

# United States Senate

WASHINGTON, DC 20510

February 9, 2022

Hon. Antony J. Blinken  
Secretary of State  
Harry S. Truman Building  
2201 C Street NW  
Washington, DC 20037

Dear Secretary Blinken:

We are writing to inquire about efforts the Department of State has taken with regard to the threats posed by illicit cross-border tunnels detected along the U.S.-Mexico land border. Although we understand that the Government of Mexico has partnered with U.S. Customs and Border Protection to detect these tunnels, there is still significant work to be done on the Mexican side of the border to prevent their reuse by cartels and to prosecute the individuals who constructed and financed them.

Illicit cross-border tunnels pose a significant threat to the security of the United States. Since May 17, 1990, U.S. Customs and Border Protection (CBP) has detected more than 208 tunnels leading into the United States across the southwest border.<sup>1</sup> Transnational Criminal Organizations (TCOs) use these tunnels to move persons and contraband, including narcotics, currency, and weapons, into and out of the United States. For example, on March 19, 2020, U.S. Immigration and Customs Enforcement seized 4,400 pounds of illicit drugs from a tunnel between Tijuana, Mexico and the Otay Mesa area of San Diego, California. The seizure had an estimated total street value of \$29.6 million and included 1300 pounds of cocaine, 86 pounds of methamphetamine, 17 pounds of heroin, 3000 pounds of marijuana, and more than two pounds of fentanyl.<sup>2</sup> Contraband like this poses a significant threat to our communities, both along the border and deep in the interior of the United States, especially at a time when our nation is experiencing an increase in drug overdose deaths.<sup>3</sup>

In addition to investments in tunnel detection technology, the U.S. Government has undertaken significant efforts to deter construction of tunnels and prevent their reuse. First, in 2006, Congress enacted legislation criminalizing the construction of financing of an illicit cross-border

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<sup>1</sup> U.S. Customs and Border Protection, *Cross-Border Tunnels and Border Tunnel Prevention: Fiscal Year 2019 Report to Congress*, at 2 (June 3, 2020) (tunnels discovered through September 30, 2019).

<sup>2</sup> U.S. Immigration and Customs Enforcement, *San Diego Tunnel Task Force uncovers sophisticated cross-border drug tunnel under the US/Mexico border* (Mar. 31, 2020), <https://www.ice.gov/news/releases/san-diego-tunnel-task-force-uncovers-sophisticated-cross-border-drug-tunnel-under>.

<sup>3</sup> Centers for Disease Control and Prevention, *Drug Overdose Deaths in the U.S. Top 100,000 Annually* (Nov. 17, 2021), [https://www.cdc.gov/nchs/pressroom/nchs\\_press\\_releases/2021/20211117.htm](https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2021/20211117.htm).

tunnel, as well as the use of a tunnel to smuggle contraband or persons.<sup>4</sup> In recent years, the U.S. Department of Justice has brought several actions under 18 U.S.C. § 555, including the successful prosecution of a U.S. citizen for knowingly constructing a tunnel or passage into the United States.<sup>5</sup> Second, CBP has spent more than \$11.75 million to remediate detected illicit cross-border tunnels.<sup>6</sup> This substantial investment is necessary to prevent reuse of these tunnels by the cartels, in whole or in part.<sup>7</sup>

We understand that U.S. Customs and Border Protection regularly cooperates with the Government of Mexico to conduct tunnel sweeps.<sup>8</sup> However, the United States Government lacks the authority to fill in tunnels on the Mexican side of the border, and reports indicate that the Government of Mexico has not taken significant action to completely close off those tunnels—sealing the ends of the tunnels, but not filling them with concrete to prevent reuse.<sup>9</sup> As a consequence, smuggling organizations dig new paths from inside the tunnel, reaching the U.S. side of the border with greater ease.<sup>10</sup>

The Department of State has an important role to play in our efforts to detect, remediate, and prevent illicit cross-border tunnel construction. To better understand the Department's efforts in this area, we ask that you respond to the following questions by February 23, 2022:

- Has the Department of State discussed remediation of illicit cross-border tunnels with the Government of Mexico, and if so, what is the current status of those discussions?
- What, if any, obstacles has the Government of Mexico identified that prevent the full remediation of illicit cross-border tunnels?
- Is the Department of State having conversations with the Government of Mexico about best practices for holding individuals accountable for the construction, financing, or use of illicit cross-border tunnels? If so, what is the current status of those discussions?

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<sup>4</sup> *Department of Homeland Security Appropriations Act, 2007*, Pub. L. No. 109-295, 120 Stat. 1355, 1389, sec. 551 (Oct. 4, 2006) (“Construction of Border Tunnel or Passage”).

<sup>5</sup> U.S. Customs and Border Protection, *Cross-Border Tunnels and Border Tunnel Prevention: Fiscal Year 2018 Report to Congress*, at 6 (May 7, 2019).

<sup>6</sup> U.S. Customs and Border Protection, *Cross-Border Tunnels and Border Tunnel Prevention: Fiscal Year 2019 Report to Congress*, at 5 (June 3, 2020).

<sup>7</sup> See Richard Marosi, *Workers begin to fill tunnels at Mexican border*, LOS ANGELES TIMES (May 16, 2007), <https://www.latimes.com/archives/la-xpm-2007-may-16-me-tunnel16-story.html> (noting that smugglers had reused a tunnel discovered between Tijuana and San Diego prior to its remediation).

<sup>8</sup> See, e.g., U.S. Customs and Border Protection, *126th Cross-Border Tunnel Discovered* (Feb. 27, 2020), <https://www.cbp.gov/newsroom/local-media-release/126th-cross-border-tunnel-discovered>; U.S. Immigration and Customs Enforcement, *Sophisticated subterranean tunnel discovered near US-Mexico Border* (Aug. 2, 2021), <https://www.ice.gov/news/releases/sophisticated-subterranean-tunnel-discovered-near-us-mexico-border>; Fiscalía General de la República, *En un cateo a una bodega FGR asegura marihuana, metanfetamina y un “narco túnel” [In a search of a storage unit, Attorney General of Mexico seizes marijuana, methamphetamine, and a “narco tunnel”]*, Comunicado FGR DPE/962/20 (Mar. 31, 2020), available at <https://perma.cc/XJS2-SL66>.

<sup>9</sup> Elliot Spagat, *‘They’ll tunnel anywhere they want’: Go inside the underground passages smugglers burrow under the US border*, BUSINESS INSIDER (Mar. 9, 2017, 3:19 p.m.), <https://www.businessinsider.com/ap-border-patrol-tunnel-rats-plug-underground-passages-2017-3>.

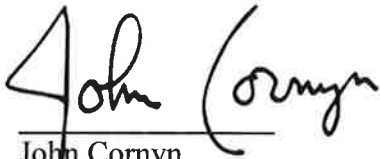
<sup>10</sup> Katia Lopez-Hodoyan, *Drug Tunnels Left Unfilled on Mexico’s Side of the Border*, NBC SAN DIEGO (Jan. 17, 2017, 6:47 p.m.), <https://www.nbcsandiego.com/news/local/drug-tunnels-left-unfilled-on-mexicos-side-of-the-border/16088/>.

- Has the Department of State taken any other actions related to illicit cross-border tunnels along the U.S./Mexico land border?

Finally, if the Department of State has not engaged with the Government of Mexico on these issues, we ask that you collaborate with the Department of Homeland Security to develop a strategy to approach the Government of Mexico regarding unremediated illicit cross-border tunnels.

Thank you for your Department's efforts to fight transnational crime, and we look forward to your response.

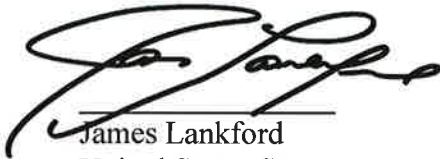
Sincerely,



John Cornyn  
United States Senator



Alex Padilla  
United States Senator



James Lankford  
United States Senator




Dianne Feinstein  
United States Senator



Rick Scott  
United States Senator



Kyrsten Sinema  
United States Senator



Chuck Grassley  
United States Senator



Mark Kelly  
United States Senator