

Congress of the United States

Washington, DC 20515

August 19, 2025

The Honorable Kristi Noem
Secretary
Department of Homeland Security
301 7th Street, SW
Washington, D.C. 20528

Secretary Noem:

As Members of the Congressional Hispanic Caucus, we write to express strong concern regarding recent actions by the Department of Homeland Security (“DHS”) and U.S. Immigration and Customs Enforcement (“ICE”) that illegally restrict Members of Congress from fulfilling their constitutional and legal duty to conduct oversight of facilities in which DHS is detaining people for immigration purposes. These facilities are funded by billions of taxpayer dollars and exhibit persistent issues related to health and safety, human rights, and waste, fraud, and abuse. It is imperative that Members conduct timely oversight to determine whether public funds are being spent as mandated by Congress and ensure the safety and wellbeing of individuals who are detained by the government. We urge you to immediately come into compliance with federal law by ceasing all efforts from DHS or contractors to prevent Members of Congress from conducting timely oversight of ICE detention facilities.

As you know, ICE detention facilities are largely operated by private prison companies at significant taxpayer expense.¹ In Fiscal Year 2025 alone, ICE is slated to spend over \$2 billion on contracts related to the operation of immigrant detention centers,² many of which are run by for-profit companies like GEO Group and CoreCivic. Despite this significant expenditure, the profit driven model has led to cost cutting measures that fuel persistent and well-documented reports of unsafe infrastructure, insufficient food, overcrowding, inadequate medical care, physical abuse, and preventable deaths.³

Last month, reports revealed that individuals detained at Delaney Hall in New Jersey were receiving insufficient and delayed meals, raising serious questions regarding financial mismanagement and the mistreatment of individuals in detention.⁴ Despite a reported \$2 billion, multi-year contract, the same facility experienced the failure of an external wall that was made of drywall with a mesh interior, further compounding concerns related to the waste, fraud, and abuse of taxpayer funds. These troubling indicators are not isolated to Delaney Hall. They reflect a nationwide pattern of mismanagement and neglect at ICE detention centers, many of which have been detailed by independent inspectors, media investigations, and oversight visits by Members of Congress.⁵ Individuals in ICE detention centers in Florida are reportedly subject to severe overcrowding, unsanitary

¹ National Immigrant Justice Center, *NIJC Statement Opposing Attorney General Nomination of Pam Bondi* (January 17, 2025) (https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2025-01/NIJC-statement-opposing-AG-nomination-Pam-Bondi_Jan2025.pdf) (accessed July 29, 2025).

² U.S. Immigration and Customs Enforcement, *Fiscal Year 2025 Congressional Justification*, Department of Homeland Security (March 2024) (https://www.dhs.gov/sites/default/files/2024-04/2024_0308_us_immigration_and_customs_enforcement.pdf#page=193) (accessed July 29, 2025).

³ ‘Shackled and Hungry’: Detainees Describe Despair in Immigrant Centers, *The New York Times* (June 28, 2025) (<https://www.nytimes.com/2025/06/28/us/immigrant-detention-conditions.html>) (accessed July 29, 2025).

⁴ 2 Detainees Escape From Ice Custody in Newark, *The New York Times* (June 14, 2025) (<https://www.nytimes.com/2025/06/14/nyregion/newark-ice-detainees-escape.html>) (accessed July 29, 2025).

conditions, and medical neglect.⁶ Just last week, leaked video footage of ICE's field office in New York City demonstrated individuals are being held for several days in processing facilities that are overcrowded, lack adequate food and medical care, and are unsanitary.⁷ These ongoing reports underscore the urgent need for robust oversight.⁸

These persistent problems demonstrate the urgency of robust oversight by Members of Congress through both scheduled and unannounced visits to observe conditions, assess the use of public funds, verify facilities' compliance with federal standards, and ensure that individuals in government custody are safe, have access to legal counsel, and are treated in accordance with our nation's values. That is why we are troubled that ICE recently revised its facility visit protocols to restrict access for Members of Congress. After initially revising its guidance to request at least 72 hours' notice for all oversight visits and claiming the "sole and unreviewable discretion to deny a request or otherwise cancel, reschedule or terminate a tour or visit if: 1) an emergency arises; 2) the safety, security, and orderly operations of the facility are potentially jeopardized; 3) any violation(s) of this Protocol occur; 4) any other identified operational concerns exist; 5) facility management or other ICE officials deem it appropriate to do so,"⁹ ICE subsequently removed this guidance from its website and is now requiring seven days' notice instead. In addition, Members of Congress have been restricted from visiting ICE field offices as DHS claims these facilities are not detention centers.¹⁰

We are deeply concerned that DHS Assistant Secretary Tricia McLaughlin recently announced that all oversight requests are subject to arbitrary restrictions such as an assessment of whether the request is "part of legitimate congressional oversight activities," and seven days advanced notice to "ensure no intrusion on the President's constitutional authority."¹¹ This broad and illegitimate discretion has already been used to deny Members of Congress the ability to conduct oversight of detention facilities across the country, even in the wake of concerning reports of inadequate nutrition and safety conditions at multiple detention centers and deaths in ICE facilities.¹²

Such obstruction is detrimental to public accountability and in direct violation of federal law. As you are aware, the Fiscal Year 2025 Department of Homeland Security Appropriations Act ([Pub. L. No. 119-4](#)) reauthorized Section 527 of the 2024 Act, affirming that, "None of the funds appropriated... may be used to prevent... a Member of Congress ... from entering, for the purpose of conducting oversight, any facility operated by or for the Department of Homeland Security used to detain or otherwise house aliens... Nothing in this section may be

⁵ 'Shackled and Hungry': Detainees Describe Despair in Immigrant Centers, The New York Times (June 28, 2025) (<https://www.nytimes.com/2025/06/28/us/immigrant-detention-conditions.html>) (accessed July 29, 2025).

⁶ 'It's a feeling of total desperation.' Migrants in limbo after new asylum restrictions, Miami Herald (June 21, 2025) (<https://www.miamiherald.com/news/local/immigration/article311039740.html>) (accessed July 29, 2025).

⁷ Video Shows Overcrowded and Unsanitary Conditions in Immigration Holding Cells, The New York Times (July 22, 2025) (<https://www.nytimes.com/2025/07/22/nyregion/video-immigration-holding-cells-overcrowded-unsanitary.html>) (accessed July 29, 2025); Video shows conditions inside ICE processing center at 26 Federal Plaza in Lower Manhattan, CBS News New York (June 20, 2025) (<https://www.cbsnews.com/newyork/news/nyc-ice-processing-center-26-federal-plaza-video/>) (accessed July 29, 2025).

⁸ U.S. House of Representatives Committee on Appropriations, Subcommittee on Homeland Security, *Statement for the Record of Sarah Turberville, Director, The Constitution Project, Project on Government Oversight* (June 24, 2025) (<https://docs.house.gov/meetings/AP/AP00/20250624/118429/HMKP-119-AP00-20250624-SD002.pdf>) (accessed July 29, 2025).

⁹ <https://www.ice.gov/doclib/detention/iceFacilityVisitationCongressional.pdf>

¹⁰ Trump administration puts new limits on Congress visits to immigration centers, CNBC (June 19, 2025) (<https://www.cnbc.com/2025/06/19/trump-administration-puts-new-limits-on-congress-visits-to-immigration-centers.html>) (accessed July 29, 2025).

¹¹ House Democrat: 'We should be let into ICE facilities', The Hill (June 10, 2025) (<https://thehill.com/homenews/house/5361320-house-democrat-we-should-be-let-into-ice-facilities/>) (accessed July 29, 2025).

¹² Democrats Probe Conditions at California and New York Detention Facilities, The Guardian (June 9, 2025) (online at <https://www.theguardian.com/us-news/2025/jun/09/democrats-california-new-york-detention-facilities>) (accessed July 29, 2025).

construed to require a Member of Congress to provide prior notice.” This provision denotes a clear legal mandate that ICE allow oversight access for Members of Congress.

Madam Secretary, you have spoken publicly about the importance of addressing fraud, waste, and abuse within DHS. We are concerned that the misuse of funds and unsafe conditions at ICE facilities exemplified by situations like Delaney Hall represent the kind of waste and abuse that Congress has a duty to investigate and prevent. ICE’s efforts to obstruct that oversight duty and conceal conditions in detention facilities are both a violation of federal law and a disservice to taxpayers and to the individuals in DHS custody. We therefore urge you to immediately rescind the facility visit guidance that impedes congressional access to detention facilities and ensure full compliance with constitutional and statutory requirements.

Congressional oversight is a constitutional responsibility that we will continue to fulfill. We appreciate your prompt attention to this matter and look forward to a response no later than August 18, 2025.

Sincerely,



Robert J. Menendez
Vice Chair of Policy
Congressional Hispanic Caucus



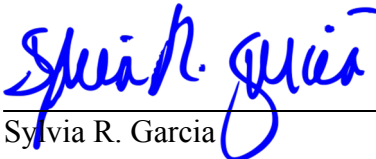
Adriano Espaillat
Chair
Congressional Hispanic Caucus




Darren Soto
Member of Congress



Joaquin Castro
Member of Congress



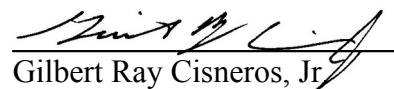
Sylvia R. Garcia
Member of Congress



Norma J. Torres
Member of Congress



Andrea Salinas
Member of Congress



Gilbert Ray Cisneros, Jr.
Member of Congress



Robert Garcia
Member of Congress



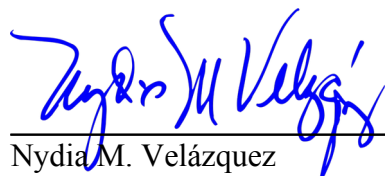
Veronica Escobar
Member of Congress



Delia C. Ramirez
Member of Congress



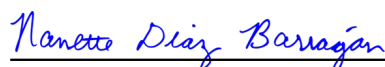
Greg Casar
Member of Congress



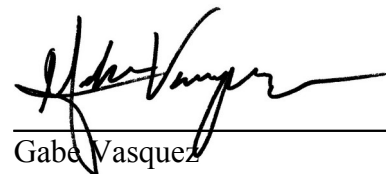
Nydia M. Velázquez
Member of Congress



Salud Carbajal
Member of Congress



Nanette Diaz Barragán
Member of Congress



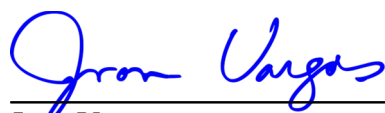
Gabe Vasquez
Member of Congress



Emily Randall
Member of Congress



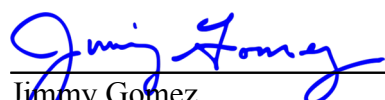
Alexandria Ocasio-Cortez
Member of Congress



Juan Vargas
Member of Congress




Raul Ruiz, M.D.
Member of Congress



Jimmy Gomez
Member of Congress



Pablo José Hernández
Member of Congress

A handwritten signature in dark ink, reading "Ritchie Torres", followed by a long horizontal flourish line.

Ritchie Torres
Member of Congress