



Senator Feinstein Calls on President Fox to Investigate Latest Border Tunnel Incident Involving Mexican Custom Officials

September 29, 2006

Washington, DC – U.S. Senator Dianne Feinstein (D-Calif.) today called on Mexican President Vicente Fox to open an investigation into the recently discovered border tunnel located on Mexican Customs property and the alleged involvement of Mexican Customs officials in the construction of the tunnel.

Senator Feinstein introduced legislation with Senator Jon Kyl (R-Ariz.) earlier this year to close a loophole in federal law by criminalizing the act of constructing or financing a tunnel or subterranean passage across an international border into the United States. The *Border Tunnel Prevention Act* is included in the FY'07 Department of Homeland Security Appropriations bill approved by a Senate-House Conference Committee earlier this week and expected to be approved late tonight.

The following is the text of Senator Feinstein's letter to Mexico President Vicente Fox:

September 29, 2006

**The Honorable Vicente Fox
President of Mexico
Residencia Oficial de los Pinos
Mexico DF**

Dear President Fox:

I am writing to request that an investigation be opened into the circumstances surrounding the construction of tunnels at a Mexican Customs facility, located just west of the San Ysidro Port of Entry. Already this year five tunnels have been discovered at this particular Mexican Customs facility, which is very troubling to me.

Most disturbingly, it is reported that Mexican Customs inspectors were involved in construction of a tunnel discovered earlier this week. The 96-foot tunnel reaches more than 25 feet into the United States, but had not been completed and has no exit point in the United States.

I am greatly concerned about the proliferation of tunnels across our shared border. Weapons, drugs, people, and even terrorists can be smuggled through these unauthorized tunnels. Forty-five tunnels have been found along United States borders since September 11, 2001; 44 of those along the U.S. southern border; and 26 along the border with California.

A binational task force comprised of Border Patrol, Immigration and Customs Enforcement, Mexican Policia, and the Policia Federal Preventiva worked together to investigate and shut down this tunnel operation. I am pleased by the collaborative work that went into stopping this particular operation, but we must do more to stop the construction of these secret, underground passageways between Mexico and the United States.

Legislation I drafted to criminalize the financing, construction, and use of these tunnels is expected to pass a vote later this week before the full U.S. Senate and House of Representatives, and will then move to the President for enactment.

The *Border Tunnel Prevention Act* amends our federal code to criminalize two types of conduct. First, the construction or financing of an unauthorized tunnel or subterranean passage across an international border into the United States, making it a crime punishable by a term of imprisonment up to 20 years. Second, recklessly permitting others to construct or use an unauthorized tunnel or subterranean passage on their land, making it a crime punishable by a term of imprisonment of up to 10 years.

Any person who is convicted under this law and who uses a tunnel or subterranean passage to smuggle aliens, weapons, drugs, terrorists, or illegal goods will be punished by doubling the sentence for the underlying offense. In addition to imprisonment, the legislation ensures that assets involved in the offense, or any property traceable to the offense, may be subject to forfeiture to the U.S. Government. And again, property owners who recklessly disregard the existence of tunnels on their land will be held to account.

As I have written to you before, it is my hope that Mexico will consider enacting similar legislation.

Our borders are our first line of defense, and we must work together to protect them. The United States and Mexico would benefit greatly from collaborations on both legislative and law enforcement approaches to shutting down illegal border tunnels and punishing those who build or finance their construction.

Sincerely,

**Dianne Feinstein
United States Senator**

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