

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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July 1, 2025

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

Dear Secretary Noem:

Oversight is the heart of Congress's work to hold the powerful accountable and protect the public from abuses. Americans are shocked and outraged by the often violent, unlawful conduct of Immigration and Customs Enforcement (ICE) officers acting at your direction, and they expect Congress to demand accountability. More than 70% of the people currently in ICE detention have not been convicted of a crime.¹ Those held by ICE included a 6-year-old child with leukemia unable to get the care he needs and a father of three U.S. Marines who was beaten by masked federal agents.² Members of Congress are working to ensure that your agency is behaving within the bounds of the law and the Constitution, but the Department of Homeland Security (Department or DHS) is now attempting to illegally bar members of Congress from doing their jobs with a new policy that restricts our access to facilities in which DHS personnel are detaining people for immigration-related purposes. We write to demand that DHS immediately rescind this policy, stop its efforts to impede congressional oversight, and provide information to hold accountable those responsible for initiating and advancing this unlawful attempt to stop Congress from fulfilling its constitutional mandate.

On June 18, ICE issued guidance imposing arbitrary restrictions on congressional inspections of detention facilities.³ Assistant DHS Secretary Tricia McLaughlin then outlined an

¹ *ICE Holding a Record 59,000 Immigrant Detainees, Nearly Half with No Criminal Record, Internal Data Show*, CBS News (June 24, 2025) (online at www.cbsnews.com/news/ice-record-59000-immigrant-detainees-half-no-criminal-record/).

² *Family Files for Release in Lawsuit Considered First Involving Children Challenging Arrests at Court*, ABC News (June 26, 2025) (online at <https://abcnews.go.com/US/wireStory/family-files-release-lawsuit-considered-involving-children-challenging-123257462>); *Marine Corps Veteran Says He Feels Betrayed After his Father Was Arrested by Masked Federal Agents in Southern California*, CNN (June 23, 2025) (www.cnn.com/2025/06/23/us/narciso-barranco-father-detained-santa-ana#:~:text=A%20Marine%20Corps%20veteran%20says,communities%20terrified%20and%20on%20edge.).

³ Immigration and Customs Enforcement, *Facility Visit and Engagement Protocol for Members of Congress and Staff* (June 2025) (previously available online at www.ice.gov/doclib/detention/iceFacilityVisitationCongressional.pdf, now on file with the Committee at <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/evo-media-document/>).

even more extreme policy in which “any requests to tour processing centers and field offices must be approved by the Secretary of Homeland Security” and that “for visits to detention facilities, requests should be made with sufficient time to prevent interference with the President’s Article II authority to oversee executive department functions—a week is sufficient to ensure no intrusion on the President’s constitutional authority.”⁴ The June 18 guidance has since been removed from ICE’s website, and the site now makes clear that DHS “requires requests be made a minimum of seven (7) calendar days in advance to schedule visits to DHS detention facilities. Any requests to shorten that time must be approved by the DHS Secretary.”⁵

To be clear, the Department does not possess the authority to restrict Congress’s irrefutable constitutional duty to rigorously oversee the Executive Branch, and DHS’s new policy is a brazen effort to evade congressional scrutiny and the rule of law. Congress is a coequal branch of government, and its duly elected representatives have the constitutional and legal authority to enter federal facilities, with reasonable accommodation, at any time—a fact Congress has repeatedly and explicitly reaffirmed with respect to the Department.⁶ Most recently, the fiscal year 2024 appropriations law clearly affirms Members of Congress’ explicit authority to perform unannounced oversight visits of immigration detention facilities, and explicitly bars the agency from preventing such visits, stating:

None of the funds appropriated or otherwise made available to the Department of Homeland Security by this Act may be used to prevent any of the following persons [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 construed to require a Member of Congress to provide prior notice of the intent to enter a facility.⁷

The Department’s new policy and ongoing stonewalling, even in response to Congress’s most basic inquiries, is a clear violation of the law and a grave breach of the Constitution that threatens our democracy. When masked persons claiming to be agents of federal law enforcement snatch law-abiding people off the street, Members of Congress must be allowed to shine a light on the truth. If ICE and DHS have nothing shameful to hide, they should welcome such oversight and quickly work to correct their unlawful attempts to evade accountability.

We are extending an opportunity for you to demonstrate your professed commitment to transparency and government oversight by willingly providing the following information. Failure to respond will be taken as confirmation of your willing violation of the law, and we will

icefacilityvisitationcongressional.pdf).

⁴ *DHS Issues New Guidance for Members of Congress Who Want to Visit ICE Detention Facilities*, Fox News (June 19, 2025) (online at www.foxnews.com/politics/dhs-issues-new-guidance-members-congress-who-want-visit-ice-detention-facilities).

⁵ U.S. Immigration and Customs Enforcement, *Office of Congressional Relations* (updated June 30, 2025) (www.ice.gov/leadership/ocr) (accessed June 30, 2025).

⁶ Pub. L. No. 116-93; Pub. L. No. 116-260; Pub. L. No. 117-103; Pub. L. No. 117-328.

⁷ Pub. L. No. 118-47.

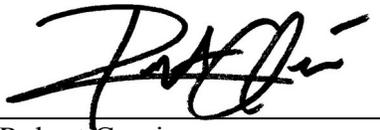
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work to obtain such information through alternate means.

1. Please provide a complete accounting of all congressional oversight requests to visit facilities operated by or for the DHS used to detain people for immigration related purposes, that have been denied or in any way restricted as of the date of your response to this inquiry, including the reason(s) for such denial or restriction;
2. Please provide all documents and communications related to DHS's assessment of the legality of the following policies, including whether any DHS official advised on their legality and was silenced or willfully disregarded:
 - a. the June 18, 2025, ICE Facility Visit and Engagement Protocol for Members of Congress and Staff;⁸ and
 - b. the subsequent policy that requests from Members of Congress must "be made a minimum of seven (7) calendar days in advance to schedule visits to DHS detention facilities" and that any request "to shorten that time must be approved by the DHS Secretary;"⁹ and
3. Please provide the names of all senior political officials who proposed, developed, finalized, or otherwise advanced the policies described in item 2.

We will continue to demand transparency, accountability, and respect for the rule of law that are essential to our values as a nation. The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. If you have any questions regarding this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this matter.

Sincerely,



Robert Garcia
Ranking Member



Eleanor Holmes Norton
Member of Congress

⁸ Immigration and Customs Enforcement, *Facility Visit and Engagement Protocol for Members of Congress and Staff* (June 2025) (previously available online at www.ice.gov/doclib/detention/iceFacilityVisitationCongressional.pdf, now on file with the Committee at <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/evo-media-document/icefacilityvisitationcongressional.pdf>).

⁹ U.S. Immigration and Customs Enforcement, *Office of Congressional Relations* (updated June 30, 2025) (www.ice.gov/leadership/ocr) (accessed June 30, 2025).



Stephen F. Lynch
Member of Congress



Raja Krishnamoorthi
Member of Congress



Ro Khanna
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Kweisi Mfume
Member of Congress



Shontel M. Brown
Member of Congress



Melanie Stansbury
Member of Congress



Maxwell Alejandro Frost
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Summer L. Lee
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Greg Casar
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Jasmine Crockett
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Emily Randall
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Suhas Subramanyam
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Wesley Bell
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Lateefah Simon
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Member of Congress


Ayanna Pressley
Member of Congress


Rashida Tlaib
Member of Congress

cc: The Honorable James Comer, Chairman