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Congressional Measure Undermines Better, Faster, Cheaper Border Security

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A little-noticed provision in the Homeland Security Appropriations Act for 2007 undercuts the Department of Homeland Security's efforts to deliver quality training in the quantities required. Specifically, Section 544 prohibits efforts to innovate and expand law enforcement training for the department and all of the other law enforcement programs supported by the Federal Law Enforcement Training Center (FLETC). Congress should rescind this measure and instead encourage the department to innovate and expand its capabilities to provide quality training for essential national security law enforcement missions, such as securing U.S. borders.

The Training Trap. When Congress created the Department of Homeland Security (DHS), it folded the Federal Law Enforcement Training Center into the new organization. That decision made sense. Many of the department's operational missions, such as securing the border and enforcing immigration laws, were in effect law enforcement activities that required well-qualified, highly trained personnel. The FLETC, headquartered at Glynco, Georgia, was well established and already had the mission of training federal law enforcement agencies, including all of the law enforcement agencies

that became part of the DHS. The FLETC, for example, operates the U.S. Border Patrol's training academy in Artesia, New Mexico.

While the FLETC provides quality training, it is already straining to meet all of the DHS's law enforcement training needs, particularly those relating to immigration and border security. On October 26, the President signed the Secure Fence Act, which requires the DHS to gain operational control of all U.S. borders within 18 months. The Administration plans to accomplish this by increasing the training rate from 411 new border agents per year to 3,000 per year over the next two years. To do that, the academy will need not only additional classrooms and living space, but also more firing ranges, physical fitness facilities, and training areas for simulations and exer-

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- Section 544 of the Homeland Security Appropriations Act for 2007 undercuts the DHS's ability to train the number of new border agents needed.
 - Congress needs to scrap this provision so that the department can use non-federal instructors as trainers.
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cises, along with additional staff and instructors. The training academy in New Mexico does not have the capacity to handle this increase.

In short, the FLETC lacks the capacity to expand and provide the resources to support that training mission. It could easily become a bottleneck preventing the DHS from getting the quality workforce that it needs to secure the border.

Making the Job Tougher. However, instead of passing legislation that would facilitate the department's ability to expand its training base, Congress has made the job tougher. Section 544 of the 2007 Homeland Security Appropriations Act classifies FLETC instructors as "inherently governmental" under the Federal Activities Inventory Reform Act of 1998. This means the DHS is prohibited from using non-federal instructors to provide training.

This prohibition prevents the department from finding any way to meet its surge capacity training requirements other than by expanding government by permanently hiring more federal workers and building more government-owned and government-operated facilities. Not only will this approach be extraordinarily expensive, but it also will likely be far too slow to meet the department's needs.

A Better Idea. Adding thousands of new agents in a few years as mandated by Congress may not be feasible without expanding the training capacity of the Border Patrol Academy and the Federal Law Enforcement Training Center. Instead of hamstringing the DHS's training capability, Congress should scrap Section 544 and consider giving the department additional means to train new agents. This should include:

- **Building partnerships.** Congress should allow the Border Patrol to develop partnerships with law enforcement academies operated by private firms. This could lower training costs significantly.
- **Building confidence.** To ensure that using non-federal employees to train law enforcement officers does not undermine the quality of training, the FLETC and its federal partners

should be required to specify the qualifications of non-federal instructors (e.g., former law enforcement experience and specific skill sets) and the training curriculum.

- **Building capacity.** While recruiting efforts accelerate toward the goal of bringing in 6,000 new agents in the next two years, the academy needs a plan to ensure that the flood of new agents does not overwhelm the training facility in New Mexico. The obvious answer to increasing capacity at the academy is to spend money to expand the facilities, which is already being done. To save money and time, the academy should use excess capacity at nearby colleges and universities to increase capacity for the short term.
- **Not building facilities.** The academy could also set up temporary facilities. For example, when the Army has needed to rapidly expand its ability to train new recruits, it has used "expandables," or trailer parks that can be established quickly to house several hundred recruits. The Federal Law Enforcement Training Center will need to consider building temporary range facilities and other innovative solutions, such as training in shifts so that limited resources like firing ranges can be used around the clock.

Getting Serious. Congress was right to insist that the Administration intensify its efforts to provide the law enforcement needed to secure the border, but it was wrong to prohibit the Department of Homeland Security from using non-federal instructors as trainers, which would help the DHS to meet its surge training demands efficiently and effectively. Congress should fix this problem now.

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