

**Statement of Senator Dianne Feinstein**  
*“Illegal Tunnels on the Southwest Border”*

**June 15, 2011**

We are here today to explore the increasing number and sophistication of tunnels along the Southwest border.

As the U.S. – Mexico border has become more secure, criminals have sought out new ways to transfer drugs and people across the border. For years, smugglers have tried to go around our border checkpoints. Now, they are trying to go under them to evade border enforcement.

This presents a serious national security threat. Since May 1990, 137 completed tunnels have been discovered, with 125 discovered since September 2001. Border tunnels are most often used to transport narcotics from Mexico to the United States, but could also be used to smuggle weapons and terrorists into the United States...

In recent years, there is a striking increase in the sophistication of these tunnels. To date, authorities have discovered 52 sophisticated tunnels, 35 of which were constructed in California.

In February of 2006, I visited San Diego to see a massive border tunnel discovered by the multi-agency San Diego Tunnel Task Force, led by U.S. Immigration and Customs Enforcement. The Department of Homeland Security has established these tunnel task forces in San Diego, El Paso, Yuma and Imperial Valley.

The tunnel was 2,400 feet long – close to half of a mile long – stretching from an abandoned warehouse near the southern border of California through to Tijuana, Mexico. It remains the longest cross-border tunnel discovered in U.S. history, more than nine stories below ground at its deepest point, and had ample ventilation and groundwater drainage systems, cement flooring, lighting, and a pulley system. Authorities seized over 4,200 pounds of marijuana in the tunnel, and have attributed the

operation to the Arellano Felix Organization. As you can see in the graphic to my left, the exit of the tunnel in the United States was concealed in a small office inside a massive empty warehouse, covered only by four square tiles.

And these kinds of tunnels are being found more and more. After seeing this tunnel, I introduced the Border Tunnel Prevention Act of 2006. The bill became law in 2007 and criminalized the construction, financing or use of an unauthorized tunnel or subterranean passage across an international border into the United States. It also imposes a punishment for anyone who negligently permits others to construct or use an unauthorized tunnel or subterranean passage on their land.

The first prosecution under this law was in connection to a December 2009 partially-built tunnel found in Calexico, California. An investigation resulted in the arrest of Daniel Alvarez, a United States citizen. Alvarez eventually pled guilty to criminal violations put into place

by the Border Tunnel Prevention Act and was sentenced in the Southern District of California.

This Congress, I plan to introduce a bill to enhance the 2007 law and provide law enforcement and prosecutors additional tools to locate tunnels, identify criminals and punish those involved. Specifically, it will:

- Make the use, construction or financing of a border tunnel a conspiracy offense. This would punish the intent to engage in tunnel activity, even in cases where a tunnel was not fully constructed;
- Include illegal tunneling as an offense eligible for wire interception even when there are not drugs or other contraband to facilitate a wiretap;
- Specify border tunnel activity as unlawful under the existing criminal forfeiture and money laundering provisions to allow authorities to seize assets in these cases.

Illegal tunneling is a growing problem that is far too often overlooked. I look forward to hearing from today's witnesses on how Congress, law enforcement, prosecutors and our Mexican counterparts can work together to stop tunnel construction.