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February 12, 2026

The Honorable Rand Paul
Chair
Committee on Homeland Security and Government Affairs
U.S. Senate
Washington, DC 20515

The Honorable Gary Peters
Ranking Member
Committee on Homeland Security and Government Affairs
U.S. Senate
Washington, DC 20515

Dear Chair Paul and Ranking Member Peters,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the rights of all persons in the United States, and the undersigned organizations, we urge members of the Committee on Homeland Security and Government Affairs (HSGAC) to rein in the deeply harmful surveillance practices of the Department of Homeland Security (DHS) that left unchecked will, as the Chair stated in opposing the extension of the Patriot Act, create a “permanent expansion of a police state.”¹ Additionally, we ask that this letter be entered into the record for the Committee’s February 12, 2026 oversight hearing.

2025 saw at least thirty-two people, including Keith Porter, die in the custody of Immigration and Customs Enforcement (ICE) or at the hands of ICE agents,² and 2026 has started with the deaths of Alex Pretti and Renee Good at the hands of federal immigration enforcement agents.³ As of January 16th, ICE was holding roughly 73,000 individuals in its custody across the country—an 83% increase from the same time in 2025.⁴ Surveillance

¹ Scott Neuman. “Sen. Rand Paul Stages ‘Filibuster’ to Protest Patriot Act.” *NPR*. May 21, 2015. <https://www.npr.org/sections/thetwo-way/2015/05/21/408417139/sen-rand-paul-stages-filibuster-to-protest-patriot-act>.

² Maanvi Singh, Coral Murphy Marcos, and Charlotte Simmonds. “2025 was ICE’s Deadliest Year in Two Decades. Here are the 32 People Who Died in Custody.” *The Guardian*. January 4, 2026. <https://www.theguardian.com/us-news/ng-interactive/2026/jan/04/ice-2025-deaths-timeline>.

³ Joshua Barajas. “A Second U.S. Citizen was Killed by Federal Forces in Minneapolis. Here’s What We Know.” *PBS*. January 27, 2026. <https://www.pbs.org/newshour/nation/a-second-u-s-citizen-was-killed-by-federal-forces-in-minneapolis-heres-what-we-know>.

⁴ Camila Montoya-Galvez. “ICE’s Detainee Population Reaches New Record High of 73000, as Crackdown Widens.” *CBS News*. January 16, 2026. <https://www.cbsnews.com/news/ices-detainee-population-record-high-of-73000/>.

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technology acquired by DHS over the past several years and anti-democratic data-sharing practices have supercharged the agency's ability to trample our civil rights and civil liberties.⁵

Surveillance spending by DHS has increased dramatically over the past few years, with the One Big Beautiful Bill (OBBB) appropriating billions in surveillance technology, including \$6.2 billion for border technology and surveillance.⁶ This massive surveillance effort is fueling ICE's unlawful and concerning activities, enabling massive-scale racial profiling and targeting of people and families, including citizens and documented individuals in the United States. Notably, this funding has been used for:

- **Deployment of "Mobile Fortify," a smartphone app that enables field agents to conduct real-time biometric identity verification using facial recognition and contactless fingerprints.**⁷ This app extends ICE surveillance capabilities from fixed checkpoints into neighborhoods, transport hubs, and any environment where ICE operates. The app integrates seamlessly with multiple DHS biometric systems, allowing agents to photograph faces or capture fingerprints for near-instant matching against DHS databases containing hundreds of millions of individual records from immigrants and non-immigrants alike. Despite constitutional concerns about warrantless domestic surveillance, no known formal policies exist governing who may use Mobile Fortify, which populations it targets, how long data is stored, or what legal authorities justify its deployment.
- **Integration of Palantir's FALCON and Investigative Case Management (ICM) systems with databases unrelated to immigration enforcement, including but not limited to databases of airport travelers, international mail and trade, border crossings by U.S. citizens, services at U.S. consulates worldwide, and telecommunications metadata sources.**⁸ These platforms enable simultaneous bulk searches across dozens of government and commercial datasets, allowing field agents to access data about everyone in the U.S., compile that data into profiles, and edit those profiles in real time, from their smartphones. These incredibly powerful intelligence systems were originally made by Palantir and customized for the Homeland Security Investigations (HSI) task force, but DHS has given ICE agents broad access to these technologies, allowing them to freely traipse through both criminal and civil records.
- **Reactivation of a \$2 million contract with Israeli spyware firm Paragon Solutions, giving immigration agents access to "Graphite," a sophisticated hacking software originally designed for military use that is capable of infiltrating any mobile phone and bypassing encrypted**

⁵ Josie Stewart, Michelle Du, and Nicol Turner-Lee. "How Tech Powers Immigration Enforcement." *Brookings*. October 6, 2025. <https://www.brookings.edu/articles/how-tech-powers-immigration-enforcement/>.

⁶ Heidi Altman, Tanya Broder, and Ben D'Avanzo. "The Anti-Immigrant Policies in Trump's Final "Big Beautiful Bill," Explained." *National Immigration Law Center*. August 20, 2025. <https://www.nilc.org/resources/the-anti-immigrant-policies-in-trumps-final-big-beautiful-bill-explained/>.

⁷ Anthony Kimery. "New ICE Mobile App Pushes Biometric Policing onto America Streets." *Biometric Update*. June 26, 2025. <https://www.biometricupdate.com/202506/new-ice-mobile-app-pushes-biometric-policing-onto-american-streets>.

⁸ Anthony Kimery. "Palantir, ICE, and the Quiet Expansion of a Biometric Dragnet." *Biometric Update*. September 23, 2025. <https://www.biometricupdate.com/202509/palantir-ice-and-the-quiet-expansion-of-a-biometric-dragnet>.

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applications like WhatsApp and Signal.⁹ This technology allows complete device takeover, enabling ICE to track locations, read private messages, access photographs, and use phones as covert listening devices. Paragon's spyware has previously been used by foreign governments to target journalists, human rights activists, and political dissidents across two dozen countries, with experts warning that such "invasive, secret hacking power" designed for authoritarian regimes fundamentally corrupts democratic governance.¹⁰

Each day brings more stories of additional technologies ICE is acquiring to spy on the American public.¹¹ The surveillance technologies used by ICE are in addition to the troves of people's personal information held by federal agencies, like the Internal Revenue Service (IRS), Department of Health and Human Services (HHS), and the Social Security Administration (SSA)—administrative data that has historically been protected from broader use precisely to avoid creating a surveillance state.

Reporting earlier this year highlighted data sharing agreements DHS entered into with the IRS and the Department of Housing and Urban Development (HUD), among other agencies.^{12,13} The federal government is building a vast surveillance infrastructure using tax records, Social Security information, and immigration-related data. But the surveillance does not stop there: DHS is also seeking individuals' sensitive data from states, including information related to public benefits and to voter registration files. This dragnet surveillance system threatens the civil liberties of all people in the United States, regardless of immigration status. Such a database fuels mass-surveillance and data-collection practices that allow for administrative data to be repurposed to target and deport individuals, including those with lawful status. Additionally, the combination of multiple data sources from across the federal government creates significant security vulnerabilities. Any centralized database, and especially one at this scale, increases the likelihood of data breaches, hacking attempts by malicious actors, and other privacy harms, compromising the privacy and safety of all U.S. residents.¹⁴

This exact scenario is what Congress tried to prevent when they passed the Privacy Act of 1974. As the U.S. Senate Committee on Government Operations' 1976 Source Book on Privacy explains, the Privacy Act was designed to prevent "formal or *de facto* national data banks" or "centralized Federal information

⁹ Stephanie Kirchgaessner. "ICE Obtains Access to Israeli-made Spyware that can Hack Phones and Encrypted Apps." *The Guardian*. September 2, 2025. <https://www.theguardian.com/us-news/2025/sep/02/trump-immigration-ice-israeli-spyware>.

¹⁰ Cooper Quintin. "EFF Statement on ICE Use of Paragon Solutions Malware." *The Electronic Frontier Foundation*. September 3, 2025. <https://www.eff.org/deeplinks/2025/09/eff-statement-ice-use-paragon-solutions-malware>.

¹¹ Eva Dou, Artur Galocha, and Kevin Schaul, "The Powerful Tools in ICE's Arsenal to Track Suspects - and Protesters." *The Washington Post*. January 29, 2026. <https://www.washingtonpost.com/technology/interactive/2026/ice-surveillance-immigrants-protesters/>.

¹² Andrew Duehren. "Top I.R.S. Officials Said to Resign After Deal to Give ICE Migrants Data." *The New York Times*. April 8, 2025. <https://www.nytimes.com/2025/04/08/us/politics/irs-ice-tax-data-deal.html>;

¹³ Chris Clow. "HUD, DHS Seek to Stop Undocumented Immigrants From Using Federal Housing Programs." *Housing Wire*. March 24, 2025. <https://www.housingwire.com/articles/hud-dhs-undocumented-immigrants-federal-housing-programs/>.

¹⁴ Makena Kelly and Vittoria Elliott. "DOGE Is Building a Master Database to Track and Surveil Immigrants/" *Wired*. April 18, 2025. <https://www.wired.com/story/doge-collecting-immigrant-data-surveil-track/>.

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systems” that could consolidate sensitive personal data stored across separate agencies.¹⁵ The Privacy Act’s legislative history also makes clear that Congress established “robust safeguards against such ‘interagency computer data banks’ to make it ‘legally impossible for the Federal Government in the future to put together anything resembling a ‘1984’ personal dossier on a citizen.’”¹⁶

Simply put, the government, through DHS, has built exactly what Congress sought to prevent: a surveillance apparatus that creates comprehensive dossiers on all people in the United States, regardless of citizenship status. The public and Congress have been kept in the dark about the scope of this surveillance state, the billions spent to construct it, and the absence of meaningful restrictions on its use. This cannot continue. And transparency is not enough: binding restrictions must be immediately imposed on both the procurement and use of surveillance technology by DHS, with enforceable consequences for violations. Specifically, we ask:

- No additional funding for ICE or CBP.
- Restrict DHS’s surveillance and data-weaponization capabilities by creating requirements for funding the acquisition of technology and commercial data:
 - Prohibit ICE and CPB from repurposing government-held administrative data (including but not limited to biometric data, Social Security information, tax records, and health information) or commercially obtained personal data to surveil, track, or intimidate individuals.
 - Impose strict limits on the acquisition and use of surveillance technologies, such as dragnet and bulk biometric surveillance tools, including strict purpose limitations, data isolation from targeting systems, and publicly available audits on the accuracy of the tools used.
 - Mandate congressional transparency and oversight of any data sharing and surveillance technology use.
 - Ensure civil rights protections are upheld, including the prohibition of racial profiling and Kavanaugh stops.
 - Prohibit body cameras for immigration enforcement without binding safeguards that prevent their use as biometric-surveillance infrastructure, including absolute bans on facial-recognition analysis, strict purpose limitations for accountability, data isolation from targeting systems, mandatory public disclosure following serious incidents, publicly available audits on the accuracy of the tools used, and independent oversight.
 - Rollback the DHS Biometric Entry/Exit Program for noncitizens.¹⁷
- Establish strict accountability measures tied to existing funding:

¹⁵ U.S. Congress Senate Committee on Government Operations. “Legislative History of the Privacy Act of 1974. S. 3418 (Public Law 93-579).” *U.S. Department of Justice*. September 1976. https://www.justice.gov/d9/privacy_source_book.pdf.

¹⁶ *Id.*

¹⁷ U.S. Customs and Border Protection. “DHS Announces Final Rule to Advance the Biometric Entry/Exit Program.” *U.S. Department of Homeland Security*. November 20, 2025. <https://www.cbp.gov/newsroom/national-media-release/dhs-announces-final-rule-advance-biometric-entry/exit-program>.

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- Require independent audits of DHS's use of any surveillance technologies as well as DHS's data-collection and data-management practices. Audit findings should be made public.
- Establish enforceable penalties for noncompliance. There should be consequences, like loss of funding, civil liability, and judicial review, to ensure that there are meaningful consequences for violations.
- Establish an independent oversight body with the authority to investigate and sanction misuse, ensure transparency, and uphold civil rights protections.

We stand ready to work with Congress on policies that will protect civil rights, prevent unlawful discrimination, and advance equal opportunity. Should you require further information or have any questions regarding this issue, please feel free to contact Jonathan Walter, senior policy counsel, at walter@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
Lawyers' Committee for Civil Rights Under Law
UnidosUS
United Church of Christ Media Justice Ministry
Access Now
Arab American Institute (AAI)
Center for Democracy & Technology
Center on Race, Inequality, and the Law at NYU Law
Common Cause
Disability Rights Education & Defense Fund
Electronic Privacy Information Center (EPIC)
Equality California
Government Information Watch
Hispanic Federation
Japanese American Citizens League
Labor Council for Latin American Advancement (LCLAA)
Muslim Advocates
National Action Network
National Hispanic Media Coalition
National Latina Institute for Reproductive Justice
National Urban League
Project On Government Oversight
Service Employees International Union (SEIU)
Sikh American Legal Defense and Education Fund (SALDEF)
The Advocates for Human Rights
The Sikh Coalition
The United Methodist Church General Board of Church and Society

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