

July 23, 2024 — Fred Wynn Opening Statement
"Reckless Disregard: How DHS's Failure to Collect DNA at the Border Endangers Americans."

Senator Grassley and Senator Johnson, thank you for the opportunity to sit before you and your colleagues to answer questions regarding my experience as a whistleblower, the critical importance of the DNA Fingerprint Act of 2005, and the requirement for DHS to comply fully with this law.

Senator Grassley, I want to thank you and your oversight unit for nearly six years of work to uncover and make public the retaliation against myself and my colleagues, as well as your efforts to hold DHS and CBP accountable for their duty to follow the law and keep Americans safe.

My name is Fred Wynn, and I am joined by my colleagues Mark Jones and Mike Taylor. Mark, Mike and I were all part of the Weapons of Mass Destruction Division that was housed within CBP's Office of Intelligence. Based on our experience, expertise and success in assisting DOD with running latent fingerprints on IEDs against CBP's fingerprint database, we were asked to develop and implement a DNA collection pilot program.

During this process, we identified the DNA Fingerprint Act of 2005, which requires DNA to be taken from all subjects arrested by Federal agencies. Our pilot program was to bring CBP into compliance with the law and submit DNA samples to the FBI's CODIS database. Significantly, collection of DNA at and between U.S. ports of entry allows our law enforcement community to develop investigative leads and solve cold cases throughout the United States.

The low percentage of DNA collection that we see today allows criminals to commit further crimes including forcible sex offenses, murders, trafficking, drug smuggling and other acts perpetrated on US citizens and residents. Given the enormous potential of DNA collection to solve cold cases and assist criminal investigations nationwide, we took our jobs seriously to bring CBP into full compliance with the law.

We found that the career bureaucrats tasked with implementing this law were failing to make even minimal DNA collections. In May 2017, DHS Secretary John Kelly issued a memorandum directing DHS Components to enhance biometric collection practices in support of DHS' screening and vetting activities. CBP made no effort to begin DNA collection in response to this memorandum. In February 2018, after DHS leadership became aware of the non-compliance with the law, a series of retaliatory actions, which Mr. Jones will outline, began.

Full compliance with the DNA Fingerprint Act of 2005 is a crucial component of our national security efforts. The continued failure to implement the law must cease. Thank you.