

FBI Hoovering Up DNA at a Pace That Rivals China, Holds 21 Million Samples and Counting

Ken Klippenstein : 9-11 minutes : 8/29/2023

The FBI has amassed 21.7 million DNA profiles — equivalent to about 7 percent of the U.S. population — according to [Bureau data](#) reviewed by The Intercept.

The FBI aims to nearly double its current \$56.7 million budget for dealing with its DNA catalog with an additional \$53.1 million, according to its [budget request](#) for fiscal year 2024. “The requested resources will allow the FBI to process the rapidly increasing number of DNA samples collected by the U.S. Department of Homeland Security,” the appeal for an increase says.

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In an April 2023 statement submitted to Congress to explain the budget request, FBI Director Christopher Wray cited several factors that had “significantly expanded the DNA processing requirements of the FBI.” He said the FBI collected around 90,000 samples a month — “over 10 times the historical sample volume” — and expected that number to swell to about 120,000 a month, totaling about 1.5 million new DNA samples a year. (The FBI declined to comment.)

The staggering increases are raising questions among civil liberties advocates.

“When we’re talking about rapid expansion like this, it’s getting us ever closer to a universal DNA database,” Vera Eidelman, a staff attorney at the American Civil Liberties Union who specializes in genetic privacy, told The Intercept. “I think the civil liberties implications here are significant.”

The rapid growth of the FBI’s sample load is in large part thanks to a Trump-era rule change that mandated the collection of DNA from migrants who were arrested or detained by immigration authorities.

Mission Creep in FBI’s DNA

The FBI began building a DNA database as early as 1990. By 1998, it helped create a national database called Combined DNA Index System, or CODIS, that spanned all 50 states. Each state maintained its own database, with police or other authorities submitting samples based on their states’ rules, and CODIS allowed all the states to search across the entire country. At first, the collection of data was limited to DNA from people convicted of crimes, from crime scenes, and from unidentified remains.

Even those categories were [controversial at the time](#). When CODIS was launched nationally, most states did not submit DNA from all people convicted of felonies; the only

point of consensus among the states' collection programs was to take DNA from convicted sex offenders.

"If you look back at when CODIS was established, it was originally for violent or sexual offenders," Anna Lewis, a Harvard researcher who specializes in the ethical implications of genetics research, told The Intercept. "The ACLU warned that this was going to be a slippery slope, and that's indeed what we've seen."

Today, police have [the authority](#) to take DNA samples from anyone sentenced for a felony charge. In 28 states, police can take DNA samples from suspects arrested for felonies but who have not been convicted of any crime. In [some cases](#), police offer plea deals to reduce felony charges to misdemeanor offenses in exchange for DNA samples. Police are even acquiring DNA samples from unwitting people, as The Intercept [recently reported](#).

"It changed massively," Lewis said of the rules and regulations around government DNA collection. "You only have to be a person of interest to end up in these databases."

The database is likely to continue proliferating as DNA technology becomes more sophisticated, Lewis explained, pointing to the advent of [environmental DNA](#), which allows for DNA to be collected from ambient settings like wastewater or air.

"Just by breathing, you're discarding DNA in a way that can be traced back to you," Lewis said.

While this might sound like science fiction, the federal government has already embraced the technology. In May, the National Oceanic and Atmospheric Administration offered [a contract](#) for laboratory services to assist with "autonomously collected eDNA testing": environmental DNA testing based on samples that are no longer even manually collected.

Until recently, the U.S. DNA database surpassed even that of authoritarian China, which launched an ambitious DNA collection program in 2017. That year, the BBC [reported](#), the U.S. had about 4 percent of its population's DNA, while China had about 3 percent. Since then, China announced a plan aimed at collecting between 5 and 10 percent of its male population's DNA, according to a 2020 [study](#) cited by the New York Times.

China has a record of abusing its DNA database for surveillance and crackdowns on dissent. The efforts have been aided by [American technology](#) and [expertise](#). In 2021, the U.S. intelligence community [raised alarms](#) about China's widespread DNA collection, including foreigners' genetic information.



FBI Director Christopher Wray testifies during a House Judiciary Committee hearing on Capitol Hill in Washington, D.C., on July 12, 2023.

Photo: Shuran Huang for The Washington Post via Getty Images

“Cheaper, Easier, and Faster”

The changes detailed by Wray include shifts in statutory and regulatory requirements, with the bulk of new samples coming from a new policy mandating collection of DNA from people arrested or detained by U.S. Customs and Border Protection, a Department of Homeland Security agency. The new DHS policy, however, only explains part of the rapid growth of the FBI’s DNA database.

Whereas DNA analysis once had to be conducted in a lab by a cumbersome manual process of manually matching DNA strands that took months, the process has since been fully automated. Under [rapid DNA analysis](#), a DNA profile can be developed in one to two hours after a simple swab of one’s inner cheek without a lab or human involvement.

“When surveillance technology gets cheaper, easier, and faster to use,” said Eidelman, of the ACLU, “it tends to get used more — often in ways that are troubling.”

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In 2021, the FBI [touted](#) as “a major milestone” the contribution of its 20 millionth DNA profile to the national DNA database, calling it “one of the most successful investigative tools available to U.S. law enforcement.”

While DNA has played an important role in prosecuting crimes, less than 3 percent of the profiles have assisted in cases, the Bureau's [data reveals](#). By comparison, fingerprints collected by the FBI from current and former federal employees linked them to crimes at a rate of 12 percent each year, the Bureau [testified in](#) 2004 — when fingerprint technology was far less sophisticated.

For civil liberties advocates, a government database of everyone's DNA would be rife for abuses.

“A universal database really just would subvert our ideas of autonomy and freedom and the presumption of innocence. It would be saying that it makes sense for the government to track us at any time based on our private information,” Eidelman told The Intercept, adding that DNA collection presents specific risks to privacy. “Our DNA is personal and sensitive: It can expose our propensity for serious health conditions, family members, and ancestry.”

DNA Collection From Migrants

The bulk of the DHS increases stemmed from samples collected from the hundreds of thousands of migrants that ended up arrested or detained by Customs and Border Protection. With the end of [Title 42 expulsions](#), a [pandemic-era policy](#) that allowed the U.S. to [expel migrants without allowing them to apply for asylum](#) — which finally expired weeks after Wray's April statement to Congress — the FBI director said he expected the number of new samples to swell to 120,000 a month. (CBP did not respond to a request for comment.)

“This substantial increase has created massive budget and personnel shortfalls for the FBI,” Wray said in his statement. “While the FBI has worked with DHS components to automate and streamline workflows, a backlog of approximately 650,000 samples has developed, increasing the likelihood of arrestees and non-U.S. detainees being released before identification through investigative leads.”

DHS initially sought to collect DNA from detainees in 2009, but the Obama administration [exempted](#) the department from collection requirements for non-U.S. detainees. The task would have been too expensive, since Congress had not allocated funding for DNA collection, then-DHS Secretary Janet Napolitano explained.

In 2019, President Donald Trump's administration ended the exemptions, and DHS [announced](#) that it would collect DNA samples from people arrested or detained by border authorities. At the time, Trump's policy was widely condemned, including on the grounds that it could lead to widespread [civil liberties violations](#).

President Joe Biden has not reversed the decision, causing the government's DNA database to balloon in size.