



## Senator Feinstein Unveils Tough New Legislation Criminalizing the Construction or Financing of Border Tunnels

*- Bill would set criminal penalties for building tunnels that could be used to smuggle drugs, illegal aliens, weapons, or terrorists -*

February 21, 2006

**San Diego** – At a news conference today in a location where a border tunnel was recently found by U.S. officials, U.S. Senator Dianne Feinstein (D-Calif.) unveiled tough new legislation that would criminalize the act of constructing or financing a tunnel or subterranean passage across an international border into the United States. There is no law currently on the books that makes it illegal to build, use, or finance such tunnels. The legislation will be cosponsored by Senator Jon Kyl (R-Ariz.).

**“Our borders are our nation’s first lines of defense, and we have got to throw the book at the criminals who would build these tunnels,”** Senator Feinstein said. **“For years smugglers have tried to go around our border checkpoints. Now they are trying to go under them. This is a serious issue not just for San Diego and California, but the entire country.”**

Forty tunnels and subterranean passages into the United States have been discovered since 2001. According to the Department of Homeland Security, these tunnels are typically built first to smuggle drugs, and quickly transition into passages for smuggling illegal aliens. Senator Feinstein is concerned that these border tunnels could be used to smuggle weapons and terrorists into the United States as well.

Specifically, Senator Feinstein’s bill would:

- Impose a punishment of up to 20 years imprisonment for constructing or financing a tunnel crossing international borders into the United States;
- Impose a punishment of up to 10 years imprisonment for anyone who negligently permits others to construct or use an unauthorized tunnel or subterranean passage on their land;
- Punish any person who uses a tunnel or subterranean passage to smuggle aliens, weapons, drugs, terrorists or illegal goods by doubling the sentence for the underlying offense if convicted;

- Forfeit the assets of anyone involved in the offense, or any property traceable to the offense, in addition to imprisonment;
- Instruct the U.S. Sentencing Commission to amend sentencing guidelines to provide for criminal penalties for persons convicted under this bill, and to take into account the gravity of this crime when considering the base offense levels.

Senator Feinstein was in San Diego today inspecting the site where U.S. border officials recently found a half-mile long tunnel stretching from an abandoned warehouse near the southern border of California through to Tijuana, Mexico when she made the announcement.

The tunnel was 2,400 feet long is 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 a well-known Mexican drug cartel.

### **Tunnel Statistics**

Since 9/11:

- 40 border tunnels discovered in the United States, all but one have been on the southern border
- 21 of the tunnels were along the California-Mexico border;
- 8 of the tunnels were discovered in San Diego since the beginning of the year; and
- These tunnels range in complexity to from simple “gopher holes” a few feet long at the border, to massive drug-cartel built mega-tunnels.

### **San Diego Tunnel**

- Largest, most sophisticated tunnel ever discovered;
- Approximately half-mile long;
- At its deepest point, the tunnel was more than nine stories below ground;
- Equipped with a groundwater drainage system, cement flooring for traction, lighting, and a pulley system;
- The tenants disguised the operation as a produce distribution company known as “V & F Distributors, LLC”;
- The entrance into the tunnel was in a small office inside this warehouse, covered by four square tiles;
- ICE began investigating the case two years ago, and in fact raided the tunnel last month from the Mexican side not knowing if or where an opening on the U.S. would be found; and
- They discovered over 2,000 pounds of marijuana on the Mexican side of the border and approximately 300 on the U.S. side.

###