

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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WASHINGTON, DC 20515-6143

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<https://oversight.house.gov>

May 25, 2023

Troy A. Miller  
Acting Commissioner  
U.S. Customs and Border Protection  
1300 Pennsylvania Ave. N.W.  
Washington, DC 20229

Dear Acting Commissioner Miller:

The Subcommittee on National Security, the Border, and Foreign Affairs is investigating concerning reports that U.S. Customs and Border Protection (CBP) will cease familial DNA testing of purported family units on May 31, 2023, due to the expiration of CBP's contract with BODE Technologies.<sup>1</sup> CBP has contracted with BODE Technologies since 2019 to perform rapid DNA testing services to confirm claimed family unit relationships. To assist the Subcommittee in understanding how CBP intends to ensure the safety of vulnerable children at risk of being exploited or trafficked, we request CBP provide documents and information, as well as a staff-level briefing.

As you are well aware, the crisis at our southern border has reached an untenable situation. In fiscal year 2022, over 2.76 million migrants illegally crossed our southern border with Mexico.<sup>2</sup> In the first seven months of fiscal year 2023, U.S. Border Patrol made over 1.2 million encounters of illegal border crossers.<sup>3</sup> This situation is a direct result of the failed policies the current administration has chosen to implement with respect to border security. Such policies have aided and empowered the cartels in their human trafficking efforts, which is particularly alarming given that 27 percent of human trafficking victims are children.<sup>4</sup> Children

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<sup>1</sup> Solomon, John & Addison Smith, *Biden to End Familial DNA Testing at Border, Key Deterrent to Fraud and Child Trafficking*, JUST THE NEWS (May 24, 2023), available at <https://justthenews.com/government/security/exclusive-biden-end-familial-dna-testing-border-key-deterrent-fraud-entry>; see also Memorandum entitled *End of Contract for Deoxyribonucleic Acid (DNA) Testing for Suspected Family Unit Fraud*, U.S. CUSTOMS AND BORDER PROTECTION (May 19, 2023), available at [https://justthenews.com/sites/default/files/2023-05/LEAKED%20MEMO\\_Redacted.pdf](https://justthenews.com/sites/default/files/2023-05/LEAKED%20MEMO_Redacted.pdf).

<sup>2</sup> Ainsley, Julia, *Migrant Border Crossings in Fiscal Year 2022 Topped 2.76 Million, Breaking Previous Record*, NBC NEWS (Oct. 22, 2022), available at <https://www.nbcnews.com/politics/immigration/migrant-border-crossings-fiscal-year-2022-topped-276-million-breaking-rcna53517>.

<sup>3</sup> *Southwest Land Border Encounters (By Component): Fiscal Year 2023 Stats*, U.S. CUSTOMS AND BORDER PROTECTION, available at <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters-by-component> (accessed May 24, 2023).

<sup>4</sup> *Child Trafficking Statistics*, WORLD'S CHILDREN, available at <https://www.worldschildren.org/child-trafficking-statistics/>.

are subject to abhorrent conditions in their journey to the U.S. border, as recent studies have found that nearly 60 percent of unaccompanied minors crossing the border are forced into child pornography and drug trafficking by the cartels.<sup>5</sup>

Since 2019, Department of Homeland Security (DHS) officials have performed familial DNA testing on some family units to ensure the safety and security of minors and prevent them from being exploited by adults. This testing has led DHS to detect numerous attempts of familial fraud at the southern border.<sup>6</sup> Additionally, a DHS Inspector General report found that 1 in 10 children who underwent DNA testing were not related to the adults claiming to be relatives.<sup>7</sup> Other reports have found that as many as 3 in 10 children share no familial relation whatsoever to the adults claiming them.<sup>8</sup>

Given the numerous identified cases and reports of exploitation of children in fraudulent family units, it is alarming that CBP will cease DNA testing for family units, which is an important tool to identify and prevent human trafficking and exploitation. To assist us in our oversight responsibilities, please provide the following documents and information as soon as possible, but no later than June 8, 2023:

1. An unredacted copy of a May 19, 2023 CBP Memorandum entitled “End of Contract for Deoxyribonucleic Acid (DNA) Testing for Suspected Family Unit Fraud”;
2. All documents and communications within CBP related to the decision not to continue the use of DNA testing for suspected fraudulent family units on or after May 31, 2023;
3. All documents and communications between any CBP official and any other Department of Homeland Security (DHS) component or DHS headquarters official related to the decision not to continue the use of DNA testing for suspected fraudulent family units on or after May 31, 2023.

Additionally, please make arrangements to schedule a briefing with Committee staff as soon as possible, but no later than June 1, 2023. This briefing should include information responsive to the following questions:

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<sup>5</sup> Rodriguez, Selene, *How Porous Borders Fuel Human Trafficking in the United States*, TEXAS PUBLIC POLICY FOUNDATION (Jan. 11, 2022), available at <https://www.texaspolicy.com/how-porous-borders-fuel-human-trafficking-in-the-united-states/>.

<sup>6</sup> ICE HSI El Paso, *USBP Identify More than 200 ‘Fraudulent Families’ in Last 6 Months*, WWW.ICE.GOV (Oct. 17, 2019), available at <https://www.ice.gov/news/releases/ice-hsi-el-paso-usbp-identify-more-200-fraudulent-families-last-6-months>.

<sup>7</sup> DEP’T OF HOMELAND SECURITY INSPECTOR GEN., *OIG-22-27, CBP OFFICIALS IMPLEMENTED RAPID DNA TESTING TO VERIFY CLAIMED PARENT-CHILD RELATIONSHIPS* (Feb. 8, 2022), available at <https://www.oig.dhs.gov/sites/default/files/assets/2022-02/OIG-22-27-Feb22.pdf>.

<sup>8</sup> Giaritelli, Anna, *DNA tests reveal 30% of suspected fraudulent migrant families were unrelated*, WASH. EXAMINER (May 18, 2019), available at <https://www.washingtonexaminer.com/policy/defense-national-security/dna-tests-reveal-30-of-suspected-fraudulent-migrant-families-were-unrelated>.

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1. What is CBP's justification for allowing its contract with BODE Technologies to expire on May 31, 2023? Was CBP's contract with BODE Technologies considered fully completed and are there other companies with the same technological capabilities as BODE Technologies?
2. Which officials within CBP were consulted regarding this contract and which officials made the decision not to renew the contract? Please include the name and title of each official involved.
3. Did CBP engage in negotiations with BODE Technologies to extend or renew the contract in question? If so, what were the determining factors in not renewing the contract? Please include details regarding any meetings between CBP and BODE Technologies including the dates meetings occurred and the officials from CBP that participated.
4. Has CBP explored other options for conducting DNA testing on family units including, but not limited to, contracting another business to perform such services, or utilizing already established DNA collection efforts through other federal agencies? If so, what is the current status of such exploration, and can Congress expect such an option to be implemented in the future?
5. Has CBP developed an operational plan to combat cases of child smuggling and human trafficking going forward given the lack of DNA testing for family units beyond May 31, 2023? If so, please provide detailed information regarding the plan and its expected implementation.
6. How many fraudulent family unit cases did CBP identify through DNA testing in fiscal years 2020-2022?

To schedule the briefing, arrange for the delivery of responsive documents or ask any related follow-up questions, please contact Committee on Oversight and Accountability Majority Staff at (202) 225-5074. Attached are instructions for producing the documents and information to the Committee. The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. The Subcommittee on National Security, the Border, and Foreign Affairs has "oversight jurisdiction over the U.S. borders, national security, homeland security, foreign operations, immigration, emergency management, and criminal justice" under the Committee on Oversight and Accountability Rules for the 118th Congress.

We thank you for your time and attention to this matter.

Acting Commissioner Miller

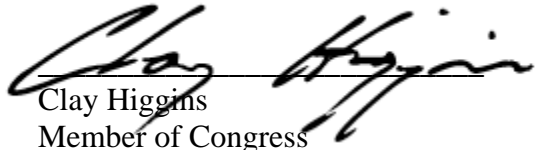
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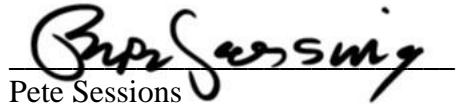
Sincerely,



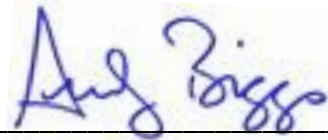
Glenn Grothman  
Chairman  
Subcommittee on National Security,  
the Border, and Foreign Affairs



Clay Higgins  
Member of Congress



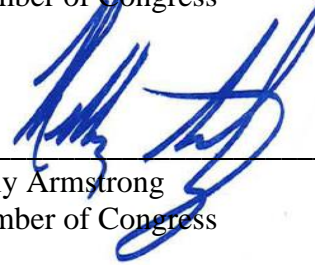
Pete Sessions  
Member of Congress



Andy Biggs  
Member of Congress



Jake LaTurner  
Member of Congress



Kelly Armstrong  
Member of Congress

cc: The Honorable Robert Garcia, Ranking Member  
Subcommittee on National Security, the Border and Foreign Affairs