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Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Friday, March 6, 2020

Department of Justice to Publish Final Rule to Comply Fully with DNA Fingerprint Act of 2005

The Department of Justice today issued a final rule to implement the Attorney General's authority provided by the bipartisan DNA Fingerprint Act of 2005 to authorize the Department of Homeland Security (DHS) to collect DNA samples from certain non-United States persons it detains. Once implemented, this rule will facilitate federal, state, and local investigative and crime reduction efforts.

"Today's rule assists federal agencies in implementing longstanding aspects of our immigration laws as passed by bipartisan majorities of Congress," said Deputy Attorney General Jeffrey A. Rosen. "Its implementation will help to enforce federal law with the use of science."

As a result of this rule change, the Department of Justice will ensure that all federal agencies are in full compliance with the bipartisan DNA Fingerprint Act, which was a component of a larger legislative package that passed the House of Representatives by an overwhelming vote of 415 to four, and the Senate by unanimous consent. The DNA Fingerprint Act provided the Attorney General with the exclusive authority to draft regulations to authorize and direct any federal agency to "collect DNA samples from individuals who are arrested, facing charges, or convicted or from non-United States persons who are detained under the authority of the United States." 24 U.S.C. § 40702(a)(1)(A).

Since Congress' passage of the bipartisan DNA Fingerprint Act, the Federal Bureau of Investigation (FBI) built a high-throughput DNA sample processing infrastructure through its Combined DNA Index System (CODIS). The CODIS database is a vital tool for federal, state, and local law enforcement investigations. All fifty states, the District of Columbia, Puerto Rico, and federal law enforcement agencies participate in the national sharing of DNA profiles through CODIS. The FBI also has consistently reduced the operational burden for individual federal agencies to collect DNA through technological enhancements.

In advance of this rule change, the Department of Justice and DHS have been working collaboratively to conduct a pilot program for the collection of DNA from non-U.S. persons detained by DHS. As with all other DNA samples that federal agencies collect under the authority of the bipartisan DNA Fingerprint Act, the DNA samples that DHS collects from its non-United States person detainees will be entered into the Federal Bureau of Investigation's Combined DNA Index System (CODIS). The FBI's laboratory has the capacity to handle the increased input from DHS, and its capabilities can be scaled up to meet additional capacity. The FBI will provide DHS with the DNA collection kits, analyze the samples, and ensure that law enforcement agencies use the results in accordance with the FBI's stringent CODIS privacy requirements.

The year 2020 marks the 150th anniversary of the Department of Justice. Learn more about the history of our agency at www.Justice.gov/Celebrating150Years.

Topic(s):
Immigration

AILA Doc. No. 20030636. (Posted 3/6/20)

Component(s):

Office of the Deputy Attorney General

Press Release Number:

20-280

Updated March 6, 2020