



Department of Homeland Security Releases Details of Plan to Secure Unfilled Border Tunnels

March 6, 2007

Washington, DC – *In a letter to U.S. Senator Dianne Feinstein (D-Calif.), the Department of Homeland Security (DHS) has unveiled its plan to secure unfilled tunnels along the border. DHS has assigned responsibility to U.S. Customs and Border Protection for identifying, securing, and filling tunnels that are discovered along the border.*

The details were released to Senator Feinstein in a February 27, 2007 letter from DHS Assistant Secretary Donald Kent. In response, Senator Feinstein yesterday sent a letter to DHS Secretary Michael Chertoff.

“These are significant steps toward resolving the jurisdictional and financial impediments to remedying this ongoing threat to our nation’s border,” Senator Feinstein wrote.

Senator Feinstein authored legislation in the 109th Congress to criminalize the act of constructing or financing a tunnel or subterranean passage across an international border into the United States. The measure was included FY’07 DHS Appropriations bill and has been signed into law.

A copy of both the letter from DHS and Senator Feinstein’s response to DHS Secretary Chertoff are copied below.

First, the following is the text of Senator Feinstein’s letter to Secretary Chertoff:

March 5, 2007

Secretary Michael Chertoff
U.S. Department of Homeland Security
Nebraska Avenue Center, N.W.
Washington, D.C. 20528

Dear Secretary Chertoff:

Thank you for your letter of February 27, 2007, forwarding information on the Department of Homeland Security's policy on border tunnels.

In recent weeks, we've learned that seven of the largest border tunnels under the U.S.-Mexico border remain unfilled. This is a serious national security risk and I am committed to ensuring that these tunnels are filled in a timely manner to prevent smugglers from moving drugs, guns, and people under the border.

Your letter indicates that:

- U.S. Customs and Border Protection will have responsibility for border tunnel remediation, including ultimately filling in the border tunnels;
- U.S. Customs and Border Protection now has the necessary funding to complete this project and is currently in the process of awarding contracts to fill in these tunnels; and
- The Department of Homeland Security intends to designate a single point of contact on all tunnel issues.

These are significant steps toward resolving the jurisdictional and financial impediments to remedying this ongoing threat to our nation's borders. I trust that U.S. Customs and Border Protection will move expeditiously toward filling in these tunnels and I ask for notification when the project is completed.

The issue of cross-border tunnels is a significant one and I hope that the Department of Homeland Security will do all that it can to seal these tunnels permanently.

I thank you for your continued attention to this important matter.

Best regards.

Sincerely yours,

Dianne Feinstein
United States Senator

The following is DHS Assistant Secretary Kent's letter to Senator Feinstein:

February 27, 2007

**The Honorable Dianne Feinstein
United States Senate
Washington, D.C. 20510**

Dear Senator Feinstein:

Thank you for your February 5, 2007 and February 23, 2007 letters concerning the unfilled tunnels under the U.S.-Mexico border. The Department of Homeland Security's (DHS) response to the congressional requirement to develop a Departmental policy regarding tunnels, including identifying the responsible agency and the source of funds to close and fill tunnels, is complete and will be delivered to Congress within the week. I would like to take this opportunity to assure you that DHS has the matter of tunnel remediation under control and that all known tunnels have been filled or otherwise rendered unusable.

DHS treats subterranean passages as a significant threat to the security of our borders and considers tunnel remediation a high priority. A Joint Task Force comprised of U.S. Immigration and Customs Enforcement, Drug Enforcement Administration, the California Department of Justice, and U.S. Customs and Border Protection (CBP) was created in the San Diego Sector to coordinate and prioritize activities to locate, investigate, and prevent border tunnels and other subterranean passages. Additionally, specially-trained tunnel response teams are available in all southern border sectors.

CBP has the responsibility for border tunnel remediation, which involves filling or otherwise impeding passage through tunnels, and closing entry and exit points located on United States soil. There have been 58 tunnels discovered along the Southwest and Northern Borders since 1990. All but seven of the largest and most sophisticated tunnels have been rendered unusable. These seven tunnels have been plugged with concrete in one or more areas as a temporary measure until they can be permanently filled. Plugging a tunnel is a much more complex and effective measure than simply capping the entrance and involves drilling a 6-foot diameter hole through the earth to the actual tunnel and creating a concrete obstruction. (A photo illustrating the plugging process is attached.) The seven plugged tunnels are also being monitored with sensors or surveillance to deny re-use until they are permanently filled.

An engineering survey for permanently filling the seven tunnels has been completed, and CBP is now in the process of executing its plan to fill the tunnels. CBP has the necessary funding, \$2.74 million, available in fiscal year 2007 to fill in these tunnels. The U.S. Army Corps of Engineers (USACE) will serve as the contracting and technical agent to CBP for these projects. Currently, USACE is taking the appropriate steps to negotiate with affected landowners to gain Rights of Entry into areas where contractors must work. Also, USACE is in the process of awarding contracts to construction firms to fill the

tunnels. Assuming clear Rights of Entry, CBP is targeting to have all seven tunnels filled by May 15, 2007.

Beyond the remediation of existing tunnels, DHS is taking action to develop and demonstrate robust and reliable tunnel detection technologies. The DHS Science and Technology Directorate (S&T) is coordinating efforts with other entities that share the common objective of developing tunnel detection technologies. These include U.S. Northern Command, Joint Task Force North, USACE, Defense Advanced Research Projects Agency, National Geospatial Intelligence Agency, Defense Threat Reduction Agency, and the Tunnel Detection Technical Support Working Group. On February 1, 2007, S&T posted the Tunnel Detection Technologies Broad Agency Announcement, a High Impact Technology Solution designed to identify, pursue; and provide proofs-of-concept that could result in high-payoff technology breakthroughs. Initial proposals are due March 18, 2007 with subsequent awards in April and May 2007. Also, S&T plans to leverage a promising technology previously funded as a Small Business Innovation Research project under the U.S. Navy's Counter-Narcotics Terrorism Program Office to develop a prototype airborne electromagnetic gradiometer sensor system using an unmanned aerial vehicle. A demonstration of this capability is planned in the summer of 2007.

DHS and CBP will continue to make every effort to expeditiously secure, plug and fill (or otherwise render unusable) all tunnels as they are discovered. Further, CBP is designating a single point of contact on all tunnel issues to ensure that accurate and consistent information is provided to legislators and the media.

I hope the information provided addresses your concerns. Should you desire a briefing to provide additional clarification, please let me know and I will ensure one is arranged. If I may be of further assistance, please contact the Office of Legislative and Intergovernmental Affairs (202) 447-5890.

Sincerely,
Donald H. Kent, Jr.
Assistant Secretary
Legislative and Intergovernmental Affairs

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