

United States Senate

WASHINGTON, DC 20510

January 29, 2026

The Honorable Joseph V. Cuffari
Inspector General
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

Dear Inspector General Cuffari:

We write to you to express our concern that the Department of Homeland Security (DHS) is collecting sensitive personal data that can be used to circumvent civil liberty protections, including those guaranteed under the Fourth Amendment. This matter deserves your office's immediate attention, and we request that your office audit DHS' immigration procurement activities to determine whether they have led to violations of federal law and other regulations that maintain privacy and defend against unlawful searches.

Numerous media reports and videos show DHS immigration enforcement operations in cities and towns across the country, including allegations of violations of individuals' civil rights. On at least two separate occasions DHS law enforcement personnel – one working for Immigration and Customs Enforcement (ICE) and the other for Customs and Border Protection (CBP) – have shot and killed American citizens. Renee Good, a 37-year-old mother of three, was shot 3 times in Minneapolis by an ICE agent.¹ Alex Pretti, a 37-year-old intensive care nurse who worked at a U.S. Department of Veterans Affairs hospital, was also shot in Minneapolis during an encounter with CBP.² Additionally, ICE agents have shot and wounded another person³ and deployed flash bangs and teargas on a family, resulting in the hospitalization of small children, including a 6-month-old baby.⁴

Recently, your office announced new projects to determine whether ICE adequately investigates allegations of excessive force, appropriately hires and trains its workforce, and whether it

¹ Tim Stelloh, *Renee Good Was Shot in the Head, Autopsy Commissioned by Her Family Finds*, NBC News (Jan. 21, 2026), <https://www.nbcnews.com/news/us-news/renee-good-was-shot-head-autopsy-commissioned-family-finds-rcna255335>.

² Jim Mustian & Michael Biesecker, *Videos of Deadly Minneapolis Shooting of Alex Pretti Contradict Trump Administration Statements*, PBS NewsHour (Jan. 26, 2026), <https://www.pbs.org/newshour/nation/videos-of-deadly-minneapolis-shooting-of-alex-pretti-contradict-trump-administration-statements>.

³ Adam Duxter, *Man Detained After Being Shot in the Leg by ICE in North Minneapolis Is Granted Conditional Release*, CBS Minn. (Jan. 21, 2026), <https://www.cbsnews.com/minnesota/news/minneapolis-ice-detained-federal-court-appearance-shot-in-leg/>.

⁴ Kilat Fitzgerald, *North Minneapolis ICE Shooting: Children Hospitalized After Flash Bang, Tear Gas Hits Van*, FOX 9 Minneapolis-St. Paul (Jan. 15, 2026), <https://www.fox9.com/news/children-hospitalized-flash-bang-hits-van-jan-15>.

adheres to detention standards. We strongly support these oversight efforts and will be closely monitoring your investigations for their independence, accuracy, and recommendations.

In addition to egregious practices we have seen in public reporting, it is important that your office shine light on activities that undergird ICE's enforcement actions including a muddled patchwork of technology procurements that have significantly expanded DHS' ability to collect, retain, and analyze information about Americans. Together, ICE's new information collection tools potentially enable DHS to circumvent the constitutional protections provided by the Fourth Amendment - protections guaranteed to all Americans and all persons within our borders.

DHS law enforcement agencies have moved to amass potentially sensitive personal data with the unprecedented \$165 billion DHS was allocated during last year's partisan reconciliation process. Immigration and Customs Enforcement (ICE) alone received \$75 billion, more funding than that allocated to the Federal Bureau of Investigation (FBI), an agency responsible for investigating violations of a significantly greater number of laws.

To date, DHS has:

1. Issued a Request for Information (RFI) to Big Data and Ad Tech providers to support ICE's investigation activities;⁵
2. Published a Notice of Proposed Rulemaking (NPRM), *Collection and Use of Biometrics by U.S. Citizenship and Immigration Services*, that would expand the types and amount of biometric data the agency can – including allowing collection of biometric data from children under 14;⁶
3. Issued a RFI to hire 30 social media surveillance contractors to collect information from social media and commercial databases and build profiles on individuals for the Enforcement and Removal Operations (ERO) division;⁷
4. Issued a Notice of Intent for licenses from Bi2 Technologies - used for scanning individuals' irises;⁸
5. Entered a contract with Palantir to upgrade the Investigative Case Management (ICM) system – which has access to information from across the federal government – to include the Immigration Lifecycle Operating System (ImmigrationOS);⁹
6. Reactivated a contract with Paragon Solutions under the FAR 6.302-1 rule, which is reserved for the most unique services;¹⁰

⁵ Department of Homeland Security, FY26_RFI-Big Data & Ad Tech, (Jan 23, 2026 1:00 PM EST), <https://sam.gov/workspace/contract/opp/411452e8b3614944b9c50cc3aa24fb42/view>

⁶ Collection and Use of Biometrics by U.S. Citizenship and Immigration Services, 90 Fed. Reg. 49062 (Mon. 3, 2025) (to be codified at 81 C.F.R 49083). <https://www.federalregister.gov/documents/2025/11/03/2025-19747/collection-and-use-of-biometrics-by-us-citizenship-and-immigration-services#footnote-81-p49083>

⁷ Department Of Homeland Security, Lead Development and Open-Source Intelligence/Social Media Contract, (Oct 02, 2025 5:36 PM EDT), <https://sam.gov/workspace/contract/opp/37b379dbed484281a12530cc01835e04/view>

⁸ Department Of Homeland Security, Notice of Intent to Sole Source - Bi2 Technologies, LLC, (Aug 06, 2025 10:48 AM EDT), <https://sam.gov/workspace/contract/opp/53dc2fa997954c1d8acf8888fd8f0b56/view>

⁹ Department Of Homeland Security, Investigative Case Management - Additional Capabilities, (Apr 17, 2025 10:16 am EDT), <https://sam.gov/opp/f71acee6010c423db4902446a59a690c/view#award>

¹⁰FPDS, (2025),

<https://www.fpds.gov/ezsearch/search.do?indexName=awardfull&templateName=1.5.3&s=FPDS.GOV&q=70CTD024P00000012+7012+>

7. Entered into a contract with facial recognition software developer Clearview AI¹¹ – about which ICE has received a letter from other Senators;¹²
8. Entered into a contract with Penlink's services which monitor social media and track mobile devices;¹³ and
9. Accessed and utilized software that DHS does not have official access to – including Flock License Plate Scanning Software.¹⁴

DHS' reported disregard for adhering to the law^{15,16} and its proven ambivalence toward observing and upholding constitutionally-guaranteed freedoms of Americans and noncitizens, including freedom of speech and equal protection under the law,¹⁷ leaves us with little confidence that these new and powerful tools are being used responsibly. Coupled with DHS' propensity to detain people regardless of their circumstances,¹⁸ it is reasonable to question whether DHS can be trusted with powerful surveillance tools and if in doing so, DHS is subjecting Americans to surveillance under the pretext of immigration enforcement.

Immigrants without criminal convictions are now make up the majority of ICE detainees. In September 2025, ICE arrested 59,762 individuals, and nearly 72% of those individuals had no prior criminal conviction.¹⁹ Since September, reporting indicates that in both Chicago²⁰ and Washington D.C.,²¹ immigrants without a prior criminal record have made up 80% of those detained. We are horrified by the videos and reports of masked federal law enforcement officers

¹¹ Department of Homeland Security, Purchase Order Recipient Clearview AI Inc. (September 5, 2025), https://www.usaspending.gov/award/CONT_AWD_70CMSD25P00000111_7012_-NONE_-NONE-

¹² Letter from Edward J. Markey, U.S. Senator, et al., to Todd Lyons, Acting Dir., U.S. Immigr. & Customs Enft (Sept. 11, 2025), https://www.markey.senate.gov/imo/media/doc/letter_to_ice_on_mobile_facial_recognition_tech1.pdf.

¹³ Department Of Homeland Security, Penlink Licenses, (Sep 30, 2025 3:15 PM EDT), <https://sam.gov/workspace/contract/opp/b92458a603f24cb5926eafe26829cde5/view>

¹⁴ Kunle Falayi, Virginia surveillance network tapped thousands of times for immigration cases, VPM NPR, (October 9, 2025, 12:53 PM EDT), <https://www.vpm.org/news/2025-10-09/flock-safety-cameras-alprs-federal-immigration-enforcement-lehmann-kochis>

¹⁵ Megan Lebowitz, Alexandra Marquez, Kristi Noem says deportation operation decisions are hers amid case over flights to El Salvador, NBC News, (November 30, 2025, 9:50 AM EST), <https://www.nbcnews.com/politics/immigration/noem-deportation-operation-decisions-flights-el-salvador-rcna246531>

¹⁶ James Hill, Armando Garcia, Border Patrol commander admitted he lied about tear gas incident, judge says, as she restricts use of force by immigration agents in Chicago, ABC News, (November 7, 2025, 9:51 am), <https://abcnews.go.com/US/border-patrol-commander-admitted-lied-tear-gas-incident/story?id=127283392>

¹⁷ Humeyra Pamuk, Exclusive: Trump administration orders enhanced vetting for applicants of H-1B visa, Reuters, (December 4, 2025, 11:53 AM EST), <https://www.reuters.com/world/us/trump-administration-orders-enhanced-vetting-applicants-h-1b-visa-2025-12-04/>

¹⁸ Michael Williams, Aditi Sangal, Emma Tucker, ICE field office quota of 75 arrests per day is "floor, not a ceiling" top Trump adviser says, CNN, (January 28, 2025, 6:22 pm EST), <https://www.cnn.com/politics/live-news/trump-presidency-news-federal-grants-01-28-25#cm6h038z300053b6mwm8qfa2a>

¹⁹ TRAC Immigration, Transactional Records Access Clearinghouse, (2025), <https://tracreports.org/immigration/quickfacts/>.

²⁰ Sergio Martínez-Beltrán, *DOJ Records Show Hundreds of Immigrants Arrested in Chicago Had No Criminal Records*, NPR (Nov. 17, 2025), <https://www.npr.org/2025/11/17/nx-s1-5611168/doj-records-show-hundreds-of-immigrants-arrested-in-chicago-had-no-criminal-histories>

²¹ Robert Klemko et al., *Most Immigrants Arrested in Trump's D.C. Crackdown Had No Criminal Records*, Wash. Post (Dec. 4, 2025), <https://www.washingtonpost.com/immigration/2025/12/04/dc-ice-federal-takeover-immigrants-criminal-trump/>

seizing mothers from their vehicles while dropping their kids off at school, gassing children in their neighborhoods, demanding proof of citizenship based on an individual's appearance, threatening peaceful protesters, and the broad dragnet operations arresting, injuring, and traumatizing entire communities.

We are deeply concerned that ICE's surge in brutality against American communities is being facilitated by the inappropriate and unsupervised use of surveillance technology. As such, we formally request an investigation by your office into the methods that DHS uses to collect, retain, analyze, and use data about the communities where it operates in conjunction with the companies mentioned above, and any companies DHS is seeking to conduct business with – for similar purposes – in the future. We ask that the investigation address the following questions and that you provide a briefing to our offices:

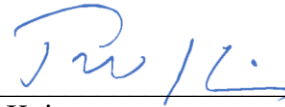
1. The manner and methods by which DHS stores and uses data that contains personally identifying information.
 - a. Whether the manners and methods mentioned above have changed since January 20, 2025. If yes, describe any changes.
2. Is the data that DHS/ICE collects or otherwise obtains from other federal or state government agencies, contractors, foreign governments, or third parties, used to define targets of DHS immigration enforcement activities?
 - a. If yes, describe the process by which that data is reviewed to ensure its use is consistent with all applicable laws and the Constitution.
3. For data held by DHS that is used for the purpose described in question 2, describe the process under which Federal, state, and local law enforcement or other entities are granted access to the data.
4. Does DHS record incidents when biometric data used by DHS in the field results in a false positive? Provide documentation sufficient to determine the number of times data DHS has collected and aggregated has resulted in false positives when utilized in the field.
 - a. Provide any legal analysis prepared or relied upon by DHS for incidents where U.S. citizens are detained and biometric data was used in effecting any such detention.
5. Does DHS currently or formerly maintain information sharing arrangements with social media companies?
 - a. If yes, provide documentation sufficient to describe the arrangements and circumstances under which social media companies allow DHS access to data held by those companies.
6. How has data sharing between ICE/ERO and other government agencies changed since January 2025? What are the specific thresholds that requests for data must meet before data is shared?
7. Has DHS purchased or otherwise obtained, directly or indirectly, data from data brokers for the purpose of civil immigration enforcement?
8. Does DHS permit individuals to decline or withdraw consent to the collection and use of their biometric or other personally-identifying data?

9. Describe - and provide documentation sufficient to show - the cybersecurity requirements that DHS mandates that private contractors comply with as a condition of participating in DHS immigration enforcement operations.
10. Describe - and provide documentation sufficient to show - any limitations that DHS imposes on private, third-party contractors regarding those parties' use of the data that they access, generate, or otherwise interact with in the course of performing contracts awarded by DHS or to which DHS is a party.

Sincerely,



Mark R. Warner
United States Senator



Tim Kaine
United States Senator