



# Cross-Border Tunnels and Border Tunnel Prevention

Fiscal Year 2015 Report to Congress



Homeland  
Security

*U.S. Customs and Border Protection*

# Message from the Secretary

March 29, 2016

I am pleased to present the combined report for “Cross-Border Tunnels” and “Border Tunnel Prevention” for Fiscal Year 2015, which was prepared by U.S. Customs and Border Protection (CBP).



The report was compiled pursuant to legislative language the *Border Tunnel Prevention Act of 2012* (Public Law 112-127). This document is the fourth of a series of consolidated status reports to be provided every six months on the discovery and eradication of illicit cross-border tunnels and the needs of DHS to prevent border tunnel construction along the U.S.-Mexican border, as well as to investigate and prosecute those individuals who are involved.

The report describes the number of illicit cross-border tunnels discovered as of September 30, 2015; the tunnels’ locations and remediation; all activities undertaken to prevent, investigate, and prosecute individuals involved in the construction of these tunnels; funding requirements; and our progress in implementing advanced detection methods to discover illicit cross-border tunnels and enhance subterranean domain awareness along the border.

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable Robert Goodlatte  
Chairman, House Committee on Judiciary

The Honorable John Conyers, Jr.  
Ranking Member, House Committee on Judiciary

The Honorable Patrick J. Leahy  
Chairman, Senate Committee on Judiciary

The Honorable Charles E. Grassley  
Ranking Member, Senate Committee on Judiciary

The Honorable Michael McCaul  
Chairman, House Committee on Homeland Security

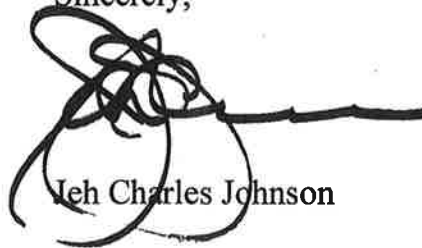
The Honorable Bennie G. Thompson  
Ranking Member, House Committee on Homeland Security

The Honorable Ronald Johnson  
Chairman, Senate Committee on Homeland Security and Governmental Affairs

The Honorable Thomas R. Carper  
Ranking Member, Senate Committee on Homeland Security and Governmental  
Affairs

If you have any questions, please do not hesitate to contact me or the Department's Chief  
Financial Officer, Chip Fulghum, at (202) 447-5751.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Jeh Charles Johnson

# Executive Summary

Illicit cross-border tunnels are a persistent threat that pose a serious national security risk by providing a means for smugglers to move drugs, weapons, currency, people, and contraband illegally across the border. As of September 30, 2015, 183 illicit cross-border tunnels have been discovered in the United States since Fiscal Year 1990.

This report to Congress describes the integrated, proactive approach taken by the Department of Homeland Security (DHS) to counter illicit tunneling activity and provides an update on U.S. Customs and Border Protection's (CBP) progress in coordinating federal efforts. Currently, DHS Components, including CBP, U.S. Immigration and Customs Enforcement (ICE), DHS Science and Technology Directorate (S&T), DHS Office of Intelligence and Analysis, and the Department of Defense, are collaborating on the detection, investigation, characterization, and remediation of illicit cross-border tunnels.

CBP has awarded approximately \$8.67 million to remediate illicit cross-border tunnels since Fiscal Year 2007.



# FY 2015 Cross-Border Tunnels and Border Tunnel Prevention

## Table of Contents

I.	Legislative Language .....	5
II.	Background .....	6
III.	Discussion .....	8
	A. Tunnel Definition .....	8
	B. Tunnel Remediation .....	9
	C. Prosecution Activities Using the Border Tunnel Prevention Law .....	9
	D. CBP Tunnel Program Management Office .....	10
	E. Progress with the CBP Tunnel Detection and Technology Program ....	11
	F. Funding Requirements.....	13
IV.	Conclusion.....	14
V.	Appendix – List of Acronyms.....	15

## I. Legislative Language

This document responds to language set forth in the *Border Tunnel Prevention Act of 2012* (Public Law 112-127).

Public Law 112-127 states:

- (a) IN GENERAL. - The Secretary of Homeland Security shall submit an annual report to the congressional committees set forth in subsection (b) that includes a description of -
- (1) the cross-border tunnels along the border between Mexico and the United States discovered during the preceding fiscal year; and
  - (2) the needs of the Department of Homeland Security to effectively prevent, investigate and prosecute border tunnel construction along the border between Mexico and the United States.

b) CONGRESSIONAL COMMITTEES.-

The congressional committees set forth in this subsection are—

- (1) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (2) the Committee on the Judiciary of the Senate;
- (3) the Committee on Appropriations of the Senate;
- (4) the Committee on Homeland Security of the House of Representatives;
- (5) the Committee on the Judiciary of the House of Representatives; and
- (6) the Committee on Appropriations of the House of Representatives.

This report provides information through September 30, 2015.

## II. Background

The first documented illicit cross-border tunnel detected by the Federal Government was discovered in Douglas, Arizona on May 17, 1990. As of September 30, 2015, 183 illicit cross-border tunnels have been discovered in the United States since Fiscal Year 1990. Of these 183 illicit cross-border tunnels, 182 were discovered in Border Patrol sectors along the Southwest border: 113 tunnels were found in the Tucson, Arizona Sector; 57 in the San Diego, California Sector; seven in the El Centro, California Sector; four in the Yuma, Arizona/California Sector; and one in the El Paso, Texas/New Mexico Sector. In addition, on July 20, 2005, one illicit cross-border tunnel was discovered on the Northern border in the Blaine, Washington Sector. These illicit cross-border tunnels were discovered by the efforts of CBP, ICE, and other law enforcement agencies, both foreign and domestic. Table 1 breaks down the illicit cross-border tunnels discovered by fiscal year and Border Patrol sector.

In addition to the illicit cross-border tunnel discoveries previously described, numerous incomplete tunnels have been reported by U.S. and Mexican officials. These incomplete tunnels did not traverse the border; therefore, they do not meet the internal definition of an illicit tunnel. However, incomplete tunnels are considered a threat to border security and are investigated by the ICE HSI-led Border Enforcement Security Task Force (BEST) and require remediation to neutralize the vulnerability they present to border security.

**Table 1**

**Current Tunnel Breakdown<sup>1</sup>**

<u>Fiscal Year</u>	<u>San Diego</u>	<u>El Centro</u>	<u>Yuma</u>	<u>Tucson</u>	<u>Blaine</u>	<u>El Paso</u>	<u>Total</u>
1990	0	0	0	1	0	0	1
1993	1	0	0	0	0	0	1
1995	0	0	0	1	0	0	1
1998	1	0	0	0	0	0	1
1999	0	0	0	3	0	0	3
2000	0	0	0	4	0	0	4
2001	0	0	0	2	0	0	2
2002	2	0	0	3	0	0	5
2003	3	1	0	3	0	0	7
2004	3	1	0	1	0	0	5
2005	0	1	0	3	1	0	5
2006	13	1	0	4	0	0	18
2007	5	0	1	10	0	0	16
2008	1	1	0	14	0	0	16
2009	4	1	1	21	0	0	27
2010	5	0	0	7	0	1	13
2011	4	0	1	13	0	0	18
2012	8	0	1	7	0	0	16
2013	1	0	0	6	0	0	7
2014	4	0	0	7	0	0	11
2015	2	1	0	3	0	0	6
<b>Total</b>	<b>57</b>	<b>7</b>	<b>4</b>	<b>113</b>	<b>1</b>	<b>1</b>	<b>183</b>

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<sup>1</sup> The table total includes all types of illicit cross-border tunnels: sophisticated, rudimentary, interconnecting, and mechanically bored tunnel variations.



### III. Discussion

#### A. Tunnel Definition

CBP and ICE define an illicit tunnel as: “A man-made or man-manipulated sub-surface passageway that could be used or is intended for the purpose of concealing movement of humans and/or contraband with the intent of avoiding inbound or outbound inspection or circumventing any U.S. border defenses (e.g. patrols, tactical infrastructure, etc.)” An illicit tunnel must have an entry or exit point, but not necessarily both.

The definition of an illicit tunnel does not include the exclusive unaltered use of underground municipal infrastructure, such as storm water drainage or sewer systems. Nevertheless, underground municipal infrastructures are a border security vulnerability because they are exploited via illicit interconnecting tunnels and are also utilized as a portal to further the entry of people and contraband into the United States after entry has been accomplished by other means.

Four classifications of illicit tunnels are recognized:

- **Sophisticated Tunnel:**
  - An elaborately constructed tunnel that may or may not utilize shoring or lining, and is typically equipped with lighting, electricity, ventilation, water pumps, railways, etc. Sophisticated tunnels are often of significant length and depth.
- **Rudimentary Tunnel:**
  - A crudely constructed, shallow tunnel; typically short enough to preclude the need for shoring, power, ventilation, etc. However, the crude nature of the tunnel does not preclude the use of reinforcements, such as shoring or water pumps.
- **Interconnecting Tunnel:**
  - A tunnel that exploits and connects to an underground municipal infrastructure. Interconnecting tunnels typically require a rudimentary or sophisticated tunnel to effectively operate.
- **Mechanically Bored Tunnel:**
  - A tunnel developed primarily from mechanical means that often utilize a sleeved conduit. These passageways do not employ human diggers as the primary methodology of development. Examples include but are not limited to horizontal directional drilling devices, tunnel boring machines, micro-tunnel boring machines, etc.

## B. Tunnel Remediation

Tunnel remediation is the process whereby illicit cross-border tunnels are physically secured and rendered unusable. Remediation of illicit cross-border tunnels can be accomplished by filling the tunnel cavities with concrete or with other substances that prevent their use. Hardened steel plates are often used, along with concrete, to fill trenches that the U.S. Border Patrol digs perpendicular to a tunnel's body (i.e., parallel to the border fence), thus limiting circumvention and preventing new illicit cross-border tunnels from being created in the same area. Although this method of remediation is more costly than simply filling a tunnel with concrete, it helps to prevent future tunneling activity by creating a formidable barrier at significant depths. This process denies smuggling organizations the opportunity to create new illicit cross-border tunnels in the same areas as their previous efforts.

Tunnel remediation efforts are planned, executed, and managed by the CBP Office of Administration's Facilities Management and Engineering Directorate, which operates in conjunction with its business partners, service providers, and internal and external stakeholders.

CBP has awarded approximately \$8.67 million since Fiscal Year 2007 to remediate illicit cross-border tunnels. This includes \$2.8 million in Fiscal Year 2007, \$1.3 million in Fiscal Year 2008, \$0.7 million in Fiscal Year 2010, \$1.0 million in Fiscal Year 2011, \$0.9 million in Fiscal Year 2012, \$0.3 million in Fiscal Year 2013, \$1.4 million in Fiscal Year 2014, and approximately \$0.27 million in Fiscal Year 2015. The cost for remediation is directly related to the size and complexity of each respective tunnel. Each tunnel is unique in its construction and the associated requirements to remediate.

## C. Prosecution Activities Using the Border Tunnel Prevention Law

ICE Homeland Security Investigations and U.S. Border Patrol share the responsibility to investigate and seek prosecution of individuals or transnational criminal organizations that are engaged in unlawful cross border activity, including the use and construction of illicit tunnels. ICE Homeland Security Investigations established two BEST Tunnel Task Forces in San Ysidro, California and Nogales, Arizona, with participation from federal law enforcement partners including: the U.S. Border Patrol, the Drug Enforcement Administration, the Federal Bureau of Investigation, Mexican government organizations, various state and local law enforcement agencies, and U.S. Attorney's Offices within the Department of Justice. Additionally, ICE Homeland Security Investigations field offices in San Diego, California; Calexico, California; Yuma, California; Nogales, Arizona; and El Paso, Texas along with U.S. Border Patrol Sectors on the Southwest border are actively engaged in counter-tunnel activities that have resulted in the majority of the 183

illicit tunnel discoveries. ICE Homeland Security Investigations and CBP work with government of Mexico authorities to conduct bi-national sweeps of the underground municipal infrastructure that traverses both countries. This bi-national cooperation has led to tunnel discoveries and the arrest and prosecution of individuals in both Mexico and the United States.

On May 28, 2010, as a result of an investigation led by ICE Homeland Security Investigations, a U.S. citizen was sentenced in the U.S. District Court for the Southern District of California to 15 months in prison and 3 years of supervised release for violation of 18 U.S.C. § 555, knowingly constructing a tunnel or passage into the United States. This was the first criminal conviction and sentencing for a violation of 18 U.S.C. § 555. More recently, on September 4, 2013, also as a result of an investigation led by ICE Homeland Security Investigations, a Mexican citizen was sentenced in the U.S. District Court for the District of Arizona to 60 months and 48 months of supervised release for violation of 18 U.S.C. § 555(c) and (d), conspiracy to use a tunnel or passage to smuggle Marijuana. Additionally, on February 12, 2015, as a result of an arrest and investigation by U.S. Border Patrol, an undocumented alien from Mexico was sentenced in the U.S. District Court for the District of Arizona to 16 months in prison and 3 years of supervised release for violation of 21 U.S.C. § 841, possession with intent to distribute marijuana, and 18 U.S.C. § 555, use of a tunnel to smuggle a controlled substance.

Efforts are underway to facilitate the identification of subjects involved with illicit tunnel construction and financing. Forensic examination and analysis of materials found inside illicit cross-border tunnels are leveraged to identify subjects who construct tunnels. ICE Homeland Security Investigations Tunnel Task Forces utilize an array of investigative techniques to develop and investigate information that could lead to arrests and prosecutions in illicit tunnel cases, including information derived from human intelligence, Title-III wiretap interceptions, and search warrants. Drug cartels have invested large amounts of time and resources building clandestine cross-border tunnels to move contraband into and out of the United States.

#### D. CBP Tunnel Program Management Office

U.S. Border Patrol was designated as the lead CBP component for efforts to combat the illicit tunnel threat. In May 2013, the U.S. Border Patrol established the CBP Tunnel Program Management Office. This program management office absorbs the responsibilities of the CBP Tunnel Detection and Technology Program and will build upon its successes while expanding the scope of the program to include other aspects involved with addressing the tunnel threat. The mission, goals, and objectives of the CBP Tunnel Program Management Office include enhancing subterranean domain awareness by providing strategic-level guidance, direction, and oversight for CBP tunnel efforts. In addition, the program management office facilitates the synthesis of the efforts of collaborating mission partners through a coordinated and focused risk-based approach.

As the CBP Tunnel Program Management Office continues to mature, it strives to provide CBP with the necessary framework of organization, leadership, and doctrine to effectively and efficiently improve capabilities and to narrow identified deficiencies across the subterranean domain.

## E. Progress with the CBP Tunnel Detection and Technology Program

In March 2010, the U.S. Border Patrol was designated as the lead office within CBP for the Tunnel Detection and Technology Program (which has become the CBP Tunnel Program Management Office), and in March 2011, the Chief of the U.S. Border Patrol requested program support from CBP's Office of Technology Innovation and Acquisition. The Chief requested funding support for pilot efforts of tunnel-detection technology as well as program review of supporting documentation in order to establish the Tunnel Detection and Technology Program as an official "Program of Record."

Since partnering with the U.S. Border Patrol, the Office of Technology Innovation and Acquisition has initiated the acquisition process by utilizing the DHS Acquisition Lifecycle Framework to ensure consistent and efficient acquisition management support, review, and approval throughout DHS.

The Office of Information and Technology's Laboratories and Scientific Services Directorate is the lead technical authority, and has led market research efforts on emerging tunnel detection technologies. The Laboratories and Scientific Services Directorate is working closely with other federal agencies (e.g., Defense Intelligence Agency, National Geospatial Intelligence Agency, Defense Threat Reduction Agency, and Combating Terrorism Technical Support Office Technical Support Working Group) and foreign countries to identify both cutting-edge and commercially available off-the-shelf technologies, which could assist in mitigating the illicit cross-border tunnel threat. Additionally, 'proof of concept' detection technology developed and installed with the support of Department of Defense partners has been deployed. It has provided useful information that has corroborated human source information and has triggered new and informed existing investigations.

Laboratories and Scientific Services Directorate developed a mobile response capability consisting of a suite of sophisticated detection equipment and teams of skilled operators. This capability enhances DHS's technology-based tunnel detection efforts with the ability to quickly deploy to areas of suspected tunneling activity.

The Laboratories and Scientific Services Directorate has been deploying a "tunnel forensics" team to provide a rapid response force for exploiting evidence found in discovered tunnels. They developed a team of crime scene technicians capable of efficiently documenting a tunnel's critical evidence which includes DNA, latent fingerprints and all types of trace evidence. The team is also responsible for processing

latent prints and photographing and documenting the evidence found in the tunnels. Latent print evidence can lead to intelligence breakthroughs that can help identify smugglers and builders of the tunnels. Latent prints recovered from tunnels have resulted in the identification of suspects.

In addition, DHS S&T is collaborating with and providing technologies and support to CBP's Tunnel Program Management Office on tunnel forensics and detection capabilities. S&T has developed a tunnel activity monitoring capability used to detect illegal activity in existing storm drains and other infrastructure. S&T is also developing a system to determine a tunnel's age, a latent fingerprint collection capability, and sensor and geophysical models to employ portable, surface-based, high-performance detection equipment along our southwest border. The physics-based analysis of sensor performance will be used as a tool to inform operational components which sensor type(s) works best in a specific border area of interest. This will enable more informed technology acquisition decisions in addition to an optimized tunnel detection methodology.

In August 2012, CBP awarded a contract to the Homeland Security Studies and Analysis Institute, a federally funded research and development center, to conduct an assessment of ongoing CBP counter-tunnel activities and capabilities. The Homeland Security Studies and Analysis Institute used a framework of assessment that considers doctrine, organization, training, materiel, leadership and education, personnel, and facilities. The purpose of this assessment was to identify and assess factors that could potentially narrow capability gaps and improve CBP's ability to achieve its counter-tunnel requirements, integrate them into the broader context of other federal counter-tunnel efforts and capabilities, and identify appropriate methods to enhance the national capability to manage the threat. In August 2013, the results of the study were delivered to the U.S. Border Patrol. The study revealed cross-cutting dependencies within the assessments framework. A common thread in the recommendations of the study was a fully staffed and resourced program management office in order to provide leadership, organization, and strategic level guidance and direction for CBP counter-tunnel efforts. The CBP Tunnel Program Management Office is the mechanism that will lead these efforts and the other recommendation of the study.

An Integrated Product Team was formed in April of 2012 that includes core members from U.S. Border Patrol, CBP Office of Technology Innovation and Acquisition, CBP Office of Information and Technology's Laboratories and Scientific Services Directorate, CBP Office of Intelligence, ICE Homeland Security Investigations, and DHS S&T. The Integrated Product Team completed the acquisition documentation package required for the Acquisition Decision Event (ADE-1), which is the first milestone review within the DHS Acquisition Lifecycle Framework. The purpose of this milestone is to validate the mission gaps identified; ensure alignment of these gaps to DHS and Component strategic direction; and has there been adequate planning and resources allocated for the next

acquisition phase. On August 28, 2015, the DHS Acquisition Review Board reviewed the documentation and plans for the next phase; and, the DHS Under Secretary for Management and Chief Acquisition Officer granted approval of ADE-1.

The next phase in the DHS Acquisition Lifecycle Framework (Analyze/Select) includes the conduct of an Analysis of Alternatives for the tunnel detection capability gap. This study commenced on September 28, 2015 and is anticipated to be complete in 12 months.

The Integrated Product Team coordinated with DHS S&T to conduct a geophysical study of high-threat areas along the Southwest border to be used to assess the performance of acoustic, seismic, electrical resistive, electromagnetic, and ground-penetrating radar sensors and to develop a sensor modeling tool and guidebook. These products are anticipated to play a prominent role in future acquisition and deployment decisions. DHS S&T is also working to develop and pilot a sensor system to provide CBP with enhanced underground municipal infrastructure surveillance capabilities.

On the basis of the results of assessments, analyses, S&T efforts, technology demonstrations, pilot projects, and the availability of funding, CBP will determine the appropriate system or systems that can provide a layered approach to subterranean domain awareness, particularly in the area of illicit tunnel prediction, detection, confirmation, mapping, classification, and resolution.

## F. Funding Requirements

CBP's Facilities Management and Engineering Directorate manages funding for illicit cross-border tunnel remediation provided through the Construction and Facilities Management appropriation. CBP projects remediation funding requirements on the basis of historical illicit tunnel activity; however, due to the unpredictable nature of the discovery and the varying dimensions and complexity of illicit tunnels, the specific funding allocation for remediation is subject to change from year-to-year. Other than the funding for tunnel remediation, no other appropriations provide funding for the cross border tunneling threat.

## IV. Conclusion

Unprecedented efforts at our borders have increased DHS's capabilities, which have resulted in a changed state of border security. Increased resources and effectiveness of our enforcement efforts at and between the ports of entry are likely to continue to push illicit border activity underground. The dynamics of illicit cross-border activities over the next decade may change as threats converge, new threats emerge, and criminal actors adapt to our enforcement actions at the border. Accordingly, our focus is on enhancing our capabilities and ensuring that we have tools that will lead to increased subterranean domain awareness, and increasing the probability of illicit tunnel detection, interdiction, and resolution at or near the border, prior to the tunnel becoming operational.

## V. Appendix – List of Acronyms

<b>Acronym</b>	<b>Definition</b>
ADE-1	Acquisition Decision Event
BEST	Border Security Task Force
CBP	U.S. Customs and Border Protection
DHS	Department of Homeland Security
ICE	U.S. Immigration and Customs Enforcement
S&T	Science and Technology Directorate (DHS)