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January 27, 2020

The Honorable Chad Wolf
Acting Secretary
Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528

The Honorable William Barr
Attorney General
Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Acting Secretary Wolf and Attorney General Barr,

On January 6, 2020, the Department of Homeland Security (DHS) began collecting deoxyribonucleic acid (DNA) samples from individuals as young as 14 years of age at the Border Patrol Sector in Detroit, Michigan and the Port of Entry in Eagle Pass, Texas. The implementation of this pilot has raised many concerns with several of our colleagues and many in our districts, as constituents pass through the northern and southern borders frequently with several having already been subjected to this effort. There are also major concerns with future plans to expand this DNA collection program nation-wide as it raises serious privacy and ethical concerns,

A DHS internal memo also notes that when fully implemented, CBP and ICE will collect DNA samples from "criminal arrestees including U.S. citizens, lawful permanent residents and aliens" as well as "all non-U.S. Persons detained for processing under administrative proceedings" who are released under their own recognizance, voluntarily withdraw their application, or are subject to removal from the country.¹ There is nothing more personal and sensitive than someone's genetic code, and we have serious reservations about allowing DHS to have free reign to sample and build a DNA database on our borders.

The lack of public vetting this program has received or information that has been shared has left a number of unanswered questions, including from our colleagues, that we would like to follow up on for additional clarification. In addition to ending the program, please provide answers to the following:

1. How are individuals selected for DNA collection? And are selected individuals done so at the sole discretion of CBP or ICE officers?
2. What are the criteria for selecting an individual for DNA collection?
3. What was the rationale for implementing this program?

¹ ["Privacy Impact Assessment for the CBP and ICE DNA Collection."](#) Jan. 3, 2020. Department of Homeland Security.

4. Will DHS commit to releasing statistics on the number of samples taken at each border crossing during this 90-day trial period?
5. What precautions are in place to prevent samples from being mistakenly taken from individuals who are exempt from DNA collection, including children under the age of 14? How will those samples be destroyed and removed from the Federal Bureau of Investigations' Combined DNA Index System (CODIS) database?
6. What is the anticipated cost of the CBP and ICE pilot programs and eventual full implementation?
7. Will DHS officers be authorized to use physical force against individuals to collect DNA?
8. Will DNA profiles be shared with foreign law enforcement agencies that could target these individuals for retaliation?
9. What is the agency's legal basis under the Administrative Procedure Act for rolling out DNA collection prior to issuing a final rule?
10. If samples are taken to verify paternity of those seeking asylum, will those samples and records be destroyed once a match is determined?
11. How long will the DNA samples be stored and who will have access to this data?

Thank you for your attention in this important matter. We look forward to a prompt response from your office but please reach out if you have any questions.

Sincerely,



Debbie Dingell
Member of Congress



Veronica Escobar
Member of Congress



Rashida Tlaib
Member of Congress