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August 20, 2024

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr Ave SE  
Washington, DC 20528

Dear Secretary Mayorkas,

I am writing to inquire about recent reports revealing a persistent and systemic failure by U.S. Customs and Border Protection (CBP) to collect the DNA of illegal immigrants as required by the DNA Fingerprint Act.<sup>1</sup> As you well know, the DNA Fingerprint Act requires the collection of DNA samples from illegal immigrants detained for immigration violations and was passed with bipartisan support nearly a decade ago.<sup>2</sup>

According to an internal government memo released last week from whistleblowers within the Department of Homeland Security, less than a third of illegal encounters are having their DNA samples collected by CBP. In fact, the internal government memo found that of the nearly 1.7 million encounters with illegal immigrants in Fiscal Year 2022, only about 37% resulted in DNA collection.<sup>3</sup> It is being reported this figure dropped to 31% in Fiscal Year 2023.

By all accounts, it appears that the failure to adhere to the law in collecting the DNA samples of illegal immigrants has allowed violent criminals to evade detection and perpetrate preventable crimes on innocent American citizens. Specifically, the whistleblowers point to the murder of my constituent, Rachel Morin, as a case where an early DNA sample could have saved lives.<sup>4</sup>

Rachel Morin's alleged murderer, Victor Antonio Martinez-Hernandez, had multiple encounters with border agents prior to being charged with the first-degree murder and rape of Rachel Morin. Yet, it appears his DNA was never collected.

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<sup>1</sup> [https://x.com/C\\_Herridge/status/1822769975150714900](https://x.com/C_Herridge/status/1822769975150714900)

<sup>2</sup> <https://www.thegatewaypundit.com/2024/08/catherine-herridge-report-whistleblowers-reveal-homeland-securitys-sinister/>

<sup>3</sup> [https://x.com/C\\_Herridge/status/1822769975150714900](https://x.com/C_Herridge/status/1822769975150714900)

<sup>4</sup> [https://x.com/C\\_Herridge/status/1822769975150714900](https://x.com/C_Herridge/status/1822769975150714900)

Furthermore, because of a lack of DNA samples, law enforcement investigators were forced to go on a prolonged, country-wide search which allowed a deadly criminal to roam freely for ten months.

As we continue to witness an unprecedented increase of illegal border crossings, please answer the following questions.

Questions:

- Is it true that less than a third of illegal encounters are having DNA samples collected by CBP?
- Can you confirm if the DNA sample of Martinez-Hernandez was collected by CBP after he illegally entered the county?
- If the DNA sample of Martinez-Hernandez was not taken, why?

I look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink that reads "Andy Harris, M.D." in a cursive style.

Andy Harris, M.D.  
Member of Congress