

Congress of the United States
Washington, DC 20515

January 21, 2020

The Honorable Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
Washington, D.C. 20520

Dear Acting Secretary Wolf,

We write to express our strong opposition to the DNA collection pilot currently being conducted by U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE). On January 6, 2020, CBP began collecting DNA samples from individuals as young as 14 at the U.S. Border Patrol Sector in Detroit, Michigan and the Port of Entry in Eagle Pass, Texas. We have several concerns about this pilot and request additional information regarding its implementation.

We believe that the forced collection of DNA samples from families and individuals detained at our borders is a serious human rights issue. Unlike fingerprints, DNA reveals deeply personal information about individuals and their relatives. This kind of mass DNA collection could be used to surveil and implicate American citizens as well as their family members in the U.S. and abroad. The use of Rapid DNA technology by CBP and ICE to test whether children and their guardians are related also raises concerns about the continuation of family separation at our southern border.

The criminalization of immigrant communities is another consequence of this policy that must be addressed. DNA collected by CBP and ICE will be stored on the Federal Bureau of Investigations' Combined DNA Index System (CODIS), indicating that DNA samples are being used to investigate past and future crimes. DHS makes it clear that, at the end of the pilot, individuals could be subject to DNA testing solely because they have entered the U.S. without documentation. This policy reinforces the xenophobic myth that undocumented immigrants are more likely to commit crimes than U.S.-born individuals.

Finally, we have concerns about how the administrative burden of this policy on federal crime labs may impact current investigations in the United States. For example, the volume of untested sexual assault kits has outpaced the resources to test, process, and profile samples in crime labs. The fact that labs will need to spend additional time processing and inputting hundreds of thousands of DNA samples into CODIS could potentially exacerbate backlog of untested sexual assault kits.

Based on the issues outlined above, we call on DHS to end the pilot program. Additionally, given these concerns, we request that you provide us with the following information by February 3, 2020:

1. Describe in detail the five phases of this 3-year pilot and the timeline for each phase.
2. How many individuals have already been swabbed for DNA samples? How many of those individuals are minors? Please provide the ages of the minors tested.
3. Was Rapid DNA testing already being used at either of these facilities prior to the implementation of this pilot? If so, for how long and on how many people? Include a breakdown by age.
4. How, exactly, will DNA samples already collected be used? Can you ensure that DNA data will not be used for surveillance in addition to criminal investigation?
5. Describe the extent of the administrative burden and DNA profile backlog that will occur as a result of this policy.

We thank you for your attention to this matter and look forward to your prompt response.

Sincerely,



RASHIDA TLAIB
Member of Congress

VERONICA ESCOBAR
Member of Congress



JOAQUIN CASTRO
Member of Congress

cc: The Honorable Acting Commissioner Mark A. Morgan, U.S. Customs and Border Protection
cc: The Honorable Acting Director Matthew T. Albence, U.S. Immigration and Customs Enforcement