bases, military bases, training camps, and police facilities. Should these types of facilities be necessary to sustain forces in remote areas along the U.S. border, DynCorp International can build them, maintain them, and provide personnel to work from them.

Before deploying overseas on a training mission, our police officers typically undergo three weeks of training and orientation. Since they already have the policing skills and have already passed background and psychological screening, the three weeks of training are spent preparing them for the specifics of their mission. The training of a Border Patrol agent currently takes 10 months. Depending on guidance from the Bureau of Customs and Border Protection, the curriculum could be modified to accommodate the previous training of an experienced police officer and concentrate on training in the skills, practices, and procedures specific to border security, thereby accelerating the training cycle without sacrificing training quality. Obviously, this would also ensure a faster augmentation of the Border Patrol and—perhaps most importantly—provide a level of professional experience that may not be available when recruiting from the general population.

Half of the 10 months of current Border Patrol training is on-the-job and in-service training, and might be waived or reduced if prior law enforcement experience is accepted. Similarly, some of the academy training might be redundant, or perhaps could be revised to gain greater efficiencies. Since our costs are proprietary information, I have not included a breakdown here. However, we estimate first-year costs per agent at approximately \$197,000, including salary, benefits, and one-time costs for recruiting, screening and training (to including housing, travel, and per diem). Additionally, as contract personnel provided to the Border Patrol, these officers would provide a surge force that could easily be reduced if the need for personnel on the border were to diminish, and even if used for extended periods, would not generate a retirement benefit liability.

The outline of a 10 week training course is described below. The cost of training depends on curriculum content and length.



**SUGGESTED BORDER PATROL SCHOOL CURRICULUM (taught by Current/Former Border Agents and DynCorp International Instructors):**

- Orientation and Mission
  - Overview of Border Patrol-DynCorp partnership
  - Expectations of Border Patrol
  - Expectations of DynCorp International
- Border Patrol's Operational Directives and Policies
  - Philosophy, History and Role of the Organization
  - Admin Procedures
    - Chain of Command
    - Scheduling, Attendance, Timesheets, Vacation, etc
  - Operational Procedures
    - Border Security
    - Intervention
    - Detention and Arrest
- Mission, Knowledge and Skills Training
  - Law
    - Nationality Law
    - Immigration Law
    - Criminal Law
    - Statutory Authority
    - Federal Search and Seizure
  - Ethics and professionalism
  - Report Writing
  - Courtroom Procedures/Testimony
  - Basic First Aid/First Responder
  - Spanish Language and Culture
  - Physical Fitness
  - Defensive Tactics, Mechanics of Arrest and Officer Safety
  - Crowd Control Procedures
  - Emergency Response/Augmentation Force
  - Firearms Training, Qualification and Use of Force Policy
  - Motor Vehicle Operations policy and Procedure
  - Climate, Terrain; Working the SW USA Border Area

**RECRUITING/SCREENING:**

Current costs include recruiting (advertising and recruiter contact) and screening (credit and criminal history, on line psychological testing, background testing and medical records review) a policeman prior to his deployment to training.

Current costs for screening include travel, immunizations, medical/psychological evaluation, individual equipment issue, and deployment training.

**TRAINING COSTS PER STUDENT**

Based on standard daily rate while attending Border Police training. Content and length of the curriculum impacts the costs of faculty and facilities.

**HOUSING AND PER DIEM:**

JTR Standard CONUS Rate for housing, meals and incidentals is approximately \$100/Day.

**YEARLY SALARY:**

Our average salary for Border Police agents is based on our Hurricane Katrina relief effort experience.

**RECRUITING, SCREENING, TRAINING, HOUSING AND PER DIEM, AND SALARY COSTS PER AGENT FOR THE FIRST YEAR: \$197,000**

**ESTIMATED DEPLOYMENT TIMELINES:**

- 100 agents-3 months
- 1000 agents-13 months (Approximately 75/month)
- Sustained rate—75 additional agents per month

**LOGISTICS SUPPORT:**

DynCorp International can provide the following categories of support for all the agents we recruit, screen and train—

- Equipping (Including weapons and body armor)
- Transportation (Vehicles and Maintenance)
- Construction (Billets and support facilities)
- Communications (Radios, Info Tech)
- Base Operations (Operations and Maintenance)
- Aviation (Fixed and Rotary Wing)
- Back Office (Administration, Human Resources, Procurement, Finance)

## SUMMARY

DynCorp International's traditions, values, and experience are in ideal alignment with the Border Patrol mission. Our global experience in support of nation building and rule-of-law training and mentoring are directly compatible with the mission of our U.S. Border Patrol. Our skills developed over the years in police training and logistics ensure successful execution. And our demonstrated contingency-response capabilities in austere, remote, and inhospitable environments should instill confidence that we can get tough missions done on time and in compliance with high standards of performance.

Mr. CARNEY. I thank all the witnesses for their testimony.

I will remind each member that he or she will have 5 minutes to question the panel.

I will now recognize myself for 5 minutes.

Mr. Bonner, in your opinion, how do we strike a balance in the need to plus-up rapidly and to maintain the quality of both training and operations?

Mr. BONNER. I think the outer edge is about somewhere in the neighborhood of 20 percent to 25 percent. That is the limit of how much you can increase a workforce in any given year. When you stretch it beyond that, you are just asking for trouble. So I don't know that there is a quick answer.

This isn't like a military exercise where you take a bunch of 18-year-olds and give them a few weeks of boot camp and throw them into the fray. This is civilian law enforcement, and primarily immigration law enforcement, where you have to have people who are knowledgeable not just with the language skills, but cultural aspects and, most importantly, immigration law.

The last thing you want is immigration officers just selecting people on the way they look and assuming that they are illegally in the country. It takes a lot of training in order to get people to that level.

Mr. CARNEY. Any ideas on the balance, though?

Mr. BONNER. I think that the goal of 2,000 a year was a reasonable goal. I think that 3,000, I think you are starting to push the edge of that envelope where you are in dangerous territory. You are on that slippery slope where you are just asking for more and more corruption.

Mr. CARNEY. OK, thank you.

Ms. Kelley, how would law enforcement status and whistleblower protections benefit the Customs and Border Patrol officers in the end and aid the department generally? Do you believe that such status and protections would assist in recruitment and retention, and more importantly, morale?

Ms. KELLEY. I do. I think it would do all of those things, Mr. Chairman. The whistleblower protections just across government are a necessity for employees to be able to help to identify things that are not working well, that are not in the government's interest, and to know that they can do that without fear of losing their job.

On the law enforcement officer issue, these CBPOs are called law enforcement officers by everyone who speaks about them, but they do not have that official status, nor do they have it in their rights in their retirement. As a result, a lot of the attrition that we see among the CBPOs is moving into other occupations, whether it is

within or outside the government, where they do have that law enforcement officer coverage and are recognized as such.

They are trained to do all of the things required to be law enforcement officers. They must qualify three times a year on the range, and they are all armed, and they are armed in their jobs every day. And yet, they are denied that status. So I think it would make a world of difference in attrition, especially for the hires that have come in especially in the aftermath of September 11.

But there are many thousands of employees, of officers doing this work, who have done it for 20 years, who have been waiting for the day for that recognition from Congress. And so the current work to make that happen is a plus, but for many it will be a little bit too late.

Mr. CARNEY. Thank you.

Mr. Rosenkranz, if I understand your testimony, you are offering to provide the equivalent of a trained Border Patrol agent for \$197,000 the first year. Is that correct?

Mr. ROSENKRANZ. Yes, sir. That is including the 1 year of salary.

Mr. CARNEY. Right. According to press reports from just last month, your company was actually recruiting from Border Patrol to fill contract positions in Iraq. I have to say, this appears like we are using one government contract to create market for another government contract.

Moreover, the Border Patrol tells us that for fiscal year 2008, it is estimating the total cost of hiring, training, equipping and paying for an agent's first year is \$159,000. That is just about \$40,000 less than your estimate.

Factoring all this in, I guess I don't understand what benefit necessarily the government derives from hiring one of your agents over someone else. Can you please explain?

Mr. ROSENKRANZ. To your point about the cost, I think that number doesn't include a full-year's salary, so I am not sure about that, but I don't think so. On the other issue of recruiting advisors for the Iraqi border patrol, that was a mission for the State Department. We were told what we were allowed to do and what we were not allowed to do, and we tried to do it.

Mr. CARNEY. So you are saying that in effect the government asked you to recruit, to rob Peter to pay Paul in a sense?

Mr. ROSENKRANZ. There was no Paul in that one. There was just a request for a certain number of advisors for the border patrol in Iraq, and we went out and tried to get that.

Mr. CARNEY. How many? Can you give me a rough estimate of how many Border Patrol agents went from our border to the Iraq?

Mr. ROSENKRANZ. At the moment, I think 54 out of a total—it has been suspended for the moment—but the total number required is 123.

Mr. CARNEY. OK. Interesting. OK.

I now recognize Mr. Rogers for 5 minutes.

Mr. ROGERS. Thank you, Mr. Chairman.

Ms. Kelley, you talked about 73 days training at FLETC is what you currently have for your CBPOs. Is that correct?

Ms. KELLEY. Yes, being trained in all three specialties: immigration, customs and agriculture.

Mr. ROGERS. And that is where? In Charleston?

Ms. KELLEY. No, that is at Glynco.

Mr. ROGERS. Glynco.

Ms. KELLEY. At Glynco, the Federal Law Enforcement Training Center.

Mr. ROGERS. Do you know what the costs are per officer to train these folks?

Ms. KELLEY. I do not know.

Mr. ROGERS. Do you know what the capacity of that facility is at any given point in time as far as trainees?

Ms. KELLEY. I do not know that, but I can tell you that in the aftermath of September 11, they had to put all of the trainees for CBP on a 6-day training schedule, Monday through Saturday, in order to accommodate all of the hires that the agencies were needing to send through the academy. So there definitely is a limit on it, but I don't know what it is.

Mr. ROGERS. How many CBPOs are in the field right now?

Ms. KELLEY. My best guess right now, because it is a moving target every day, with the turnover, but I would guess right now there are probably about 12,000.

Mr. ROGERS. And you say we need 1,000 more?

Ms. KELLEY. Well, there are over 1,000 authorized vacancies today that are vacant, because they are not able to maintain. There is this constant turnover, and we don't really know what the attrition rate is because CBP won't provide that to us. They tell us it is no different than the rest of government, but I know that is not true. Anecdotally in the ports, many of the ports are down 50 and 60 officers, which results in a lot of overtime and a lot of coverage that just can't be provided because they just don't have the officers.

Mr. ROGERS. So if we had those 1,000 vacancies filled, we would have a total of 13,000 in the field. Is that right?

Ms. KELLEY. Roughly, yes.

Mr. ROGERS. I am showing my ignorance here when I ask this question. Do you know, has the administration set a goal for CBPOs like he has for agents?

Ms. KELLEY. Actually, at this point it is very, very marginal. I believe the appropriations bill allows for 250 additional hires, which really is just a drop in the bucket.

Mr. ROGERS. But you are not aware that he set a goal that we need 15,000 or 18,000?

Ms. KELLEY. I am not. What I can tell you is in 2000, the commissioner of CBP at the time did a resource allocation model and he determined that there was a need for a total of 21,000 officers at the time, and that was before September 11. The department has not done an allocation since then and they owe you one now.

Mr. ROGERS. Right. I know that when I have been at the various ports of entry, I see a variety of canine detection teams being used by CBPOs. Where are they trained with those teams? Is that also at Glynco, or do they go somewhere else for that training?

Ms. KELLEY. Basic training is at Glynco, but to tell you the truth, there is very little of that training going on anymore.

As I am sure you are aware, the canine officer position was abolished when CBP put forward its One Face at the Border initiative. They abolished that job title and series and made them all CBPOs, with a collateral duty of canine. So there are far fewer dogs and

far fewer teams out there today, and even those officers who have—

Mr. ROGERS. If more people have that designation, that capacity, why are there fewer canine teams?

Ms. KELLEY. Well, because it is not a specialty anymore. They were put in the general population of CBPOs. They have made everyone a generalist, and now they are pulling these what used to be canine officers, they pull them away from time with their dogs to put them on passenger processing to meet the wait times that I talked about in my testimony.

So they are not even being allowed to work full days with their dogs, which was their primary duty, and to keep those dogs ready and alert as detector dogs. It is a collateral duty now. It is no longer recognized as a position within CBP.

Mr. ROGERS. Do you have any idea how many canine detection teams there are as CBPOs?

Ms. KELLEY. I do not. I know there are many fewer today than there were when One Face at the Border was put in place in 2003, but I do not have a number.

Mr. ROGERS. You also made the statement in your list of recommendations that we should end the One Face at the Border initiative. Could you expand on that, because you didn't say what you would suggest we do in the alternative?

Ms. KELLEY. I think there needs to be a recognition of the specialization that existed with immigration, with customs and with agriculture, and a recognition that this move toward a generalist is not a good move for the country or for the officers who are trying to do these jobs.

There are very specific and distinct bodies of law, rule and regulation that go with customs, with immigration and with agriculture. And to try to make someone an expert at all three of them is not even what they are trying to do. They are making a generalist of everyone, with just a little bit of training in each of the specialties down at FLETC, when they go through.

But they could be trained in passenger processing and then not work a booth for months, as you saw in my testimony, or they could be trained on customs documents and not do that work for months.

Mr. ROGERS. But isn't it useful to have that core knowledge in case, for cross-training purposes?

Ms. KELLEY. The core knowledge was always there, even before the One Face at the Border initiative, because these officers worked next to each other at the ports for all the travelers who were coming across the borders or through the ports.

There was always that recognition and kind of that core knowledge. But the specialization that existed for customs law, rule and regulation, and for immigration, and for agriculture is not being held out as a standard anymore. It is to know a little bit about everything, rather than the recognition that the specialization is part of what makes our borders and our ports so safe.

Mr. ROGERS. Thank you. My time is up.

Mr. CARNEY. I thank the gentleman from Alabama.

We will do a second round, maybe more.

Mr. Bonner, you state, in the rush to recruit, we are doing little to retain. In your opinion, what are the top three impediments to retention and how do we solve those problems?

Mr. BONNER. First and foremost, policies that prevent agents from doing their job are the single largest impediment to retention. We go out and we recruit some fine young men and women. We show them videos with agents rappelling out of helicopters, riding on horseback, riding on ATVs. And then they get out to the line and they are told, look kid, here is your job; for 10 hours, you sit here and you watch this traffic. If someone comes across the border, if they are within range of your vehicle, without moving your vehicle, if you can go grab them, you can do that. If not, call them out to someone else.

And they sit there for 10 hours a day essentially being human scarecrows, and they are bored stiff. That is not what they signed on for, and in very short order they move on to a different career in law enforcement. Unless that changes, we are going to chase away the best and the brightest.

Obviously, the way you fix that problem is allow the Border Patrol to go back to patrolling the border. The single most important step, as counterintuitive as that might sound, is to go after the employers, which eliminates 98 percent of the traffic.

Currently in any given year, 2 million or 3 million people come across our borders illegally, the overwhelming majority of whom are seeking employment in the United States. If we remove them from the equation, then we are left with tens of thousands of hardened criminals and a handful of terrorists.

And the Border Patrol would clearly have to modify its tactics at that point. You don't just sit there and pretend that you can deter criminals from coming across, because you don't deter criminals except by putting them in jail. You have to hunt them down, apprehend them, bring them in front of a judge, and have them put away for a long time.

That is doable, but only if you eliminate all of the millions of people who are coming across seeking employment, and guess what? They are finding it. U.S. employers are free to hire people who are in this country illegally, and everyone knows it.

Mr. CARNEY. In your testimony, Mr. Bonner, you identify policies that you believe interfere with the Border Patrol's mission. Can you expand on that?

Mr. BONNER. I mentioned the strategy of deterrence, which is sitting in a fixed position.

Then there is the over-reliance on traffic checkpoints. We have stations along the southwest border where you have two or three agents working the line and dozens of agents working at the backup traffic checkpoints.

You have the vehicle pursuit policy which does not allow agents to pursue vehicles that have broken any traffic laws, unless they have supervisory approval, and that is rarely given.

All of these policies frustrate the ability of the agents to accomplish the mission.

Mr. CARNEY. Are you suggesting we need another set of rules of engagement here?

Mr. BONNER. Absolutely.

Mr. CARNEY. Ms. Kelley, do you have an echo to that?

Ms. KELLEY. Well, the issue of the policies in the ports also impact how the officers at the ports of entry do their jobs. I mentioned these wait times. Very often, officers are pulled away from their other duties, whether it is inspecting cargo or baggage or other things that are very important to make sure the wrong things don't get into the country. But first and foremost, the priority is clearing a flight in 45 minutes.

Those kinds of rules and procedures are not seen by CBPer as the best use of their skills and/or of the best processes to really protect the ports that they are trying to protect.

Mr. CARNEY. Thank you.

Mr. Rosenkranz, to your point about the pay, yes, that is also part of the \$159,000, too. It is in there as well.

I yield to Mr. Rogers of Alabama for 5 minutes.

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. Bonner, I wanted to ask you about the border. I know the agents are often in great danger. One of the things that I found when I was in Nogales is they drove along very mountainous terrain along the border. One of the concerns they had was rocks being thrown across from the Mexican side. Even smaller rocks when they get some velocity coming off those mountains can be very dangerous projectiles.

Are you aware of any initiative that Border Patrol has taken to make those vehicles safe from those kinds of airborne projectiles?

Mr. BONNER. We have what we call "war wagons." It is a steel mesh, a heavy steel mesh that covers every inch of glass on that vehicle, all of the windows, the side windows, the front and back windows. That is the only measure that I am aware of that has been taken to protect the agents from those projectiles.

Mr. ROGERS. Are you aware of any initiative by Border Patrol to find alternative vehicles that have been used in other places like in Israel where they have a similar problem?

Mr. BONNER. They have experimented with some of those on a limited basis. They are quite expensive, but I would say that a human life is worth a lot of money. So I think that no expense should be spared to protect these agents.

But more importantly, when we know that there are areas where our agents are being ambushed, that are right next to the international boundary, wisdom and prudence dictates that we withdraw a little bit to an area where we control things, because we are relying on a neighbor to the south that is not very cooperative with us.

Mr. ROGERS. That is correct.

Mr. BONNER. I would say that if those types of attacks were happening from our side of the border, being launched from our side of the border, that our law enforcement officers would be all over that. It would end in a hurry.

Mr. ROGERS. But it seems to me at a minimum in those very few areas where that is such a danger, we ought to have the proper vehicles there that can protect our agents.

Mr. BONNER. We should. If we are going to put our agents in harm's way—

Mr. ROGERS. We don't have them everywhere, but at least in those areas it seems to me—

Mr. BONNER. If we are going to put them in harm's way, we absolutely should protect them.

Mr. ROGERS. But another thing I have found is that just the terrain in general along the border is just tearing all these vehicles up. They are aren't built for it, and the manufacturers are not willing to make accommodations unless we buy a whole lot more. So it is a real practical problem.

I want to talk to you a little bit about something you made reference to in your opening statement, and I was glad that you did touch on it, and that is how you came up with this 12 percent attrition rate. I had the opportunity to catch your interview on the Glenn Beck program a while back, where you made reference to that.

But the thing that was most startling in your interchange with Mr. Beck was you had talked about from the time we started this buildup of Border Patrol agents, to now—and this is about a month ago we have had a grand total or a net increase or 650 agents.

Is that a number you still feel is accurate?

Mr. BONNER. That was the number from when the president announced, with great fanfare in May of last year, that he was going to increase the size of the Border Patrol. At that point in time, it is my understanding, and I haven't seen all of the official figures, but it was my understanding based on informal figures provided to me that that is pretty close to the truth.

Mr. ROGERS. And that is after 3 years?

Mr. BONNER. No, that is in the span of about a year that they managed to add that many.

Mr. ROGERS. You are very familiar with the facility at Artesia, I take it?

Mr. BONNER. Yes.

Mr. ROGERS. Do you believe it is possible that they can train 6,000 more Border Patrol agents in the next 18 months to meet the president's goal?

Mr. BONNER. No, I do not. They can cut the corners. I suppose they can do anything. They could do a mail order training course, but that is not going to yield a good quality product.

Mr. ROGERS. Well, let's talk about the quality of the product. You made reference a little while ago to the fact that they were reducing the time by taking people who are Hispanic and can speak Spanish fluently, and removing that part of the course for them. That makes sense, it would seem to me, if somebody is fluent in Spanish that you are not making them sit through Spanish lessons for a month or 6 weeks.

Mr. BONNER. I am less concerned with that aspect than I am with the other 5 weeks that are being taken off of courses that are essential to understanding the culture, essential to arrest techniques. These are some of the things that are being shortchanged as they reduce the length of the academy. There is simply no way around it. When you take 5 weeks out of a 19-week curriculum, something has to give.



Mr. ROGERS. Well, you know that we are having to tie up Border Patrol agents to train many of the courses there that are not law enforcement-related. You are aware of that?

Mr. BONNER. I am aware in some instances.

Mr. ROGERS. In virtually all. One of my problems has been that we are classifying—and I tried to change it last year and got resistance from your union and others—we are classifying these faculty positions as inherently governmental, when in fact teaching Spanish is not something that you have to be a trained Border Patrol agent or Border Patrol officer to do.

If we could free up those people to go out and work on the border, it would make it a lot easier for us to cover the border more securely, and at the same time train up officers and agents in an effective way. I am just talking about those that are non-law enforcement-oriented.

I have gone over my time. I look forward to my third series so I can get to our friend at DynCorp. Thank you, Mr. Chairman.

Mr. CARNEY. Thank you, Mr. Rogers.

The chair now recognizes the gentleman from Colorado, Mr. Perlmutter, for 5 minutes.

Mr. PERLMUTTER. Thanks, Mr. Chairman.

I am going to start using the tunnels from here on out, now that I am in Washington in the summer, instead of running over to the Capitol. I am not appearing at my best, let's put it that way, when I get back here.

I have a couple of questions, and they are very preliminary, and I apologize if you have already answered them.

Can somebody quickly again just give me the distinction between a CBPO, an officer, and an agent? What is the difference, if there is a difference between a protective officer and a border agent?

Ms. KELLEY. The CBPOs work at the ports of entry, at the airports, the seaports and the land ports. Border Patrol agents work between the ports of entry.

Mr. PERLMUTTER. OK. Next question is again another very preliminary one. Generally, how are all of our men and women in both of these organizations, and you can split them up as you like, how are they allocated between the north, the south, and then the ports?

Ms. KELLEY. The CBPOs are allocated based on decisions that are made by CBP headquarters. There are more officers on the northern border today than there were before September 11. The southern borders were always ports that were staffed at high numbers, but I will tell you they have some of the highest turnover, and probably some of the largest number of vacancies.

And then the airports, seaports and other border crossings within the United States are staffed, again based on whatever CBP determines. They can have one or two officers there. They can have hundreds. They take the staffing that they have and they need more staffing, but they take the staffing that they have and allocate it as they see fit.

Mr. PERLMUTTER. Does anybody know if it is three-to-one, four-to-one, south to north?

Mr. BONNER. Within the Border Patrol, approximately 10 percent of the workforce is along the northern border, with the balance on

the southern border and a small number along the coastal waters down in Florida and the Gulf Coast.

Mr. PERLMUTTER. OK. Recently, we had the incident—and I don't know if you talked about the patient with tuberculosis—we had the incident up in New York. Do any of you have any particular positions on that?

That seemed to be a fairly straightforward situation, and hopefully it was just a one-time event where somebody just had bad judgment. But is there something about the training that would lead to a mistake like that? Do any of you see that?

Ms. KELLEY. I can't really talk about specifics of the case because there is still an ongoing investigation within CBP.

I am not stating that there was any direct correlation between that very, very unfortunate incident and the training. However, my comments about training in general are made in light of the fact that I know this committee is interested in ensuring that CBP staff have the training that they need.

There are a lot of things that I believe are not being addressed, but I would not say that they were specifically tied to this incident based on what we know, even though it is still under investigation.

Mr. PERLMUTTER. Well, one of the things you have been talking about, or the panel has been talking about, is just there is this need for many more border agents and protective officers. Training is getting squeezed to some degree.

So I guess my question—there are a couple of questions. First is, does anybody have a position on whether or not we should be privatizing?

Mr. Rosenkranz, this is probably where you come in—whether we should be privatizing or adding some private security forces to either the border or the ports, and we think that the training of the private individuals is better or the same as what we are getting within the system now.

Ms. KELLEY. I don't have any first-hand information other than what Mr. Rosenkranz has told us about training and the work that they do. I believe that the ports of entry should be protected by Federal employees who are trained by the Federal Government and who have that responsibility, that commitment. I believe without question it should be done by Federal employees and not privatized.

Mr. PERLMUTTER. Mr. Bonner?

Mr. BONNER. I agree with Ms. Kelley. I think it would be a serious mistake to set up a dual structure of Federal employees and private contractors. It is just an invitation to disaster.

Mr. PERLMUTTER. Mr. Rosenkranz?

Mr. ROSENKRANZ. I think there is a point that is missed here. The people that we recruit would be police officers, either retired or serving. They go through additional training and then they would come under the control of the Border Patrol. They would be additional employees in the same structure. The distinctions are not visible.

Mr. PERLMUTTER. OK. Thank you.

I yield back.

Mr. CARNEY. I thank the gentleman.

Mr. Bonner, do you think that hiring the private contractors is the answer to the problem?

Mr. BONNER. No, I don't think so. I think that there is a temptation to throw a lot of personnel into the mix here as if somehow that is going to solve the problem. We have seen that that really hasn't worked. The ramp-up that started back in the early to mid-1990's, since that occurred, we have percentage-wise increased the size of the Border Patrol substantially, probably to the same degree that they are talking about with this 18,000.

As a consequence of that, the Border Patrol in its official estimates claims that they now control 150 miles of border. Taking that at face value, now they are saying that if we give them 18,000 total agents, and invest billions of dollars in SBInet, that within 6 years we will have complete control of all of our borders. And the Border Patrol is responsible for 8,000 miles of land and coastal borders.

Within the span of the last dozen years, we have managed to control 150 miles, by their estimates, and now all of a sudden we will have all 8,000 miles in 6 years? I don't believe that for a second, and anyone who does I have some beachfront property in Iowa that I am willing to sell at a bargain price.

Mr. CARNEY. I am from Iowa, actually.

[Laughter.]

It is a beautiful state.

Mr. BONNER. But you don't have any beaches there, and you know that better than most.

[Laughter.]

Mr. CARNEY. Yes.

Mr. Rosenkranz, I have to confess, I need a quick tutorial here on how DynCorp does this. You offer a service of trained enforcement agents. Where do they get their training and then who paid for that training?

Mr. ROSENKRANZ. The cost of the training is included in the number. I emphasize the fact that the number includes an entire year's salary, not 5 months. It is the entire year. The way it would work is the way it works now. The difference, I think, in the recruiting process is that it is easier to recruit retired police to go to Arizona than to go to Baghdad. I think we could be successful.

The process would be the same as the government follows. We would determine the exact syllabus and the exact curriculum based on what the Border Patrol said had to be in it, but we have offered in our statement a potential syllabus, a potential curriculum that could be followed, and we pick 10 weeks as a fair number. It could be less or it could be more, depending on what is required.

And then we recruit and vet and then train these folks, and then deploy them to the Border Patrol and they would work for the Border Patrol. They would be policemen. So we assume that there is less training required before they are put into the force.

As I mentioned at the end of the statement, we can provide other support: back-office support, construction support, whatever is required to supplement what the Border Patrol has now.

Mr. CARNEY. OK. So in your view, the value added to the extra cost, the cost differential about the \$40,000 roughly is that other

stuff you bring? What is different than what the government does in that?

Mr. ROSENKRANZ. I think we can come up with whatever number is required from us. We can come up with that number in a short timeframe, train them, and provide them to the border police. I think that I will submit additional information so you can see the difference in the cost.

I think our cost is less, actually. Because we didn't want to appear to be deceptive, we put everything in there, and we would be very happy to compare that to what it costs to do the same functions as the government.

Mr. CARNEY. I would absolutely love to see that.

Mr. ROSENKRANZ. OK.

Mr. CARNEY. I appreciate it.

Mr. ROSENKRANZ. I think there is an advantage here in that we can provide the amount of people that you need—not 6,000 a year, but we can provide, as we indicated in our report, 1,000 a year, and more than that if you desire us to expand our facilities. We can do it at a price that is less than the government is spending now.

Mr. CARNEY. OK. Well, like you said, I am looking forward to seeing those documents.

I recognize Mr. Rogers for 5 minutes.

Mr. ROGERS. I thank the chairman.

One of the things that we agree on, Mr. Bonner, is 18,000 is not enough. I really believe it is going to be a larger number that is required. I have said that publicly for years. But I also don't believe that we have the capacity at Artesia, even with its enhancements, to meet the need of just getting to 18,000 and sustaining that.

Mr. BONNER. I agree.

Mr. ROGERS. I have gotten nothing but resistance to efforts to think outside the box to try to meet that demand in the interim. One of the things that, as you know, I have looked at is bringing the private sector in, companies like DynCorp, Blackwater and others, to serve in a supplemental capacity.

Mr. Rosenkranz, I was a little surprised when I heard your number earlier in this testimony, because I have not heard a number that large. I have known it to be an expensive endeavor, but the reason I understood for it being a little bit expensive was because it was temporary. We could say that as soon as this contract is over, you go away. Whereas with these infrastructures, they are permanent and we have to sustain them and we just can't shut them down.

But tell me more about this—well, rather than putting you on the spot, I would like to see the same thing you provide the chairman about your costs. I would like to ask you, I heard you make reference to the different areas where you have a presence or have had a presence. Are you still in New Orleans in the sheriff's department down there?

Mr. ROSENKRANZ. No, we are not. We completed that mission.

Mr. ROGERS. How long were you there?

Mr. ROSENKRANZ. About 1 1/2 years, I think.

Mr. ROGERS. So right after the hurricane for about 1 1/2 years, you provided personnel. Was it 70 or 80 personnel working in the sheriff's department?

Mr. ROSENKRANZ. I have to check on that number, sir. I don't remember. I think it was less than that.

Mr. ROGERS. Weren't those individuals deputized while they were there?

Mr. ROSENKRANZ. The people who work for the department were deputized.

Mr. ROGERS. But your employees worked for the department?

Mr. ROSENKRANZ. Right. Yes, sir.

Mr. ROGERS. So when you send your personnel to the border, you could have them deputized to serve in a law enforcement capacity?

Mr. ROSENKRANZ. Yes, sir. Once we provide these people to the agency, in this case to the Border Patrol, they work for the Border Patrol and they take the responsibilities of any of the border patrolmen, the same capacities.

Mr. ROGERS. Yes.

Mr. ROSENKRANZ. These are all required to be police officers already.

Mr. ROGERS. As you are probably aware—I don't think I have had this conversation with you—but I tried vigorously a year ago to push legislation that would allow us to contract out with entities through the Federal Protective Service, for services like you have been talking about where we could spec the requirements that we have for a Border Patrol agent or a Border Patrol officer, spec them very specifically, and then contract out for somebody to provide that.

I ran into a complete buzz-saw from these two folks over here and others who want to keep the system just the way it is. It has been my view that we could take those kind of personnel who have been trained to the same academic criteria and law enforcement criteria and put them under the supervision, and be trained by Border Patrol agents, retired Border Patrol agents on the border, and they would function effectively.

My question to you is—and I won't ask you if you agree with that because I am certain you would—but would you think that private source personnel, hired under the kind of program I just described, would be better suited to be given a distance along the southwest border that they control without any interaction with the Border Patrol? Or should they be integrated with the Border Patrol along the border in a subordinate capacity?

Mr. ROSENKRANZ. Our assumption was that these are people that would be integrated into the current structure. Being given a separate segment of the responsibilities it not a problem except for the question of who is going to manage them. We can provide the management, but our initial thoughts on this based on the knowledge we have is that these would be people to be seamlessly integrated into the Border Patrol. That is the basis on which we provided our testimony.

Mr. ROGERS. OK.

Mr. ROSENKRANZ. We think we can do that, and we would be very happy to have a test of that, or a pilot of that to show what we are talking about.

Mr. ROGERS. I would very much like to see that. I don't hold out a whole lot of hope, but I would like to see that happen. I think it would work. That is one of the reasons why I think it won't happen is because it would work.

I want to make a comment before I let the mike go, because I won't ask for another round.

I understand from past discussions that the way to answer the chairman's question when he had a view, is that the way you all do this is when you are being asked to provide personnel as officers or agents or whatever, you all would ask for the academic criteria and other training, and then you would set up a training campus somewhere and then you would hire and train-up folks to meet that criteria at a separate location that you may or may not already have.

Is that correct, Mr. Rosenkranz?

Mr. ROSENKRANZ. Yes, currently the training facilities that we are using to train the civilian police for the State Department would be the facilities we would use for this mission, and we would expand them as necessary. This would be completely autonomous in that part of the training piece. It would not impinge on the Federal facilities at all.

I would assume, as we do with the State Department, that the Border Patrol would provide people to either add to the faculty presentations or supervise the faculty, and certainly check their credentials. The State Department does that on a continuous basis.

We have run these schools, but they do oversight and ensure that we are meeting the requirements and the specifications, and that is what we would expect in this case. We have two schools in Virginia and one in Texas.

Mr. CARNEY. I thank the gentleman.

I now recognize the gentleman from Colorado for another 5 minutes.

Mr. PERLMUTTER. Mr. Rosenkranz, does your company do any of the private contracting, private security forces in Iraq?

Mr. ROSENKRANZ. At the moment, our work is with the State Department exclusively. We do a protection mission and a civilian police mission with the State Department.

Mr. PERLMUTTER. Because as I was listening to Mr. Rogers, and at some point we have substantial numbers of private security contractors in Iraq. Has your company ever done that?

Mr. ROSENKRANZ. They did some protection for commercial firms in Iraq in the 2003 or 2004 timeframe, before I joined the company.

Mr. PERLMUTTER. Do you know whether, and I know you were answering this for Mr. Carney and Mr. Rogers, but have you or has your company analyzed what services you could provide for the Border Patrol? I mean, is there a specific proposal that you responded to or that you prepared?

Mr. ROSENKRANZ. We prepared the testimony, but there is no proposal so there is nothing to prepare. I am sorry. There is no solicitation, so we prepared no proposal. Certainly, we could do that if somebody asked us.

Mr. PERLMUTTER. In thinking about this, though, one of the issues that we are confronted with is the bad morale and the turnover that we have seen within our agents and our officers to some

degree. To what do you attribute that, if you guys have taken a look at this?

Mr. ROSENKRANZ. The morale of the Border Patrol?

Mr. PERLMUTTER. Yes.

Mr. ROSENKRANZ. I can't address that because I don't know.

I can tell you that the morale on our force is a crucial element of our management of these policemen in Iraq and Afghanistan, as you can imagine. It is not just the post-traumatics, but the stuff on the mission, because it is a very dicey, difficult mission.

We have 40 percent of our people—and this is a 1-year assignment. We hire these people for 1 year. They go over to Iraq or Afghanistan and then they come home, and 40 percent elect to stay an additional year.

I have been out to counsel them in their mission areas, and I am amazed at the level of morale and spirit that you see in these men and women who come from the police departments of the United States. It is very impressive.

Mr. PERLMUTTER. How many people do you have, or does your company have working for you and working for the State Department?

Mr. ROSENKRANZ. We have at the moment in Iraq and Afghanistan about 1,400-plus officers; in the field, about 4,000 people between the two countries to support them.

Mr. PERLMUTTER. Mr. Bonner, my question to you is also about the morale and turnover. I may have missed your testimony on this, and I apologize. But do you have anything that you attribute this?

We have had a couple of hearings on morale within the Department of Homeland Security as a whole, but we have also heard particularly within Customs and Border Patrol that there is really been some disenchantment or whatever.

Mr. BONNER. As a matter of fact, the Office of Personnel Management every 2 years for the last three cycles has done surveys. Since the creation of the Department of Homeland Security in the 2004 and 2006 reports, DHS has ranked dead last, and Border Patrol is down at the bottom of that dishonorable mention.

The reasons are many, but the single largest complaint we get is that agents are simply not allowed to do their jobs. Beyond that, you have low pay and other issues that cause people to question their judgment in accepting employment with the Federal Government.

Mr. PERLMUTTER. How are they not allowed to do their job? What do you mean?

Mr. BONNER. There are various policies that prevent them from actually going out and utilizing their statutory arrest authority, such as being forced to sit in static positions; being deployed to areas where the traffic has moved away from; not being allowed to stop vehicles that break traffic laws. The whole list of policies prevent them from doing their jobs.

Mr. PERLMUTTER. Ms. Kelley?

Ms. KELLEY. The One Face at the Border initiative that has really not allowed employees to use their experience, their expertise in the customs or immigration or agriculture arena is one of the big-

gest contributors to poor morale for the CBP officers and throughout CBP.

In addition to issues around scheduling, a lack of recognition by CBP that while many of these ports have gone to 24/7 coverage, which absolutely is understandable and is needed, but there is still a way to schedule employees with their work to recognize the fact that there are family issues, whether it is child care or working spouses.

Every shift must be covered by qualified individuals, and that is management's right to do, but there was a time up to a few years ago where there was involvement by the employees in being able to at least raise their hand on different scheduling assignments in order to ensure that this was a place they could continue to work and not have to make a choice between family and the job.

And that just isn't the case anymore. Schedules are put in place with zero consideration of employee input or volunteering. That has also contributed, as well as the lack of expertise and recognition of the skills that they have.

Mr. PERLMUTTER. Thank you.

Mr. CARNEY. I thank the gentleman.

Seeing no further questions, I thank the panel for their valuable testimony and for the members for their questions.

The members of the subcommittee may have additional questions for the panel. I encourage you to expeditiously answer them and submit them in writing.

The first panel is dismissed. Thank you once again.

I now welcome the second panel of witnesses.

Our first witness is Richard Stana. Mr. Stana is the director with the Homeland Security and Justice team at the U.S. Government Accountability Office. During his 31-year career with GAO, he has directed reviews on a wide variety of complex military and domestic issues in headquarters, the field and overseas. Most recently, he has directed GAO's work relating to immigration and border security issues.

Our second witness is Art Morgan, director of the U.S. Customs and Border Protection Field Operations Academy, a position he has held since January of 2006. In his current position, Mr. Morgan has oversight for basic training of all CBP officers, agriculture specialists, and other CBP professionals such as entry and import specialists. In addition, he is responsible for advance programs delivered at the CBP Field Operations Academy in Glynco, Georgia, and ports nationwide. Mr. Morgan has spent the past 35 years of public service, having begun his career as a customs inspector at O'Hare International Airport in Chicago, Illinois.

Our third witness is Charlie Whitmire, chief patrol agent of the United States Border Patrol Academy in Artesia, New Mexico. As the chief of the Border Patrol academy, Chief Whitmire directs all efforts related to basic, advanced and post-academy training. He currently manages a combined staff and student population of over 1,100 agents plus support personnel. Chief Whitmire began as a Border Patrol agent in 1983.

Our fourth witness is Cynthia Atwood, assistant director for the Field Training Directorate at the Federal Law Enforcement Training Center, FLETC. In this position, Ms. Atwood is responsible for



the direction, planning and management of FLETC's field training site. She began her FLETC career in 1995. Ms. Atwood began her career at an agent with the Department of Agriculture's Office of the Inspector General.

Without objection, the witnesses' full statements will be inserted in the record.

I now ask each witness to summarize his or her statement for 5 minutes, beginning with Mr. Stana.

**STATEMENT OF RICHARD M. STANA, DIRECTOR, HOMELAND SECURITY AND JUSTICE, GOVERNMENT ACCOUNTABILITY OFFICE**

Mr. STANA. Chairman Carney, Mr. Rogers and members of the subcommittee, I appreciate the opportunity to participate in today's hearing on the training of new Border Patrol agents.

In May 2006, the president called for comprehensive immigration reform that included, among other things, adding 6,000 new Border Patrol agents by December 2008. This would increase the number of agents to about 18,300, which is an unprecedented 48 percent increase in just 2 years.

In addition, Congress is considering legislation that would authorize an additional 10,000 agents, which could increase the size of the Border Patrol to about 28,000 by 2012. It is important that these new agents receive the training needed to effectively carry out their national security and immigration enforcement responsibilities envisioned in various immigration reform proposals.

My prepared statement is based on a report requested by Mr. Rogers and issued in March on the nature and cost of training provided to new Border Patrol agents, and whether the capacity exists to train the potentially large influx of new agents. In my oral statement, I would like to highlight the following three points.

First, training for new Border Patrol agents includes both basic training at the Border Patrol Academy at Artesia, New Mexico, and post-academy and field training, which is provided after the new agent is assigned to the sector. Academy training is currently 81 days long and consists of Spanish language, law and operations, physical fitness, driving, firearms, and general operations training.

While we did not independently evaluate the effectiveness of academy training, we found that the program exhibits all of the applicable attributes of an effective training program.

As shown in table one of my prepared statement, for example, the Border Patrol's training program determines the skills and competencies needed by its workforce, incorporates measures of effectiveness into courses it designs, tracks the cost in delivery of training, and provides for an effectiveness evaluation by the Border Patrol. Border Patrol officials told us they are confident that the academy can handle the large influx of new trainees expected over the next 2 years.

Second and perhaps most importantly, a potential capacity problem exists regarding the post-academy and field training components of the program. Border Patrol officials were concerned that they may not have enough experienced agents in the sectors to serve as first-line supervisors and trainers for the new agents. For example, the chief of the Border Patrol told us that while the aver-

age experience level of Border Patrol agents agency-wide is about 4 or 5 years, in some southwest border sectors it is only about 1 1/2 years.

In addition, although the Border Patrol has a desired ratio of five new agents to every supervisor, the overall agent-to-supervisor ratio for the southwest border sectors range from seven to one up to eleven to one. Moreover, this capacity shortfall would likely be exacerbated if some training is shifted from the academy to the sectors, and if the more experienced agents are transferred to the northern border or leave the agency.

The transfers and the shifting are actions that are planned or under consideration. The additional burden this would place on already strained field resources could degrade the sectors' ability to provide adequate supervision and training for the new agents.

My third point deals with the cost to train a new Border Patrol agent. We found that the average cost was consistent with the average cost of similar Federal and state law enforcement training programs. In 2006, the average cost to train a new Border Patrol agent was about \$14,700, whereas it cost \$15,300 to train a BIA police officer, about \$15,500 for an Arizona police officer—that is a state police officer—and about \$14,700 for a Texas state trooper.

The Border Patrol estimates that the average cost to train a new agent this year is about \$16,200. The increase is primarily due to hiring additional academy instructors, which increased CBP's instructor costs from about \$2,800 to \$6,100 per student. CBP's position cost model estimates that it costs about \$156,000—and this is a figure we talked about in the previous panel—to deploy an agent. This model includes direct and indirect costs to recruit, train, equip and deploy the agent.

In closing, given the unprecedented ramp-up of new Border Patrol agents envisioned in the various immigration reform proposals, it will extremely important that the Border Patrol's training programs turn out new agents who are proficient in the safe, effective and ethical performance of their duties.

Whether or not the Border Patrol Academy will be in a position to provide basic training to new agents, the numbers to be hired over the next 5 years would likely severely strain the sectors' ability to provide adequate supervision and field training. The planned transfer of more experienced agents to the northern border, a shift of training from the academy to the sectors, and the possibility of an exodus of experienced agents to other law enforcement agencies could further exacerbate these concerns.

Finding ways to meet these challenges will be essential to maintaining a quality training program and an effective border patrol force.

This concludes my oral statement, and I would be happy to answer any questions that you or other members of the subcommittee may have.

[The statement of Mr. Stana follows:]

PREPARED STATEMENT OF RICHARD M. STANA

United States Government Accountability Office

GAO

Testimony  
Before the Subcommittee on Management,  
Investigations, and Oversight, Committee  
on Homeland Security, House of  
Representatives

For Release on Delivery  
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BORDER PATROL

Costs and Challenges  
Related to Training New  
Agents

Statement of Richard M. Stana, Director  
Homeland Security and Justice Issues



GAO-07-997T

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to be here today to discuss our work on the costs and challenges related to training 6,000 new Border Patrol agents by the end of December 2008.

The U.S. Border Patrol is responsible for patrolling 8,000 miles of the land and coastal borders of the United States to detect and prevent the illegal entry of aliens and contraband, including terrorists and weapons of mass destruction. Although the Border Patrol apprehends hundreds of thousands of people entering the country illegally each year, several hundreds of thousands more individuals successfully enter the country illegally and undetected each year.<sup>1</sup> In May 2006, the President called for comprehensive immigration reform that included strengthening control of the country's borders by, among other things, adding 6,000 new agents to the Border Patrol by the end of December 2008. This would increase the total number of agents from 12,349 to 18,319, an unprecedented 48 percent increase over the next 2 years. The Border Patrol plans to add these new agents to its nine southwest border field offices, called sectors, while transferring up to 1,000 experienced agents to the northern border. In addition, legislation has been proposed in Congress that would authorize an additional 10,000 agents, potentially increasing the size of the Border Patrol to about 28,000 agents by the end of 2012.

My testimony today is based on a recent report for the ranking member of this subcommittee on the content, quality, and cost of the Border Patrol's basic training program for new agents.<sup>2</sup> It focuses on the following issues:

- the extent to which the Border Patrol's basic training program for new border patrol agents exhibits the attributes of an effective training program and how the training program has changed since September 11, 2001;
- the estimated cost to train a new agent at the Border Patrol Academy and how the Border Patrol's basic training program and cost compared to those of other similar federal and nonfederal law enforcement basic training programs; and

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<sup>1</sup>Congressional Research Service, *Border Security: The Role of the U.S. Border Patrol*, RL32562 (Washington, D.C.: Jan. 25, 2006).

<sup>2</sup>GAO, *Homeland Security: Information on Training New Border Patrol Agents*, GAO-07-540R (Washington, D.C.: March 30, 2007).

- any plans the Border Patrol has developed or considered to improve the efficiency of its basic training program.

To determine the extent to which the Border Patrol's training program exhibited the attributes and characteristics of an effective training program, we reviewed the Border Patrol's basic training curriculum and compared it with GAO's guide for assessing federal training programs.<sup>3</sup> While we determined the presence of indicators of particular attributes, we did not assess the extent to which these attributes contributed to the quality of the training program. We also visited the Border Patrol Academy in Artesia, New Mexico, and observed training in progress and discussed training content with the Academy Chief and course managers. To determine what changes the Border Patrol has made to the basic training program since September 11, we reviewed new training materials.

To determine the cost to train a new Border Patrol agent, we reviewed the Federal Law Enforcement Training Center's (FLETC) methodology used to calculate the average training cost per agent. We assessed the data for reliability and found that the data we used for our analyses were sufficiently reliable for the purposes of our report. To compare the cost of the Border Patrol's basic training program to that of other similar basic training programs (i.e., civilian, patrol-based law enforcement training for operations in the southwest region of the United States), we obtained course curricula and training cost information from FLETC, the Department of the Interior's Bureau of Indian Affairs (BIA), the Southern Arizona Law Enforcement Training Center, and the Texas Department of Public Safety. We did not identify any private firms offering a similar training program. We assessed the data for reliability and found them reliable for the purposes of this review.

To determine what plans the Border Patrol has developed or considered for improving the efficiency of its basic training program, we reviewed relevant documentation and interviewed CBP officials.

We performed our work from September 2006 through March 2007 and updated selected information in June 2007 in accordance with generally accepted government auditing standards.

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<sup>3</sup>GAO, *Human Capital: A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, GAO-04-546G (Washington, D.C.: March 2004).

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**Summary**

After reviewing the Border Patrol's basic training program and comparing it with GAO's guide for assessing federal training programs, we determined that the Border Patrol's basic training program exhibits attributes of an effective training program. The Border Patrol's training program included all of the applicable key attributes of an effective training program.<sup>4</sup> The core training curriculum used at the Border Patrol Academy has not changed since September 11, but the Border Patrol has added new material on responding to terrorism and practical field exercises, such as what actions agents should take if they encounter a suspected weapon of mass destruction or an improvised explosive device. Border Patrol officials are confident that the academy can accommodate the large influx of new trainees anticipated over the next 2 years.

In fiscal year 2006, the average cost to train a new Border Patrol agent at the academy was about \$14,700. This cost represents the amounts expended by both the Border Patrol and FLETC. The Border Patrol paid about \$6,600 for the trainee's meals and lodging, and a portion of the cost of instructors, and FLETC paid about \$8,100 for tuition, a portion of the cost of instructors, and miscellaneous expenses such as support services, supplies, and utilities. The \$14,700 cost figure does not include the costs associated with instructors conducting postacademy and field training in the sectors. The Border Patrol's average cost per trainee at the academy is consistent with that of training programs that cover similar subjects and prepare officers for operations in similar geographic areas. For example, the estimated average cost per trainee for a BIA police officer was about \$15,300; an Arizona state police officer, \$15,600; and a Texas state trooper, \$14,700. However, differences in the emphasis of some subject areas over others dictated by jurisdiction and mission make a direct comparison difficult. For example, while both the Border Patrol and the Texas Department of Public Safety require Spanish instruction, the Border Patrol requires 214 hours of instruction compared with 50 hours for a Texas state trooper. Also, the Border Patrol does not provide instruction in investigation techniques, while BIA, Arizona, and Texas require 139, 50, and 165 hours of such instruction, respectively.

The Border Patrol is considering several alternatives to improve the efficiency of basic training delivery and to return agents to the sectors more quickly. For example, in October 2007 the Border Patrol plans to

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<sup>4</sup>One attribute dealing with the selection or voluntary self-selection of employees was not applicable because basic training is mandatory for all new Border Patrol agents.

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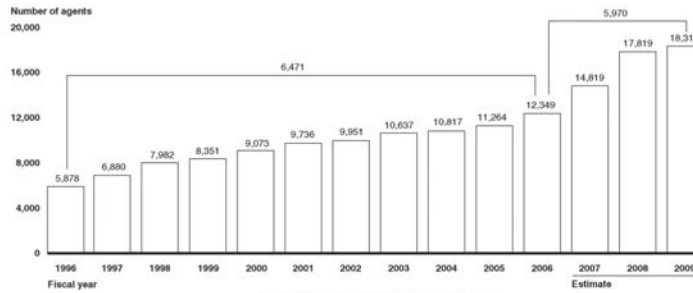
implement a proficiency test for Spanish that should allow those who pass the test to shorten their time at the academy by about 30 days. According to Border Patrol officials, this could benefit about half of all trainees, because about half of all recruits already speak Spanish. The Border Patrol also plans to convert postacademy classroom training to computer-based training beginning in October 2007, allowing agents to complete the 1-day-a-week training at their duty stations rather than having to travel to the sector headquarters for this training. As a result, fewer senior agents will be required to serve as instructors for postacademy training. Finally, the Border Patrol is considering what other training it can shift from the academy to postacademy and field training conducted in the sectors, which could further reduce the amount of time trainees spend at the academy. However, some Border Patrol officials have expressed concerns over the sectors' ability to provide sufficient field training and supervision to new agents. For example, officials are concerned with having a sufficient number of experienced agents available in the sectors to serve as field training officers and first-line supervisors. In addition, the Border Patrol does not currently have a uniform field training program that establishes uniform standards and practices that each sector's field training should follow. The addition of new training expectations could complicate this situation.

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## Background

The U.S. Border Patrol, within the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP), is responsible for patrolling 8,000 miles of the land and coastal borders of the United States to detect and prevent the illegal entry of aliens and contraband, including terrorists, terrorist weapons, and weapons of mass destruction. As of October 2006, the Border Patrol had 12,349 agents stationed in 20 sectors along the southwest, northern, and coastal borders. In May 2006, the President called for comprehensive immigration reform that included strengthening control of the country's borders by, among other things, adding 6,000 new agents to the Border Patrol by the end of December 2008. This would increase the total number of agents from 12,349 to 18,319, an unprecedented 48 percent increase over the next 2 years. As shown in figure 1, this increase is nearly equivalent to the number of agents gained over the past 10 years. In addition, legislation has been proposed in Congress that would authorize an additional 10,000 agents, potentially increasing the size of the Border Patrol to about 28,000 agents by the end of 2012.

Figure 1: Border Patrol Agent Growth, Fiscal Years 1996 to 2006, Compared with Anticipated Growth, Fiscal Years 2006 to 2009



Source: GAO analysis of U.S. Customs and Border Protection data.

FLETC is an interagency training provider responsible for basic, advanced, and specialized training for approximately 82 federal agencies, including CBP's Border Patrol. Under a memorandum of understanding, FLETC hosts the Border Patrol's training academy in Artesia, New Mexico, and shares the cost of providing training with the Border Patrol. For example, FLETC provides the facilities, some instructors (e.g., retired Border Patrol agents), and services (e.g., laundry and infirmary) that are paid for out of FLETC's annual appropriations. CBP's Office of Training and Development designs the training curriculum (in conjunction with the Border Patrol and with input from FLETC) for the academy, administers the Border Patrol Academy, and provides permanent instructors and staff.

Basic training for new Border Patrol agents consists of three components: (1) basic training at the academy, (2) postacademy classroom training administered by the academy but conducted in the sectors, and (3) field training conducted on the job in the sectors. The academy portion of the training is currently an 81-day program consisting of 663 curriculum hours in six subject areas: Spanish, law/operations, physical training, driving, firearms, and general training.

After graduating from the academy, new Border Patrol agents are required to attend classroom instruction at their respective sectors in Spanish and



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law/operations 1 day a week for a total of 20 weeks. Finally, new agents are generally assigned to senior agents in a sector's field training unit for additional on-the-job training intended to reinforce new agents' skills in safely, effectively, and ethically performing their duties under actual field conditions.

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**The Border Patrol's  
Basic Training  
Program Exhibits  
Attributes of an  
Effective Training  
Program**

The Border Patrol's basic training program exhibits attributes of an effective training program. GAO's training assessment guide suggests the kinds of documentation to look for that indicate that a training program has a particular attribute in place, such as incorporating measures of effectiveness into its course designs. As shown in table 1, the Border Patrol was able to document that its training program had key indicators in place for the applicable attributes of an effective training program.<sup>3</sup>

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<sup>3</sup>One attribute dealing with the selection or voluntary self-selection of employees was not applicable because basic training is mandatory for all new Border Patrol agents.

**Table 1: GAO Attributes of an Effective Training Program**

<b>Planning and front-end analysis</b>	
✓	Training goals are consistent with its overall mission, goals, and culture
✓	Has strategic and annual performance planning processes that incorporate human capital professionals
✓	Determines the skills and competencies its workforce
✓	Identifies the appropriate level of investment to provide for training
✓	Has measures to assess the contributions that training efforts make toward individual mastery of learning
✓	Incorporates employees' developmental goals in its planning processes
✓	Integrates the need for continuous and lifelong learning into its planning processes
✓	Considers governmentwide reforms and other targeted initiatives to improve management and performance when planning its training programs
✓	Has a formal process to ensure that strategic and tactical changes are promptly incorporated in training
<b>Design and development</b>	
✓	Ensures that training is connected to improving individual and agency performance in achieving specific results
✓	The design of the training program is integrated with other strategies to improve performance and meet emerging demands
✓	Uses the most appropriate mix of centralized and decentralized approaches for its training
✓	Uses criteria in determining whether to design training programs in-house or obtain from a contractor or other external source
✓	Compares the merits of different delivery mechanisms (such as classroom or computer-based training) and determines what mix to use to ensure efficient and cost-effective delivery
✓	Determines a targeted level of improved performance in order to ensure that the cost of a training program is appropriate to achieve the anticipated benefit
✓	Incorporates measures of effectiveness into courses it designs
<b>Implementation</b>	
✓	Agency leaders communicate the importance of training and developing employees, and their expectations for training programs to achieve results
✓	Has a training and performance organization that is held accountable, along with the line executives, for the maximum performance of the workforce
✓	Agency managers are responsible for reinforcing new behaviors, providing useful tools, and identifying and removing barriers to help employees implement learned behaviors on the job
n/a	Selects employees (or provides the opportunity for employees to self-select) to participate in training and development efforts
✓	The agency considers options in paying for employee training and development and adjusting employee work schedules so that employees can participate in these developmental activities
✓	Takes actions to foster an environment conducive to effective training
✓	Takes steps to encourage employees to buy in to the goals of training efforts
✓	Collects data during implementation to ensure feedback on its training programs
<b>Evaluation</b>	
✓	Systematically plans for and evaluates the effectiveness of its training efforts
✓	Uses the appropriate analytical approaches to assess its training programs
✓	Uses performance data (including qualitative and quantitative measures) to assess the results achieved through training efforts

Planning and front-end analysis	
✓	Incorporates evaluation feedback into the planning, design, and implementation of its training efforts
✓	Incorporates different perspectives (including those of line managers and staff, customers, and experts in areas such as financial, information, and human capital management) in assessing the impact of training on performance
✓	Tracks the cost and delivery of its training programs
✓	Assesses the benefits achieved through training programs
✓	Compares its training investments, methods, or outcomes with those of other organizations to identify innovative approaches or lessons learned

Source: GAO analysis based on OIG-04-0263

✓ = indicators (in place or in development) of the attribute

n/a = not applicable

In addition, the Border Patrol is pursuing accreditation of its training program from the Federal Law Enforcement Training Accreditation organization. The core training curriculum used at the Border Patrol Academy has not changed since September 11, but the Border Patrol added new material on responding to terrorism and practical field exercises. For example, the Border Patrol added an antiterrorism course that covers, among other things, what actions agents should take if they encounter what they believe to be a weapon of mass destruction or an improvised explosive device. The Border Patrol also incorporated practical field exercises that simulate a variety of situations that agents may encounter, such as arresting an individual who is armed with a weapon, as shown in figure 2. With regard to capacity, Border Patrol officials told us they are confident that the academy can accommodate the large influx of new trainees anticipated over the next 2 years.

Figure 2: Trainees Engaged in Simulated Apprehension of an Armed Individual



Source: GAO.

**The Average Cost to Train a New Border Patrol Agent in Fiscal Year 2006 Was About \$14,700 and Was Comparable to Those of Other Federal and Nonfederal Law Enforcement Training Programs**

In fiscal year 2006, the average cost to train a new Border Patrol agent at the academy was about \$14,700. This cost represents the amounts expended by both the Border Patrol and FLETC. (See table 2.) The Border Patrol paid about \$6,600 for the trainee's meals and lodging, and a portion of the cost of instructors, and FLETC paid about \$8,100 for tuition, a portion of the cost of instructors, and miscellaneous expenses such as support services, supplies, and utilities. The \$14,700 cost figure does not include the costs associated with instructors conducting postacademy and field training in the sectors.

**Table 2: Average Cost to Train a New Border Patrol Agent, Fiscal Year 2006**

	FLETC	CBP	Total cost to DHS
Tuition	\$1,773	0	\$ 1,773
Meals	0	\$2,010	2,010
Lodging	0	1,826	1,826
Instructor cost per student	3,069	2,805	5,874
Miscellaneous*	3,250	0	3,250
Total cost per student	\$8,092	\$6,641	\$14,733

Source: Federal Law Enforcement Training Center.

Note: While FLETC's costs include the cost of training materials for postacademy training conducted in the sectors, these costs do not include the cost of postacademy instructors or field training conducted in the sectors.

\*Miscellaneous costs include items such as support services (health unit, uniform laundry, janitorial), supplies (athletic trainer and student supplies, utility uniforms), and utilities (garbage collection, gas, electricity, and water and sewer).

For fiscal year 2007, the average cost to train a new agent will increase to about \$16,200. This is primarily due to an increase in the number of instructors hired, which increased CBP's instructor costs from about \$2,800 to \$6,100 per student.

The Border Patrol's average cost per trainee at the academy is consistent with that of training programs that cover similar subjects and prepare officers for operations in similar geographic areas. For example, the estimated average cost per trainee for a BIA police officer was about \$15,300; an Arizona state police officer, \$15,600; and a Texas state trooper, \$14,700. However, differences in the emphasis of some subject areas over others dictated by jurisdiction and mission make a direct comparison difficult. For example, while both the Border Patrol and the Texas Department of Public Safety require Spanish instruction, the Border Patrol requires 214 hours of instruction, compared with 50 hours for a Texas state trooper. Similarly, the Border Patrol does not provide instruction in investigative techniques, while BIA, Arizona, and Texas require 139, 50, and 165 hours of such instruction, respectively. Table 3 shows a comparison of Border Patrol's basic training program with other federal and nonfederal law enforcement basic training programs.

**Table 3: Border Patrol's Basic Training Program Compared with Other Federal and Nonfederal Law Enforcement Basic Training Programs**

	Border Patrol Academy	Bureau of Indian Affairs	Southern Arizona Law Enforcement Training Center	Texas Department of Public Safety
Class size (average)	50	50	40	130
Length of training (weeks)	16	16	36	26
Length of training (hours)	663	736	680	1,246
Cost per student	\$14,733	\$15,291	\$15,555	\$14,739
<b>Course curriculum</b>			<b>Training hours</b>	
Spanish	214	n/a	n/a	50
Law/operations	191	152	223.5	567
Firearms training	67	71.25	70	119.5
Driving training	44	104.5	28	71
Basic investigative techniques	n/a	139	50	165
Physical fitness and safety	125	239.5	114.75	96.5
Antiterrorism	8	9	4	16
General Training and administration	14	21	189.75	161

Source: GAO analysis of information received from FLETC, the Office of Border Patrol, the Bureau of Indian Affairs, the Southern Arizona Law Enforcement Training Center, and the Texas Department of Public Safety.

Note: Training hours may not add to length of training due to rounding.

n/a = not applicable

### Plans under Consideration to Improve Basic Training Efficiency May Present Challenges

The Border Patrol is considering several alternatives to improve the efficiency of basic training delivery and to return agents to the sectors more quickly. For example, in October 2007 the Border Patrol plans to implement a proficiency test for Spanish that should allow those who pass the test to shorten their time at the academy by about 30 days. According to Border Patrol officials, this could benefit about half of all trainees, because about half of all recruits already speak Spanish. The Border Patrol also plans to convert postacademy classroom training to computer-based training beginning in October 2007, allowing agents to complete the 1-day-a-week training at their duty stations rather than having to travel to the sector headquarters for this training. As a result, fewer senior agents will be required to serve as instructors for postacademy training. Finally, the Border Patrol is considering what other training it can shift from the academy to postacademy and field training conducted in the sectors,

which could further reduce the amount of time trainees spend at the academy.

While these strategies may improve the efficiency of training at the academy, officials expressed concern about the sectors' ability provide adequate supervision and continued training once the new agents arrive at the sectors. Some Border Patrol officials are concerned with having enough experienced agents available in the sectors to serve as first-line supervisors and field training officers for these new agents. According to the Chief of the Border Patrol, agencywide the average experience level of Border Patrol agents is about 4 or 5 years of service. However, in certain southwest border sectors the average experience level is only about 18 months. Moreover, the supervisor-to-agent ratio is higher than the agency would like in some southwest sectors. Border Patrol officials told us that a 5-to-1 agent-to-supervisor ratio is desirable to ensure proper supervision of new agents, although the desired ratio in certain work units with more experienced agents would be higher. Our analysis of Border Patrol data showed that as of October 2006, the overall agent-to-supervisor ratios for southwest sectors, where the Border Patrol assigns all new agents, ranged from about 7 to 1 up to 11 to 1.

These ratios include some work units with a higher percentage of experienced agents that do not require the same level of supervision as new agents. To augment the supervision of new agents, the Border Patrol is considering using retired Border Patrol agents to act as mentors for new agents. Nevertheless, given the large numbers of new agents the Border Patrol plans to assign to the southwest border over the next 2 years, along with the planned reassignment of experienced agents from the southwest border to the northern border, it will be a challenge for the agency to achieve the desired 5-to-1 ratio for new agents in all work units in those sectors receiving the largest numbers of new agents.

In addition to concerns about having a sufficient number of experienced agents to serve as supervisors and field training officers, the Border Patrol does not have a uniform field training program that establishes uniform standards and practices that each sector's field training should follow. As a result, Border Patrol officials are not confident that all new trainees currently receive consistent postacademy field training. Moreover, the addition of new training expectations may complicate this situation. The Border Patrol is in the process of developing a uniform field training program that it plans to implement beginning in fiscal year 2008.

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## Concluding Observations

While Border Patrol officials are confident that the academy can accommodate the large influx of new trainees anticipated over the next 2 years, the larger challenge will be the sectors' capacity to provide adequate supervision and training. The rapid addition of new agents along the southwest border, coupled with the planned transfer of more experienced agents to the northern border, will likely reduce the overall experience level of agents assigned to the southwest border. In turn, the Border Patrol will be faced with relying on a higher proportion of less seasoned agents to supervise these new agents. In addition, the possible shifting of some training from the academy to the sectors could increase demand for experienced agents to serve as field training officers. Moreover, without a standardized field training program, training has not been consistent from sector to sector, a fact that has implications for the sectors' ability to add new training requirements and possibly consequences for how well agents will perform their duties. To ensure that these new agents become proficient in the safe, effective, and ethical performance of their duties, it will be extremely important that new agents have the appropriate level of supervision and that the Border Patrol have a sufficient number of field training officers and a standardized field training program.

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Mr. Chairman, this completes my prepared statement. I would be happy to respond to any questions you or other members of the subcommittee may have at this time.

Mr. CARNEY. I thank you for your testimony.  
I now recognize Mr. Morgan to summarize his statement for 5 minutes.

**STATEMENT OF ART MORGAN, DIRECTOR, FIELD OPERATIONS  
ACADEMY, CUSTOMS AND BORDER PROTECTION,  
DEPARTMENT OF HOMELAND SECURITY**

Mr. MORGAN. Good morning, Chairman Carney, Ranking Member Rogers, distinguished members of the subcommittee. I am pleased to be here to discuss how U.S. Customs and Border Protection is training our CBP officers who work at the 326 official ports of entry.

My name is Art Morgan. I am the director of the Customs and Border Protection Field Operations Academy, which is located at the FLETC, the Federal Law Enforcement Training Center, in Glynco, Georgia. I have held this position and similar positions since July of 2000.

Each day, CBP officers inspect more than 1.1 million arriving travelers and examine their documents, baggage, and conveyance. Last year alone, CBP welcomed over 422 million travelers through the official ports of entry. CBP officers are America's frontlines, the guardians of our nation's borders. They safeguard the American homeland at and beyond our borders, protecting the public against terrorists and their instruments of terror.

These frontline employees steadfastly enforce the laws of the U.S., while fostering the nation's economic security through lawful international trade and travel. They serve the American public through vigilance, integrity and professionalism.

As director of the Field Operations Academy, I oversee the delivery of basic and advanced training to CBP officers. The majority of our workload focuses on delivering training to CBP officers at the FLETC in Glynco, and to the CBP ag specialists, or agriculture specialists, which we do in cooperation with the United States Department of Agriculture at that agency's Frederick, Maryland, training facility, where we have added 3 weeks of CBP training to the longstanding agriculture training that the USDA has provided these similar officers before the merger.

The Field Operations Academy works hand in hand with FLETC to deliver our 73-day integrated program which we call "CBPI" to the CBP officers. The CBPI course is dynamic and comprehensive training that prepares CBP officers for their unique field assignments. The CBP course provides students with the foundation necessary to become Federal law enforcement officers with the most extensive arrest and search authority authorized by the Constitution and United States law.

Each of our classes consists of about 48 students. We instruct CBP officers in passenger processing, trade processing, conveyance processing, officer safety and survival, and our automated information systems. Officers also receive training in the Constitution of the United States, customs law, immigration law, and agricultural laws and agency procedures.

We also teach them firearms and physical techniques.

I would like to clarify something from previous testimony. We did take two courses—one was the immigration course and one was the customs course—we put them together. When we put these two courses together, there were many overlapping parts that we of course we able to not duplicate, and we created the CBP officer course and we added extensive amounts, 16 hours, of agricultural



training on top of that to create the current course that we provide for the CBP officers, as one part of the three-phase training we do for new CBP officers.

They start with pre-academy training, which is 1 month at their port of entry, where they have a pre-designed course of training, which is delivered to them at their port of entry, then 73 class days with us in Glynco, where they learn primary processing, how to do the primary job of a customs and border protection officer. Then they go back for post-academy work, which they learn in their port of entry for the secondary tasks that they learn.

We also provide 20 hours of direct training on the treasury enforcement communications to the CBP officers. Students are evaluated extensively throughout the course, with rigorous written examinations—we have eight of them—and mock port-of-entry practical exercises which requires them to use the text computer system in a simulated field environment, where we use role players to have them actually have to show us and demonstrate to themselves and to their instructors that they have mastered what we have taught them.

At the academy, we create CBPOs throughout the basic training by emphasizing the overall goal of detecting terrorism and protecting America. These words are prominently displayed in most of the training venues utilized by CBP.

In order to effectively prepare CBPOs for their critical field assignments, we select some of the finest employees from the ports of entry and we bring them down to the academy for a 3-to 5-year tour of duty as instructors. We can also augment these instructors with shorter term temporary assignments. In doing this, because we staff in this manner, we are able to change our through-put of students drastically as we have done every year for the past 5 years.

I welcome answering any questions that you gentlemen would have.

Mr. CARNEY. Thank you, Mr. Morgan.

Mr. Whitmire, your testimony summary for 5 minutes, please.

**STATEMENT OF CHIEF CHARLIE WHITMIRE, DIRECTOR,  
BORDER PATROL TRAINING ACADEMY, CUSTOMS AND  
BORDER PROTECTION, DHS**

Chief Whitmire. Good morning, Chairman Carney, Ranking Member Rogers, and distinguished members of the subcommittee this morning. I would like to thank you for giving me the opportunity to speak with you today about how U.S. Customs and Border Protection is training our Border Patrol agents, who work between the ports of entry.

My name is Charles Whitmire. I am the chief of the United States Border Patrol Academy in Artesia, New Mexico. I believe we have met before, sir. I am responsible for providing basic training to new Border Patrol agents at the academy, and I provide advanced training to seasoned journeyman agents as well.

We share some 7,000 miles of border with Canada and Mexico. Border Patrol agents are America's frontline, the guardians of our nation's border. They safeguard the American homeland at our borders, protecting the public against terrorist and instruments of ter-

ror. As America's frontline border agency, CBP employs a highly trained workforce, while utilizing our resources and law enforcement authorities to discharge our priority mission of preventing terrorist and terrorist weapons from entering the United States.

In order to become a more efficient training program, the Border Patrol Academy's current 81-day training program will become a 55-day program at the beginning of fiscal year 2008. However, the standards, quality of instruction, and esprit de corps will remain the same. The only significant change to our Border Patrol basic training will take place in the Spanish and post-academy portions of the program.

All current curriculum hours remain the same. I repeat: All current curriculum hours remain exactly the same. Not one hour is deleted from our current law enforcement curriculum. Only Spanish is removed from that curriculum and taught in a separate stand-alone.

On October 1, 2007, all Border Patrol trainees will begin that 55-day core basic training program, and will be given a Spanish language exam when they arrive at the academy. Trainees who pass the Spanish language exam will report directly to their duty stations at the end of the 55-day program to begin post-academy training. Trainees who need Spanish immersion training will be placed in an 8-week task-based language training program that requires successful completion prior to reporting to their duty stations.

The Border Patrol Academy anticipates that approximately 50 percent of the trainees will need to complete the Spanish language immersion course at the end of the 55-day basic training program. The new post-academy training program will consist of classroom and computer-based training and task-based scenarios that incorporate the most current information available. The computer-based training modules will be interactive and will include multi-media formats in order to capture the trainee's interest, while conveying information in the most effective use of time.

Instructor-led courses will also reinforce what was learned in the computer-based training modules through the use of modern adult education teaching methods. Several of the basic training subjects will be on-the-job training and will be coordinated with a field training officer program currently being developed by the Office of Border Patrol.

Sir, anyone who opines that Border Patrol training has been degraded is simply uninformed. We are currently working with the Federal Law Enforcement Training Center to prepare the Artesia facility to accommodate basic Border Patrol training for 34 classes at one time for approximately 1,600 to 1,700 trainees.

Currently, there are more than 1,300 Border Patrol agent trainees at the academy to date. In fiscal year 2006, the academy had 38 classes for a total of 1,889 new Border Patrol agents. Approximately 1,407 have graduated. During fiscal year 2007, we are expecting 78 classes for a total of 3,900 students. To date, 2,463 trainees have arrived and 721 have graduated.

In fiscal year 2008, we are expecting to train 97 classes for a total of 4,850 students. Therefore, the number of staff officers needed to accomplish such a monumental task will also increase. The academy staff currently consists of 450 employees, including per-

manent and detailed agents on temporary assignment, rehired annuitants, and attorneys and support personnel who handle day-to-day operations.

Thank you for having me here today. I stand ready to answer any questions you may have.

[The statement of Mr. Morgan and Chief Whitmire follows:]

PREPARED JOINT STATEMENT OF ART MORGAN AND CHARLES WHITMIRE

Good morning Chairman Carney, Ranking Member Rogers, distinguished Members of the Subcommittee. I am pleased to be here today to discuss how U.S. Customs and Border Protection (CBP) trains our frontline employees, CBP Officers, who work at the official ports of entry, and Border Patrol Agents, who work between the ports of entry.

Border Patrol Agents and CBP Officers are America's frontline, the guardians of our Nation's borders. They safeguard the American homeland at and beyond our borders, protecting the public against terrorists and the instruments of terror. These frontline employees steadfastly enforce the laws of the United States while fostering our Nation's economic security through lawful international trade and travel. They serve the American public with vigilance, integrity and professionalism.

Securing our Nation's borders is an enormous challenge. We share more than 7,000 miles of borders with Canada and Mexico and operate 327 official ports of entry. Each day, CBP Officers inspect more than 1.1 million arriving travelers, and examine their documents, baggage, and conveyances. Last year alone, CBP welcomed over 422 million travelers through official ports of entry.

As America's frontline border agency, CBP employs a highly trained workforce, while utilizing our resources and law enforcement authorities, to discharge our priority mission of preventing terrorists and terrorist weapons from entering the United States. CBP has made great strides toward securing America's borders while facilitating legitimate trade and travel and, thereby, ensuring the vitality of our economy and securing our Nation.

Our efforts to gain operational control of our borders and push our zone of security outward enable CBP to better perform the traditional missions of its legacy agencies, which include: apprehending undocumented aliens attempting to enter the United States illegally, stemming the flow of illegal drugs and other contraband, protecting our agricultural and economic interests from harmful pests and diseases, protecting American businesses from the theft of their intellectual property, regulating and facilitating international trade, collecting import duties, and enforcing United States trade laws. In fiscal year 2006 alone, CBP processed more than 29 million trade entries valued at \$1.8 trillion, seized 2.5 million pounds of narcotics, processed more than 25 million containers, intercepted 47,951 significant plant pests, and inspected 132 million vehicles.

It is our task to ensure new officers and agents are prepared to operate in the challenging legal, cultural and physical environments that exist along our borders, north and south, east and west. It is our job to establish and maintain the continuous communication and interactions between the training we deliver and the tasks in the operating environment and the new tools and new technology added to our inventory and the changes in law, policy and procedures and tactics and the new directions we get from DHS and CBP leadership.

We build our basic training according to the best practices established in the academic community. We use a formal instructional system design and evaluation process that begins with a careful and continuous examination and assessment of the tasks that are performed in the field. We train to task. We test how well the trainee performs, and we test the effectiveness of our own training methods and our own instructors. We evaluate the overall effectiveness of our training: How effectively are new agents and officers performing their duties in the operating environment?

We take our responsibility to train seriously, and our investment in training reflects that reality. At the heart of our basic training philosophy is the importance of bringing experienced Border Patrol Agents and CBP Officers into the training process to give context and to give credibility to the subjects we present and just as importantly to fuel the engine that makes the CBP Officers and Border Patrol Agents so effective in the many environments in which they work, and that engine is the esprit de corps. Our practice of bringing field agents and officers to the academy benefits the new trainees, and it is also a career development opportunity. While on assignment as an academy instructor, field agents and officers increase their knowledge and skills in the areas they teach, become better prepared to par-

ticipate as sector and field instructors in the post-graduate portion of basic training and learn and receive practical experience in supervision and leadership.

We are proud of the training program we have created to train men and women for important jobs as CBP Officers and Border Patrol Agents. A review conducted by the Government Accountability Office between September 2006 and March 2007 concluded that, "the Border Patrol's basic training program exhibits attributes of an effective training program."<sup>1</sup> Additionally, CBP works closely and effectively with the Federal Law Enforcement Training Center (FLETC). Our close working relationship ensures that our officers and agents receive the best and most up-to-date training available.

#### **Border Patrol Agent Training**

Border Patrol Agents are responsible for preventing the entry of terrorists, undocumented aliens, and human and drug smugglers and the smuggling of narcotics, weapons, and people between the official ports of entry. One of the most important duties performed by a Border Patrol Agent is known as "line-watch". This involves the detection and apprehension of undocumented aliens and their smugglers by maintaining surveillance from covert or overt positions, pursuing leads, responding to electronic sensor alarms, utilizing infrared scopes during night operations, using low-light level television systems, sighting aircraft, and interpreting and following tracks, marks, and other physical evidence. In addition, Border Patrol Agents perform traffic checks, traffic observation, city patrol transportation checks, and other administrative, intelligence, and anti-smuggling activities.

To prepare new Border Patrol Agents for this dynamic and challenging position, they complete a rigorous 81-day training program consisting of 663 curriculum hours in the following subject areas: anti-terrorism, federal Immigration and anti-drug laws, criminal law and statutory authority, behavioral science, intensive Spanish language training, Border Patrol Operations, care and use of firearms, physical training and motor vehicle operations. Additionally, in Fiscal Year 2008, the planning and anticipation is for two program lengths: 55 days for trainees with Spanish language proficiency and 95 days for those requiring language training. This plan will significantly reduce the amount of time to prepare bi-lingual trainees to be deployed to our borders. Working with FLETC, we were able to find ways to effectively and efficiently train new agents.

The Academy's New Mexico location provides a unique environment similar to the Southwest border where all new Border Patrol Agents are assigned. Combining all of our tested methodologies and best practices under one roof allows us to more effectively and efficiently provide an advanced training environment that enables our agents to reach that state of readiness, that state of professionalism their fellow agents can depend on in the field, and, more importantly, the American people can depend on at home. Another important aspect of our basic training is our use of practical exercises throughout a trainee's 81 days at the Academy. These exercises require trainees to practice observational skills and interviewing techniques, while applying their job knowledge of documentation requirements, immigration issues, checkpoint operations, and vehicle stops.

After graduating from the basic academy, probationary agents are required to complete a post-academy course of study one day a week. This weekly classroom instruction, within their respective Sectors, continues for 20 weeks. The Post Academy Training Program is committed to the continued basic training development of probationary agents for the Office of Border Patrol. The program is managed and coordinated by the Post Academy Coordinator. Post Academy schedules are developed and are used as a weekly guide for instructional topics and assignments. The Post Academy examinations are administered at two intervals after basic training graduation, during the 28th and 40th week of the trainee's service. The exams consist of two parts, both of which are taken at each of the two intervals:

- Law—A comprehensive written exam in immigration, criminal, statutory, and nationality law.
- Spanish—A comprehensive combination oral and written Spanish exam, administered by a Post Academy Examination Review Board.

#### **CBP Officer Training**

The CBP Officer's primary responsibility is to detect and prevent terrorists and weapons of mass destruction from entering the United States, while facilitating the orderly flow of legitimate trade and travelers at the 327 official ports of entry in the United States. This requires enforcing laws related to revenue and trade, seizure of contraband, interdiction of agricultural pests and diseases, and determining

<sup>1</sup> GAO Report No. GAO-07-540R *Border Training*, pg.3, March 30, 2007

the admissibility of persons. CBP Officers perform the full range of inspection, analysis, examination and law enforcement activities relating to the arrival and departure of persons, merchandise and conveyances such as cars, trucks, aircraft, and ships at the ports of entry.

To prepare to execute these duties, new CBP Officers attend 73 days of training, 578 hours of lecture, laboratories, and practical exercises, at the Field Operations Academy, within the Federal Law Enforcement Training Center in Glynco, Georgia. Before entering the CBP Academy, CBP officers receive structured pre-academy training at their assigned Ports of Entry prior to completing the CBP Officer basic training course at the Field Operations Academy in Glynco, Georgia.

The course is a dynamic and comprehensive training program that prepares CBP Officers for unique field assignments and provides thorough development in critical subject-matter areas. The course provides students with the foundation necessary to become Federal law enforcement officers with the most extensive arrest and search authority authorized by the Constitution and United States law. The CBP Officer basic course provides training on firearms/tactics, counter terrorism, arrest techniques and defensive tactics, passenger processing, trade processing, officer safety and survival, automated information systems, and conveyance processing. Additionally, during training, CBP Officers receive training from the CDC/U.S. Public Health Service on medical/biological threats. Annually, CBP Officers continue their education with classroom, on-the-job, and computerized training to update their skills and inform them of new procedures and possible threats.

Students are evaluated extensively through rigorous written examinations and mock Port of Entry practical exercises that simulate the field environment to the greatest extent possible. These exercises allow new officers to demonstrate their ability to successfully perform their duties and take the appropriate steps in meeting the unique challenges of their duty assignments.

Upon successful completion of basic academy training, new officers receive Post Academy On-the-Job training that is specifically related to their designated job functions. This structured program includes classroom, hands-on, and computer-based training. It was developed to provide seamless progressive instruction that covers various work environments and programs that extend beyond their initial primary inspection training.

#### **Training Costs**

The cost for training a new Border Patrol Agent in Fiscal Year 2007 is \$16,220. Specifically, the tuition and miscellaneous cost is \$4,807, the lodging and meals cost is \$2,256 and instructors and support staff cost is \$9,157. (Tuition includes items consumed by students, such as printing, pencils, paper, ammunition, and uniforms; miscellaneous costs are contract costs for bus transportation, dining hall, custodial services, and other student services.) The cost for training a new CBP Officer is \$10,752. CBP has worked extensively to constrain these costs, while ensuring top-of-the-line training for our agents and officers.

The Office of Border Patrol is in the midst of an unprecedented surge in the number of Border Patrol Agents. The President and Congress have directed CBP to increase in size from almost 9,000 agents in 2001 to over 18,000 agents by the end of calendar year 2008; doubling the size of the Border Patrol. Border Patrol is also the beneficiary of support from Congress in terms of funding, resources, and attention. Growing so rapidly is not an easy task, but it is one Border Patrol is accomplishing. In Fiscal Year 2006, the Border Patrol Training Academy trained 1,407 new Border Patrol Agents. Through new recruiting methods, more effective training, and competitive pay and benefits packages, Border Patrol is on pace to meet its goals.

#### **Conclusion**

We appreciate the opportunity to testify before the Committee today to publicize the advanced and highly effective training we provide to our officers and agents on the frontlines. We are proud of the training we provide.

We would be happy to answer any questions that you may have.

Mr. CARNEY. Thank you, Mr. Whitmire.

I now recognize Ms. Atwood for 5 minutes to summarize her testimony.

**STATEMENT OF CYNTHIA ATWOOD, ASSISTANT DIRECTOR,  
FIELD TRAINING DIRECTORATE, FEDERAL LAW  
ENFORCEMENT TRAINING CENTER, DHS**

Ms. ATWOOD. Mr. Chairman, Ranking Member Rogers, and distinguished members of the committee, it is a pleasure to appear before this committee today and discuss the status of the Border Patrol training being conducted at the Federal Law Enforcement Training Center, FLETC, Artesia, New Mexico, site.

This training is being accomplished in support of the Secure Border initiative. With me today are the site director for the Artesia, New Mexico site, Joseph Wright, and our senior associate director in our Washington office, Mr. John Doohar.

FLETC's mission is to train those who protect our homeland. FLETC is the Federal Government's leader for and provider of world-class law enforcement training. FLETC prepares new and experienced law enforcement professionals to fulfill their responsibilities in a safe manner and at the highest level of proficiency.

Training consists of all phases of law enforcement instruction, to include firearms, driver training, defensive tactics, and legal instruction. Through consolidated training, FLETC can respond quickly to emerging training needs, readily adapt to new requirements, and focus exclusively on training, which is FLETC's only mission.

FLETC delivers interagency training with optimal efficiency through the government-wide sharing of facilities, equipment and expertise, which produces economies of scale available only from a consolidated law enforcement training environment. There are currently 83 Federal partner organizations engaged in law enforcement training at FLETC sites.

FLETC currently operates four training sites throughout the United States for multiple agency use. FLETC headquarters and its largest training site, Glynco, Georgia, has classrooms, dining and residence halls, and state-of-the-art facilities for firearms, physical techniques, driver, marine and computer-based training.

Two field locations that provide both basic and advanced training are located, again, at Artesia, New Mexico and Charleston, South Carolina, sites. The fourth training site, Cheltenham, Maryland, provides in-service and requalification training for officers and agents here in the metropolitan Washington, D.C., area.

In collaboration with the Department of State, FLETC operates international law enforcement academies in Gaborone, Botswana and San Salvador, El Salvador. FLETC also maintains a very robust state and local law enforcement training program.

As assistant director for field training, I am the senior FLETC official with management oversight on behalf of the director of the FLETC for the field sites in Artesia, New Mexico, Charleston, South Carolina, Cheltenham, Maryland, and also for our National Center for State and Local Training.

As this committee is aware from the testimony of FLETC Director Connie L. Patrick when she appeared before the committee on May 24, 2005, the Artesia, New Mexico, center is the principal site for Border Patrol training. This site consists of more than 3,000 acres. FLETC Artesia has been operational since 1989 and serves to accommodate Border Patrol training, Bureau of Indian Affairs

police and tribal officer training, Federal flight deck officer training, Federal air marshal training, and other law enforcement training as required.

In 2003, Border Patrol training conducted at other FLETC sites was consolidated at FLETC Artesia. As necessary, FLETC continues to utilize its other locations to host Border Patrol training. Today, the Artesia site has the latest state-of-the-art facilities and offers the type of specialized training environment most suited to Border Patrol functions. The practical, hands-on training capabilities at a single location affords the Border Patrol training that is second to none.

This year, FLETC will complete a new dormitory that will accommodate 608 trainees and allow for the total housing of over 2,000 trainees at any one time. FLETC also has built in flexibility at the Artesia site to further expand its housing as necessary. Much of what has been accomplished in Artesia would not have been possible without the generous support of Congress through the annual appropriation process.

With congressional funding support and strong cooperation and leadership of the Department of Homeland Security and Customs and Border Protection, FLETC believes it is in the very best position to accomplish the goals set for Border Patrol training in the Secure Border initiative within the timeframe established.

I would be pleased to answer any questions the committee may have at this time.

[The statement of Ms. Atwood follows:]

PREPARED STATEMENT OF CYNTHIA J. ATWOOD

Mr. Chairman, Ranking Member Rogers, and distinguished members of the Subcommittee, it is a pleasure to appear before this Committee today to discuss the status of the Border Patrol training being conducted at the Federal Law Enforcement Training Center's (FLETC) Artesia, New Mexico site. This training is being accomplished in support of the Secure Border Initiative.

**INTRODUCTION**

FLETC'S mission is to train those who protect our homeland. FLETC is the Federal Government's leader for and provider of world-class law enforcement training. FLETC prepares new and experienced law enforcement professionals to fulfill their responsibilities in a safe manner and at the highest level of proficiency. Training consists of all phases of law enforcement instruction, to include firearms, drivers training, defensive tactics, and legal instruction.

Through consolidated training, FLETC can respond quickly to emerging training needs, readily adapt to new requirements and focus exclusively on training, which is FLETC's only mission. FLETC delivers interagency training with optimal efficiency through the government-wide sharing of facilities, equipment, and expertise, which produces economies of scale available only from a consolidated law enforcement training environment. There are currently 83 Federal partner organizations engaged in law enforcement training at FLETC sites.

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As Assistant Director for Field Training, I am the senior FLETC official with management oversight on behalf of the Director of the FLETC for the field sites in Artesia, Charleston, and Cheltenham, and for the National Center for State and Local Training.

#### **ARTESIA, NEW MEXICO, CENTER**

As this Committee is aware, from the testimony of FLETC's Director, Connie L. Patrick, when she appeared before the Committee on May 24, 2005, the Artesia, New Mexico Center is the principal site for Border Patrol training. This site consists of more than 3,000 acres. FLETC Artesia has been operational since 1989 and serves to accommodate Border Patrol training, Bureau of Indian Affairs Police and Tribal Officer training, Federal Flight Deck Officer training, Federal Air Marshal training, and other law enforcement training as required. In 2003, Border Patrol training conducted at other FLETC sites was consolidated at FLETC Artesia. As necessary, FLETC continues to utilize its other locations to host Border Patrol training. Today, the Artesia site has the latest state-of-the-art facilities and offers the type of specialized training environment most suited to Border Patrol functions. The practical, hands-on training capabilities at a single location affords the Border Patrol training that is second to none. This year, FLETC will complete a new dormitory that will accommodate 608 trainees and allow for the total housing of over 2,000 trainees at any one time. FLETC also has "built-in flexibility" at the Artesia site to further expand its existing housing as needed.

Much of what has been accomplished in Artesia would not have been possible without the generous support of Congress through the annual appropriation process. With Congressional funding support, and the strong cooperation and leadership of the Department of Homeland Security and Customs and Border Protection, FLETC believes it is in the very best position to accomplish the goals set for Border Patrol training in the secure border initiative and within the timeframe established.

#### **BORDER PATROL TRAINING WORKLOAD**

The aggressive growth plan for new Border Patrol agents is necessary in order to reach the President's goal to significantly increase the number of agents. We have approached the training program and scheduling with urgency and the need to accelerate training. The plan has been to train as quickly as possible to the level of putting the new Border Patrol agents needed on our borders in an orderly and sensible manner. For Fiscal Year 2007, FLETC and CBP project 3,900 agents will commence training. I am pleased to note that we are on schedule and will reach a 34-class overlap next month. While this is a significant milestone, we have in place all the necessary resources to meet the training challenge. In Fiscal Year 2008, with the President's funding request, we will conduct training for 4,350 new trainees. By the end of the first quarter of Fiscal Year 2009, the remaining workload of 850 to meet the 6,000 net total (with attrition) of new trainees provided for in recent appropriations will be completed. By the end of the calendar year of 2008, the projected number of Border Patrol will be at 18,000.

#### **BORDER PATROL TRAINING PROGRAM**

In Fiscal Year 2007, the Border Patrol and FLETC instituted an 81-day training program following a full review of the training curriculum. In Fiscal Year 2008, the planning and anticipation is for two program lengths: 55 days for trainees with Spanish language proficiency and 95 days for those requiring language training. This plan will significantly reduce the amount of time to prepare bi-lingual trainees to be deployed to our borders. Let me assure the Committee that we are working very closely with CBP and the Border Patrol Academy to maximize the training experiences and maintain the quality of the training. At the same time, we are pleased that the costs associated with this training continue to be very economical. In Fiscal Year 2007, the total cost for training at Artesia, to include tuition, room and board, miscellaneous, and instructors is currently \$16,220 per student for 81 days of training. Specifically, the tuition and miscellaneous cost is \$4,807, the lodging and meals cost is \$2,256 and instructors and support staff cost is \$9,157. (Tuition includes items consumed by students, such as printing, pencils, paper, ammunition, and uniforms; miscellaneous costs are contract costs for bus transportation, dining hall, custodial services, and other student services.) We continuously revise our numbers based upon training volume and other changes as they occur throughout the training year and we expect this total cost actually will be lower by the end



of fiscal 2007. We will be pleased to provide this committee with the final cost numbers at the end of fiscal year 2007.

#### CAPACITY

Questions have been asked regarding FLETC's capacity to meet Border Patrol training requirements. From the beginning, FLETC has pledged that it will bring to bear every resource it has to successfully implement this important initiative.

In addition to housing, significant upgrades in other facilities have been completed at our Artesia, NM training site. These include language laboratories, expansions to the physical training facilities, an enclosed aquatic training site, two new emergency response ranges, an off-road four-wheel drive course, and a Border Patrol Check Point practical exercise area. Also, a skeet (shotgun training) range and renovation of an existing firearms range to accommodate 100 yd rifle training is underway.

Should it prove necessary to consider alternatives to the present training plan, FLETC is prepared to utilize other FLETC or DHS sites to assist in meeting the training demand. Finally, Mr. Chairman and Members of the Committee, allow me to underscore the points that FLETC does understand the significance of conducting this training effectively and expeditiously and we will not lose sight of the very important mission entrusted to us.

#### CLOSING

Thank you, Mr. Chairman, for the opportunity to testify today. This completes my statement and I would be pleased to address any questions the Committee may have.

Mr. CARNEY. Thank you.

I thank the witnesses for their testimony.

I will remind each member that he or she will have 5 minutes to question the panel.

I now recognize myself for questions.

Ms. ATWOOD, what percentage of FLETC services are performed by Federal Government employees, and what percentage by contractors? And do you have an opinion as to whether portions of the training curricula can or should be handled by private contractors?

Ms. ATWOOD. Thank you for that question, Mr. Chairman. I do believe that there is some misunderstanding about FLETC and the fact that we currently contract out 59 percent of all of the work that we do.

Mr. CARNEY. I am sorry. That number again?

Ms. ATWOOD. It is 59 percent that is currently contracted out.

Mr. CARNEY. Thank you.

Ms. ATWOOD. A large portion of what we do is in conjunction with government contractors. We have, however, maintained that the core mission, the basic law enforcement training, since our initial FAIR Act inventory back when we were with the Department of Treasury, and continuing on today under the Department of Homeland Security, is properly classified as inherently governmental.

I think it is also important to note, though if I may, sir, that we also do contract out extensively in areas for advanced training, and those areas where we couldn't possibly maintain efficiently a staff that would have specialized experience in, say, the banking institutions or something that is extremely specialized that we contract out for in our advanced training environment. We utilize guest lecturers in that category. But the basic, fundamental core skills for Federal law enforcement officers and agents we do maintain is inherently governmental.

Mr. CARNEY. Thank you.

Mr. Stana, in your opinion, is CBP taking adequate steps to ensure that the quality of training is maintained as the hiring increases?

Mr. STANA. I am not as concerned with the academy training. They seem to have the kinds of programs that would adequately train people, and they have the controls in place to monitor that circumstance. I would expect that over time, although their resources may be strained, it appears as though they will be able to handle an influx.

What really worries me is when the academy training is over and the agent is deployed to the sectors, who is going to be there to mentor the individual? Not only from the standpoint of teaching someone the ropes—how to apprehend someone, how to conduct the job and perform well—but what we have seen in past ramp-ups like this, after IRCA after IRA, when the number of agents went up quickly, is we get a few bad apples into the Border Patrol core. If we don't have the proper supervision to identify these bad apples and get them out of that barrel as soon as we can, we could get ourselves in trouble.

I would note also that there are some intelligence reports that drug cartels are trying to find people with clean records and get them into the Border Patrol. If we don't have the right supervision to watch these people, we could be in a lot of trouble down the road.

Mr. CARNEY. So you would patrol the patrollers?

Mr. STANA. Well, you spent a lot of time earlier talking about what happened in the TB traveler case, and whether it was training or whether it was just incompetence or whether it was somebody trying to give somebody a break. It really boils down to internal controls and supervision. Are these people made well-aware of what their responsibilities are—and that is what happens in the sectors—and are they supervised to make sure they do it well?

Mr. CARNEY. Thank you very much.

Mr. Whitmire, GAO found that the training program for the Border Patrol is effective—very good news. We understand you will introduce a series of changes to the training course for Border Patrol agents with a focus on more field training. Do you have enough supervisory agents on hand to support that change in the training?

Chief Whitmire. Are you referring to in the field or at the academy, sir?

Mr. CARNEY. In the field.

Chief Whitmire. I would have to defer that question, since training is the only piece of the Border Patrol equation that I control. HRM and Chief Aguilar is the individual that would have to speak to the issue of whether or not there is sufficient supervisors in the field to mentor the agents, sir.

Mr. CARNEY. OK. Do we have enough officers at the classroom level?

Chief Whitmire. At this point, I have enough agents to provide all the training. Correct, sir. I have 350 detailed Border Patrol agents, about 100 CDIs, of course development instructors on hand, and about 48 rehired annuitants that are working very effectively for us to provide instruction.

Mr. CARNEY. Good. And they in your opinion will be able to handle a surge that hopefully will occur?

Chief Whitmire. That will go up somewhat. Our peak overload will come into effect about a month from now when we will have a total of a 34-class overlap, 1,600 to 1,700 trainees. At that point, I will have about 500 to 600 instructors providing instruction for those agents, sir.

Mr. CARNEY. Very good.

My time is up for this round of questions. I now recognize the gentleman from Alabama, Mr. Rogers, for 5 minutes.

Mr. ROGERS. Thank you, Mr. Chairman.

Ms. Atwood, you indicated that you use 59 percent of your personnel as contract personnel.

Ms. ATWOOD. That is correct, sir, 59 percent of our FLETC workforce is contracted out.

Mr. ROGERS. But not at Artesia.

Ms. ATWOOD. That is the overall number, sir.

Mr. ROGERS. What would the percentage be at Artesia?

Ms. ATWOOD. I don't have that number, but I will certainly get that for you, if that would be acceptable.

Mr. ROGERS. It would, but could you say that it is significantly below 60 percent, in your estimation, knowing that you don't know the accurate number yet?

Ms. ATWOOD. I am sorry, sir. I really wouldn't want to speculate. I would assume that it would be similar across the board, especially at the Artesia, New Mexico, site where they utilize the same type of contracting services that we use for transportation, for role-player services, for armor services and the like.

Mr. ROGERS. I would be very surprised if it was 60 percent or 59 percent, but I would love to see that, and I would appreciate it. I look forward to it. The only thing I did notice that was privatized at Artesia when I was there were the security guards.

Ms. ATWOOD. Yes, sir.

Mr. ROGERS. All right. I want to go back to Mr. Stana, talking about the field mentoring. Did you look at all about annuitant hires and the effect of that on the ability for the field mentoring to take place?

Mr. STANA. We spoke with the officials at the sectors, and we discussed the possibility of bringing in more annuitants to help out here. That certainly is one way to try to address that sort of challenge. But there really is no substitute for having a person who is young, vigorous, maybe 10 years further down in their career, do those kinds of things—a person that actually does the job, as opposed to having a mentor who may be retired or doing something on a part-time basis.

Mr. ROGERS. So in your opinion, then, if we were to lift this requirement that all faculty at the academy have to be trained Border Patrol agents, so that many more of them in the peak of their career could get out into the field and serve as a mentor, that would be a good thing?

Mr. STANA. That would be one way to help out this situation. Another way would be to try to stem the flow, the exodus of people out of the agency for whatever reason—better working conditions, better environment, better pay.

Mr. ROGERS. OK.

Mr. Morgan, talking about the Border Patrol officers and their training, you mentioned, was it 450 in the school right now at a time? Or was it 45? I can't remember.

Mr. MORGAN. Right now in basic CBP officers school, we have currently today 596 students.

Mr. ROGERS. And they are there for a 73-day program?

Mr. MORGAN. Seventy-three class days, which is approximately 15 weeks, depending on holidays.

Mr. ROGERS. OK. Are you all being required or tasked to meet a surge in manpower like the agents are?

Mr. MORGAN. Yes.

Mr. ROGERS. What is your target?

Mr. MORGAN. For this year, the unit is 48 students per class. We started fiscal year 2007 with the goal of 33 classes. We are now going to run 44 classes. The prognosis for fiscal year 2008 is 66 classes.

Mr. ROGERS. OK. And what is the number that you are trying to achieve as far as the number of trained Border Patrol officers in the field? There are 12,000 now, according to earlier testimony, with 1,000 vacancies.

Mr. MORGAN. CBP officers?

Mr. ROGERS. Yes.

Mr. MORGAN. I think there is substantially more than 12,000 in the field right now. My part of the equation is the number of students that we start with. I really don't know what the plans are. There are various programs under which Congress has authorized additional people, and then there is attrition, and that is how our workload goes up and down. But we base ours on student starts, how many students start in the class, so I really don't know the answer to that.

Mr. ROGERS. The reason I ask is Ms. Kelley testified earlier that there were 12,000 officers and 1,000 vacancies for CBPOs, but wasn't aware if the president had targeted a threshold that we are trying to achieve, like we are doing with agents. We have a little over 12,000 agents, but we need 18,000 is what he is after. And you are not aware of any target either?

Mr. MORGAN. I am not.

Mr. ROGERS. OK. One question before I lose my time.

Mr. Whitmire, do you really believe that you are going to be able to hit your target by December of 2007, having 6,000 new Border Patrol agents through your academy?

Chief Whitmire. By December 2008?

Mr. ROGERS. Yes, sir.

Chief Whitmire. Absolutely. We have a plan in place, sir. Remember, I handle the training piece of the equation.

Mr. ROGERS. I understand that. I am just talking about pushing through the numbers in the next 18 months.

Chief Whitmire. Absolutely. We absolutely do, sir. The plan is in place.

Mr. ROGERS. I hope you are right.

Chief Whitmire. I hope I am, too, sir.

Mr. CARNEY. We all share that hope.

The chair now recognizes the gentleman from Colorado, Mr. Perlmutter.

Mr. PERLMUTTER. Thanks, Mr. Chairman.

I am going to kind of shift a little bit back to where we were with the prior panel. Mr. Rogers has been focusing on privatization and private contractors providing border security. We have had a couple of hearings on the National Guard, and I would like to know how the National Guard, and whether any of you are involved with assisting or training the National Guard under this Operation Jump Start, where they are supposed to come and assist with border security and border patrols.

Chief Whitmire. Speaking for the academy, we have no interface with Operation Jump Start and the National Guard, sir. That is handled at the sectors.

Ms. ATWOOD. I would echo that, sir. FLETC is not involved with the training of the National Guard.

Mr. PERLMUTTER. With respect to some of the testimony we had earlier about the morale of our agents and our officers. Do any of you have any opinions about what is going on there or how we can improve that, so that we don't have the turnover and we don't need as many mentors because we have people who stay online and don't leave the system? Mr. Stana?

Mr. STANA. Let me just start by saying we all ought to acknowledge it is a tough job, whether you are sitting in one spot like Mr. Bonner was talking about, or you are doing night patrols at a checkpoint. It is not an easy job and you are often doing your job in circumstances and in an environment that are unpleasant.

The second thing I would say is one of the reasons why many of these agents go to other law enforcement groups is the law enforcement pay. I think one of the earlier panelists mentioned that. I am not advocating necessarily for it, but we ought to recognize that pay is an issue.

Third, it is a job that is almost like you have a shovel and somebody tells you—I don't know if you ever were in basic training when if you did something wrong, you were shoveling piles from one place to another, but you never get finished. It is a job that has some built-in frustrations because you see oftentimes the same person trying to come through again and again and again, for whatever reason.

So there are some frustrations to the job that you can deal with, like pay, working conditions. There are some things you can't. It is just a tough job.

Mr. PERLMUTTER. Has there been a change in the mission that has made it a tougher job?

Mr. STANA. With SBI coming on board, the Secure Border Initiative, the mission may change a bit. I must say, if you have been on night operations with the Border Patrol or day operations, you probably came to the same conclusion. I did. And that is, it is not a very efficient way to apprehend individuals: patrolling, waiting for people to come to you, sitting on that spot, or patrolling several miles inland.

With the Secure Border Initiative, if it works correctly, you would have radar sensors, night cameras, identifying where to go to pick up. And that may have an effect on the number of agents

you would need to do the job. It may not be 18,000. It may not be 28,000. It probably is more than 12,000, though, but there are some challenges with that, too, but that may help better define the mission and take some of the frustration out of the job.

Mr. PERLMUTTER. OK.

Thanks, The CHAIRMAN. I have no more questions.

Mr. CARNEY. I thank the gentleman from Colorado.

I will start the second round.

Mr. Morgan, you are responsible for training the CBP officers and ag specialists at FLETC Glynco. Is that correct?

Mr. MORGAN. The ag specialists are trained at the United States Department of Agriculture Professional Development Center in Frederick, Maryland. We participate in that training. We manage that training for our officers up there, but most of the training is provided by the United States Department of Agriculture.

Mr. CARNEY. OK. So it is the USDA curricula.

Mr. MORGAN. It is mostly a USDA curriculum, and we provide 3 weeks of CBP training.

Mr. CARNEY. OK, good.

Mr. MORGAN. And then we manage them, any discipline that needs to be done, any of that kind of activity. We run the academy. The USDA provides the expert instruction.

Mr. CARNEY. OK, very good. Thank you.

Mr. Whitmire, in your opinion, what value do Border Patrol agents add as trainers at the academy?

Chief Whitmire. Sir, the Border Patrol, as you are aware, is a paramilitary-type organization. Basic training is probably the most critical point in a person's career in that we are attempting to instill esprit de corps, mission focus, organizational identity and integrity.

The idea that someone else, either from another agency or as a contractor, could convey those intangibles is simply outside the realm of belief to me, after 24 years. I have a number of years conducting training exercises and operations for the United States Border Patrol, sir.

Mr. CARNEY. I agree. I have a military background as well. The intangibles are something that really, from my perspective, create the culture that you need that becomes a common threat throughout the entire agency. I know DHS is struggling with that now. So to have a situation where you create the esprit de corps, what it means to be a CBP officer, what it means to be on the border—these are your brothers and sisters.

Whatever we can do to foment that, to promote that, and to make sure it becomes part of the mindset, I think is absolutely critical.

I have no further questions. If we could stand by for one moment.

Go ahead, Mr. Perlmutter.

Mr. PERLMUTTER. This is to Chief Whitmire.

Is there any kind of a continuing education, continuing training process? I had mentioned earlier the gentleman who allowed the TB patient in. It may have been that he had a bad day or made a bad judgment, or whatever, but what kind of continuing education, continuing training program do you have?

Chief Whitmire. Good question, sir. All individuals who are hired today into the Border Patrol, not into the CBP ranks, but into the Border Patrol, but also in CBP ranks, are hired under the FCIP program, the Federal Career Internship Program. It is a 2-year probationary program.

On the Border Patrol side, we provide basic Border Patrol training and then there is a post-academy training that follows as well, up until the 20th month. That is provided to every Border Patrol agent. At this point, we are changing that program, but it will become more effective and more efficient. Nonetheless, it covers all of the mission-critical tasks following the academy.

There are two parts to it. Our part, the Border Patrol Academy owns the academic portion of the training and the sectors on the field training unit portion of that training, which acclimates those people to the particular environment and sector that they are going to be working in.

But yes, there is a continuing training program. As well, there is in-service training and some of that is provided by the Border Patrol Academy such as our in-service journeyman training, which is given to every Border Patrol agent, made available to every Border Patrol agent. There is also supervisory Border Patrol agent training, and a number of opportunities for in-service training for agents.

Mr. PERLMUTTER. I didn't allow, or none of you offered, but do any of you have an opinion—Mr. Stana offered his opinion—on the morale issues and the turnover?

Chief Whitmire. I would offer this, that the basic premise that morale is a serious issue in the Border Patrol is one that is put forward by the union and specifically those individuals in the union. I am not familiar with that border patrol, and I am very familiar with the field agents in the field.

Also, just as it was put forth, a number of incorrect items were put forward concerning the Border Patrol Academy. I would offer that Mr. Bonner has never been to the United States Border Patrol Academy since I have been the chief, yet Congressman Rogers asked him directly if he was very familiar with the Artesia facility. I have never seen him there.

As well, I am not familiar with the border patrol that he depicts. That being said, in answer to your question, sir, there are things in play—the voluntary relocation program that is being offered to Border Patrol agents.

For those of you that are probably aware—and maybe not aware, Mr. Stana is and touched on that subject—the Border Patrol is in a lot of places that a lot of people do not want to be. That is just the Border Patrol, just as in the military.

The voluntary relocation program is going to address some of those issues. People will be allowed to move, which is one of the biggest issues that comes up in the Border Patrol. Individuals are in a place that they don't want to be and would like to get closer to home, with little chance to move there other than going to the supervisory ranks. There are a number of programs that we are putting in place as we speak that will address some of those concerns.

Mr. PERLMUTTER. Thank you.

Ms. Atwood?

Ms. ATWOOD. Perhaps if I have anything to add to this particular discussion it would just be that I came into Federal law enforcement in 1984. Over the years, I have noticed that we have a number of opportunities to move around to other agencies that didn't exist perhaps in the years where individuals would begin with one particular agency and remain with them for their entire career.

So it is well-known that there are a number of opportunities out there for you in Federal law enforcement. Some people like change, and I am talking in addition to what Chief Whitmire spoke to about the difficult conditions, et cetera. But I really don't know that.

I know I haven't personally seen any statistics that would indicate that this type of turnover is specific to CBP, because it does tend to be a group of individuals in law enforcement who do enjoy change, and frequently go from one agency to another. We are a restless group.

Mr. PERLMUTTER. OK, thank you.

Mr. MORGAN. May I?

Mr. PERLMUTTER. Sure.

Mr. MORGAN. I would like to just say I see the morale at our academy is outstanding. The people that are there understand the mission. They understand the importance of it. The students leave the academy with extremely high morale, knowing what they know and knowing what they don't know, if you understand what I mean.

Sometime next year, we will hit what I think is a crucial point. There are 18,000 CBP officers. Sometime next year, one-third of those will be newly hired who have gone through the new curriculum. They will not know customs or immigration or agriculture. They will know being a CBP officer. It will hit the one-third mark, and I think that starts to get to where the numbers affect that.

I think some of the morale problems that Ms. Kelley might have mentioned is some of the people that came from one of the legacy agencies or not. And I think as time goes on, I think that aspect of it will improve.

Mr. STANA. I just might add that we have some work under way for this committee and for Mr. Akaka on the Senate side, specifically aimed at the One Face at the Border initiative, how well it is working, what the challenges are, and what some of the vulnerabilities are, frankly. We will be addressing many of these issues.

If you would like a preliminary briefing on this, we perhaps could arrange it, but given that most of the information we would be discussing is sensitive in nature, I can't describe it here.

Mr. CARNEY. Sure.

I have a follow-on for Mr. Perlmutter's questioning. If I come in as a new recruit, is there a clearly delineated career path I could follow if I want to get in a supervisory position at some point?

Mr. Morgan and then Mr. Whitmire.

Mr. MORGAN. It is one thing that we talk about. At the last day at the academy, we have several hours of time which we call "career survival and enhancement." We talk about the ways that CBP officers can go. We encourage them to concentrate on their basic job



for at least 2 or 3 or 4 years, to be the best officer they can be wherever their supervisor puts them.

Personally, I tell them if your supervisor puts you on lane 12 at San Ysidro, be the guy who when you are there, you become the best so that the supervisor never has to worry about that lane when you are there, and then look on to other jobs. We do describe many opportunities that exist for them to go. One of the most normal is through the supervisory ranks from a GS-11 to GS-12 to GS-13 and GS-14.

Others are international jobs. CBP now has people in I think it is 50 international locations where CBP officers can serve, at our National Targeting Center. There is not one path. There are many paths that they can take, or they can stay right in their home port and progress there. We explain that to them many times, but on the last day in particular.

Mr. CARNEY. It gets stressed on the last day. Maybe it makes sense to do it earlier so that they are thinking about it and get more excited about this opportunity.

Mr. Whitmire, do you care to comment?

Chief Whitmire. I would just say that we are the same as every other Federal law enforcement agency—FBI, DEA, U.S. Marshals—exactly the same within the constraints of OPM regulations. We have a very clearly defined career path.

Mr. CARNEY. OK. Very good.

Ms. Atwood?

Ms. ATWOOD. Ditto.

[Laughter.]

Seriously, it is the same pretty much for every Federal law enforcement agency. You have the same career path. I started as a GS-4 co-op student and was able to have the benefit of working in a career path that actually at that time went to GS-12.

By working my way through and having the benefit of field training officers to work with me to enhance the skills that I have obtained at FLETC, then you are able to then choose if supervision and leadership is an area that you believe that you could provide additional benefits for or not.

Mr. CARNEY. Thank you.

I just have one more quick follow-on. After you graduate, and you are in your position for 3 or 4 or 5 years, whatever it might be, is there a requirement or is it voluntary to take additional education credits for whatever it might be?

Ms. ATWOOD. Go ahead.

Mr. MORGAN. For CBP officers, there is a set of training requirements that they must go through every year. Many of them are on-line and they get it through our online system there.

We also have 50 advanced courses which are just-in-time training. When an officer is assigned to a particular team or when he is assigned to a particular duty at his port of entry or her port of entry, they will come back for an advanced training course either at Glynco or one of the major ports of entry, where we coordinate training for them.

For instance, if somebody is going to be on an outbound currency interdiction team looking for drug money going out of the country, or terrorist money going out of the country, they would go up to

New York and take our outbound currency interdiction team training before being assigned to that team. There are 50 classes like that.

Mr. CARNEY. OK.

Ms. ATWOOD. Sir, if I can just add to that. That is a good segue to just make sure that you know that part of FLETC's role is to provide for both the basic and advanced training needs of law enforcement. We do have well over 100 advance training programs that we provide just for that continuing education for Federal law enforcement nationwide.

Mr. STANA. Just to balance out the discussion, keep in mind, Mr. Carney, that what you have here is people at the ports of entry who may be working double shifts. When are they going to have time to train? They need to be at the booth. Similarly, you have Border Patrol agents who because of shortages need to be on patrol constantly, and don't get a chance to train.

So the training may be there. It may be well-designed. It may be well-meaning, but can the agent or the officer afford to get away from the post to take the kind of training that they need to take to be fully effective.

Mr. CARNEY. That is a very good point. Thank you, Mr. Stana.

Mr. ROGERS, any further questions?

Mr. ROGERS. Mr. Morgan, I wanted to follow up on some comments made by Ms. Kelley earlier about the use of canine detection teams. She indicated that there had been a diminution in the number of those teams because of this One Face at the Border initiative and its effect on personnel.

Are you aware of a decline in the number of those teams being used by CBP?

Mr. MORGAN. I am not aware of that. Unfortunately, I would have to defer answering that. I don't really have any direct knowledge about that.

I do know that one thing she mentioned is true. I wouldn't call it a collateral duty, but you now become a CBP officer first, and then you become a canine officer. That is a new methodology that is in use.

I am not responsible for training the dog handlers. I have heard nothing about any diminution or lessening.

Mr. ROGERS. Where are those dog handlers trained?

Mr. MORGAN. Dog handlers are trained at Front Royal, Virginia, El Paso, Texas, and then the USDA has a facility down in Orland, Florida, where they train the beagles.

Mr. ROGERS. OK. Thank you. I have been to two of those. I have not been to the one in Florida, but I am going to try and get down to see it soon. But those are the ones that train for CBPOs as well as agents.

Mr. MORGAN. Yes. Border Patrol, too. Yes.

Mr. ROGERS. Excellent. I knew the agents did, but I didn't know the CBPOs did.

Mr. Whitmire, you heard earlier in testimony I talked with Mr. Bonner about his interview on Glenn Beck's television program, where he said that from the time the president announced his desire to get 6,000 new agents through the academy and in the field, we have only got 650. Did that number sound about right to you?

Chief Whitmire. I couldn't speak to the exact number. I am not certain of the dates, but I can ensure that we forward the information to you, giving whatever dates and time actually you would like, sir—what numbers were on board and are on board. I speak to the training numbers that enter on-duty and exit the academy.

Mr. ROGERS. Let me talk to you about that for a few minutes. You have heard me talk about the concern I have about all these faculty positions being designed as inherently governmental. Do you believe that all the faculty positions at your campus need to be designated as inherently governmental?

Chief Whitmire. Whether or not they are designed as inherently governmental makes little difference to me, sir. What I believe is that Border Patrol agents should be training Border Patrol agents in every facet of our academy.

Mr. ROGERS. Including Spanish language?

Chief Whitmire. Absolutely.

Mr. ROGERS. Including CPR and basic life support?

Chief Whitmire. Absolutely.

Mr. ROGERS. Boxing fundamentals?

Chief Whitmire. We don't teach boxing. Well, possibly fundamentals anymore absolutely should be taught by Border Patrol agents.

Mr. ROGERS. Report writing?

Chief Whitmire. Yes.

Mr. ROGERS. HIV-AIDS awareness?

Chief Whitmire. Yes.

Mr. ROGERS. Firearm safety?

Chief Whitmire. Oh, absolutely.

Mr. ROGERS. And basic physical conditioning?

Chief Whitmire. All of that, sir.

Mr. ROGERS. Should be taught by a Federal Border Patrol agent?

Chief Whitmire. Every hour.

Mr. ROGERS. How many personnel did you have on your faculty prior to being charged with this increase of agents? I am going to go back behind where the president wanted to go up to 6,000, and go back to 2004 when the Congress authorized 2,000 new agents a year for 5 years. What was the size of your faculty? You said now you have 350 agents and 40 annuitants, and then a few other people.

Chief Whitmire. Actually, I have about 100 permanent instructors, 350 detailers, and 48 annuitants today, sir, yes.

Mr. ROGERS. And how does that compare with 3 years ago?

Chief Whitmire. I probably had about 200 instructors total, between several different facilities. In 2004, I was running the Charleston facility and as well as had Artesia and Glynco training facilities, so it was split between three facilities.

Mr. ROGERS. OK. So you have about a 250 percent increase since 2004, and you are anticipating another 200 folks by next year?

Chief Whitmire. I would say that is fairly accurate, sir. The good thing about detailers is they allow me to expand and contract that in the future should the surge decrease, those people return to the sectors.

Mr. ROGERS. The last thing I want to touch on is I talked with you when I was there about the concern about recruitment and

having that ready pool of applicants, primed, and ready to start your academy.

As you will recall, there is a lot of dialogue about how many people they have to go through, how many applicants they have to go through to get somebody that is actually a candidate. As I recall, it was about 30 or 35 applicants that you have to go through to get one person that is adequate.

Chief Whitmire. I believe that is correct, sir.

Mr. ROGERS. My concern at that time was that this vetted pool of applicants was not big enough to meet your surge demands going through the academy at that time, and this was almost a year ago. We talked about some plans that you were going to try to develop to build that pool.

At that time, that ready pool of applicants was about 500 to 600 people. Do you have any idea at this date in time how many ready applicants or candidates for your academy are sitting waiting to start?

Chief Whitmire. I do not, sir. That is a function of HRM, but I am certain we could forward that information to you.

Mr. ROGERS. OK. Thank you.

That is all I have, Mr. Chairman.

Mr. CARNEY. I thank the gentleman from Alabama.

I thank the witnesses for their valuable testimony today. It has been quite enlightening.

Members of the subcommittee may have additional questions for the witnesses, and we ask that you respond expeditiously in writing to them.

Hearing no further business, the subcommittee stands adjourned. [Whereupon, at 1:13 p.m., the subcommittee was adjourned.]

## APPENDIX: Additional Questions and Responses

QUESTIONS FROM HON. CHRISTOPHER P. CARNEY

RESPONSES FROM COLLEEN M. KELLEY

**Question 1.: In your opinion, how many Customs and Border Protection Officers would be needed to have a robust and fully staffed force at our ports of entry?**

**Response:** According to the former U.S. Customs Service's last internal review of staffing for Fiscal Years 2000—2002 dated February 25, 2000 also known as the 2000-2002 RAM, the Customs Service needed over 14,776 Customs Inspectors (**an increase of 6,481 new hires**) just to fulfill its basic mission—and that was before September 11.

The RAM also shows that a total of 1,291 Canine Enforcement Officers (an increase of 650 new hires) would be needed in order to fulfill the Customs Service's canine inspection duties. It has long been proven that detection canines are an invaluable part of the security system at the ports of entry. Detection canines are trained to detect explosives, drugs, concealed humans and currency. In the past, canine teams have been deployed during every shift at 24 hour ports of entry which necessitated overtime assignment for some canine teams. Since July 2005, dog teams work regular time only. Under the One Face at the Border initiative, canine handlers do fill in for overtime duty, but without their dogs.

NTEU believes that both bomb and drug canine detection teams are integral to securing our border. CBP Officers nationwide and NTEU strongly support H.R. 659 introduced by Representative Michael Rogers (AL), a Ranking member of this subcommittee, to increase by not less than 25 percent the number of trained canine detection teams deployed at and between the ports of entry.

Since the release of the U.S. Customs 2000—2002 RAM was released, the Department of Homeland Security was created and the U.S. Customs Service was merged with the Immigration and Naturalization Service and parts of the Agriculture Plant Health Inspection Service to create Customs and Border Protection (CBP) and given an expanded mission of providing the first line of defense against terrorism, in addition to making sure trade laws are enforced and trade revenue collected, while at the same time facilitating the flow of travel and trade.

According to GAO, with the merger of the three agencies inspection forces, there are now approximately 18,000 CBP Officers currently employed by CBP. Based on the expanded mission of the CBP Officers, and based on the results of the 2000—2002 RAM that stated the U.S. Customs Service needed to hire over 6,000 new inspectors to address the expanded workload projected at that time, I believe that at least 22,000 CBP Officers would be needed to have a robust and fully staffed force at our ports of entry.

Congress mandated CBP to perform a Resource Allocation Model in Section 402 of the SAFE Port Act. The CBP Resource Allocation Model (RAM) was due last month, June 2007. According to conversations that I have had with CBP, they plan to report out an allocation model that will only show how the agency is allocating existing resources rather than a model, such as the U.S. Customs Service 2000-2002 RAM, that reviewed current staffing levels and projected the required number of positions, the Optimal Staffing level, needed to fulfill its mission.

NTEU strongly urges Committee hearings to review the findings of the CBP RAM when it is released.

**Question 2.: On page 5 of your testimony you raise the concerns of Customs and Border Protection Officers on the increased hiring levels of managers over the hiring levels of frontline employees. How does this affect operations? And what are your recommendations going forward?**

There is much concern among CBP officers that in terms of real numbers CBP has hired more new managers than frontline workers. According to GAO, over the

same time period, CBP showed a 17 % increase in CBP managers and only a 2% increase in the number of frontline CBP Officers.

At some ports, the ratio of supervisors to frontline CBP Officers has increased dramatically aggravating the vacancy situation. Prior to 9/11, the goal was one supervisor to every 15 inspectors. I have heard that at some ports of entry there is one supervisor for every six CBP Officers. The increase of supervisors at the expense of frontline workers has put strain on the frontline work load that is manifested in compelled overtime and increased wait times at the ports. This ratio puts increasing scheduling pressure on rank and file frontline officers further demoralizing the workforce.

**Question 3.: Has the Department been helpful in providing refresher courses to CBP Officers that request them?**

I only have anecdotal information that management has not been responsive to CBP Officers' requests for refresher courses. The larger issue is that management does not set aside work time for taking training courses and there is no feedback or question and answer time with training module instructors or supervisors. That is why NTEU recommends that CBP put into effect an in-depth on the job training plan; allot specific times during tours of duty for CBP Officers to do all assigned computer-based training; provide structured discussion time must accompany all computer-based training; and provide refresher courses to all CBP Officers upon request.

**Question 4.: Will the expected increase in retirees from the civil service affect Customs and Border Protection Officers? How badly?**

**Response:** It is my understanding that by the end of 2008, fully one third of all CBP Officers will be new hires. There will be a huge loss in institutional and inspection specialization knowledge with the retirement of these legacy officers. This loss of inspection specialization knowledge is compounded by the One Face at the Border initiative because new hires are not given the length and depth of classroom and on the job training in customs, immigration and agriculture laws and procedures as legacy officers received.

QUESTIONS FROM HON. CHRISTOPHER P. CARNEY

RESPONSES FROM ROBERT B. ROSENKRANZ

**Question 1.: The Committee received the cost comparison between DynCorp International and CBP of training a border patrol agent for a period of one year, but profit is not broken out. What is the anticipated profit per proposed agent, and how was it calculated?**

Our pricing model carries a modest and reasonable profit that is consistent with other government contracts providing similar functions. In the services industry, revealing information such as profit margin on labor and materials can give competitors valuable insight into a company's pricing. While we prefer not to reveal such specific information in open testimony, we would be happy to provide it confidentially to members of the subcommittee.

The important question to answer, however, is whether our approach could provide the Border Patrol with the personnel it needs, in the time it needs them, with the training and professional skills necessary to function at a high level, and at a reasonable cost. We believe the answer to that question is yes. In addition, our model would give the Border Patrol great flexibility to reduce the force if necessary or to take experienced contractors into the Border Patrol itself.

QUESTIONS FROM HON. YVETTE D. CLARK

**Question 1.: DynCorp has faced repeated criticism and scrutiny from a variety of sources, including from the Oversight and Government Reform Committee, for the quality of the Iraqi security forces it trains, questions about disappearing expenditures, and about the actions of its own instructors. It seems that DynCorp presents the perfect example of what can go wrong when the government depends too heavily on private contractors with little oversight. With all of these problems, why does DynCorp feel it would be able to do a better job than the current CBP operation?**

**How are the above problems being addressed, and how would these issues be resolved in a CBP training program?**

The assumptions behind this question are untrue. Our company has done an excellent job in the police training programs in and Afghanistan, and our trainers and program have been praised in an inspector general's report which we will be happy

to share with the Representative. We have a policy of transparency, and have cooperated fully to answer all questions about any of our support activities for the United States government. We are currently cooperating closely with the House Committee on Government Oversight and Reform, and we believe the record will show that we have acted honorably and in good faith in all matters under review.

We take our obligations seriously, and we have assured the Chairman and the Secretary of State that if we have made any mistakes or have failed to live up to our obligations, we will acknowledge any of our mistakes or failures.

DynCorp International supports the State Department and the Department of Defense in providing on-the-job field verification and mentoring to Iraqi police who graduate from Iraqi police academies. We recruit experienced American police officers, both men and women, from across America, proven performers from our home towns and cities, who are then carefully screened and vetted. These are very dedicated officers who sign up for one year, but quite often reenlist for an additional year or two because of their commitment to their difficult and dangerous mission. They want to continue doing something important, meaningful and selfless. Nineteen of our American employees have died in the line of duty in Iraq.

It is untrue that there have been problems with disappearing expenditures or inappropriate behavior by our police trainers, and I would have to question the source of your information. If you have any credible information to support this allegation, we would appreciate receiving it at your convenience. We have provided well over one thousand U.S. police trainers to the Department of State for the rule of law training and mentoring mission in Iraq, and they have performed with great distinction under very adverse conditions. If there are any instances of problems, we immediately remove the trainers from their positions and send them home.

It is also untrue that we work in Iraq with little oversight. The Departments of State and Defense provide constant oversight, direction, and supervision to our trainers and advisors in Iraq. In fact, our trainers work for the Civilian Police Advisory Training Team, and receive all operational guidance and instruction from that command. Because of the prior police traditions and culture in Iraq, and the very difficult security situation, progress with the development of the Iraqi police force has been slow, but there is progress being made.

To the question of why do we feel that we can do a good job training Border Patrol agents, we believe our ability to accomplish the training mission in places like Iraq, Afghanistan and the Balkans makes us exceptionally qualified to support the CBP training mission. Our "recruits" would be highly qualified American policemen further qualified by their Border Patrol training. They would become effective members of the Border Patrol team. We believe that outsourcing the CBP training would be a very cost-effective way for the Border Patrol to quickly increase qualified staffing while maintaining appropriate command and control over all the personnel under its command.

**Question 2.: During the hearing on June 19, Mr. Rosenkranz testified that DynCorp no longer has any security personnel in Iraq. However recent media reports from the region have stated that DynCorp employees are currently in Iraq. Please explain this discrepancy and the nature of your company's presence in Iraq.**

DynCorp has two major contracts in Iraq. We are providing rule of law personnel to the State Department under our Civilian Police (CIVPOL) program to support the ongoing State Department post conflict reconstruction mission. Secondly, we are under to Diplomatic Security, an agency in the Department of State, to protect U.S. Government personnel and dignitaries in Northern Iraq. In both of these missions, our personnel are armed for both self protection and the protection of those for whom we are responsible. We are also tasked by Department of State with providing services for our own operations. We are not a security company. We do not provide security to commercial companies, the Department of Defense, other Government Agencies, Iraqi government agencies, or any other activity in Iraq.

QUESTIONS FROM HON. CHRISTOPHER CARNEY

RESPONSES FROM CHIEF CHARLIE WHITMIRE

**Question 1.: Can Border Patrol agents and Customs and Border Protection Officers perform computer based training modules while on duty? Is there a supervisory agent on hand for a question and answer session after a training module is completed?**

**Response:** Border Patrol Agents can perform computer-based training while on duty.

Several factors are considered when this type of training is required or available, including the length and location of the training, the number of employees at the location, and the available computers.

There is always a Supervisory Border Patrol Agent available to all employees; however, training-specific questions are generally handled by the sector training staff. Without prior training or knowledge of a specific training course or module, the supervisory staff may not be in the best position to answer employee questions. The topic of training often dictates who should answer any questions.

CBP Officers are allowed time on duty to complete required computer based training and are encouraged to complete optional computer based training and refresher training when possible. Most of the computer based training modules are designed to be self-study, but officers are encouraged to ask questions.

CBP also offers some courses in a facilitated training environment where an instructor and/or supervisor are present in the room to answer questions or lead discussions about a particular topic.

**Question 2: Has CBP considered bonuses for experienced and qualified Border Patrol agents or Customs and Border Protection Officers that volunteer their time to instruct and train new recruits? What is the current policy?**

**Response:** CBP does not have difficulty attracting qualified and experienced instructors for basic and advanced training. The academies select individuals for three to five year tours of duty to serve as instructors. These individuals are selected for career ladder promotions that begin at a GS-12 and end at the GS-13 level. When returning to the field, many of these individuals are recruited at the higher grade.

