

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

May 1, 2025

The Honorable Gene L. Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Dodaro:

I write to request the Government Accountability Office (GAO) promptly and comprehensively examine U.S. Immigration and Customs Enforcement's (ICE) current and planned detention expansion efforts in light of President Trump's January 20, 2025, Executive Order entitled "Protecting the American People Against Invasion."¹

This Executive Order requires the Secretary of Homeland Security to detain, to the fullest extent permitted by law, individuals apprehended for violations of immigration law until their removal from the United States.² The order also directs the Secretary of Homeland Security to allocate all legally available resources to construct, operate, control, or use facilities for ICE detention purposes.³ As a result, ICE has escalated arrest operations nationwide, with news reports indicating that the agency is operating multiple detention facilities above capacity.⁴ Many individuals can and have been detained for weeks, months, or years as their cases wind through overburdened immigration courts or as ICE processes their removals.⁵

ICE officials have stated that they plan to dramatically expand ICE's detention capacity at a cost of billions of dollars.⁶ Proposed options include acquiring new facilities and repurposing existing ones operated by the U.S. military (including Guantanamo Bay Naval Base and Buckley Space Force Base), the Bureau of Prisons (BOP), and Customs and Border Protection (CBP).⁷ In

¹ Exec. Order No. 14159, 90 Fed. Reg. 8443 (Jan. 20, 2025) ("Protecting the American People Against Invasion").

² *Id.*

³ *Id.*

⁴ See e.g., Brittany Gibson, *Overcrowding Plagues Detention Units amid Trump's Immigration Blitz*, AXIOS (Mar. 23, 2025), <https://www.axios.com/2025/03/23/immigration-detention-overcrowding-trump>; and Douglas MacMillan, *Immigrants Forced to Sleep on Floors at Overwhelmed ICE Detention Centers*, WASH. POST (Apr. 20, 2025), <https://www.washingtonpost.com/business/2025/04/18/immigrant-detention-overcrowding-trump-crackdown/>.

⁵ See e.g., Freedom for Immigrants, *Detention by the Numbers* <https://www.freedomforimmigrants.org/detention-statistics> (last accessed Apr. 24, 2025); Transactional Records Access Clearinghouse (TRAC), *Legal noncitizens receive longest ICE detention* (June 3, 2013), <https://tracreports.org/immigration/reports/321/>.

⁶ See Sarah Cline and Kate Brumback, *US Seeks to Turn Deportations into an Efficient Business 'like Amazon'*, WASHINGTON POST (Apr. 18, 2025), https://www.washingtonpost.com/politics/2025/04/18/immigration-detention-louisiana-trump/8ddb69c-1c0a-11f0-9160-306c35f9b3a8_story.html.

⁷ See Zolan Kannyo-Youngs, Hamed Aleaziz, & Eric Schmitt, *Trump Plans to Use Military Sites Across the Country to Detain Undocumented Immigrants*, N.Y. TIMES (Feb. 21, 2025), <https://www.nytimes.com/2025/02/21/us/politics/migrants-military-sites.html>; Ryan Tarinelli, *Federal Prisons Holding Hundreds of Immigration Detainees*, ROLL CALL (Feb. 26, 2025), <https://rollcall.com/2025/02/26/federal-prisons-holding-hundreds-of-immigration-detainees/>; and Jasmine Garsd, *Wrong turn leads to hundreds of*

2021, GAO found that ICE failed to follow its own processes for acquiring detention space and raised concerns about the lack of independence among the agency's Contracting Officer's Representatives, who are charged with oversight of detention contracts and agreements.⁸ While GAO issued five recommendations to address these issues, most remain unimplemented.⁹ ICE's current actions raise serious concerns that it is repeating past mistakes on an even larger scale.

It is vital the Senate Judiciary Committee obtain real-time information about ICE's detention programs, including GAO's perspectives and ongoing data analysis. Therefore, I request periodic briefings or other interim products while GAO conducts its study and a final report summarizing GAO's findings. Specifically, I request that GAO address the following questions:

1. What trends are observable from available ICE data about the number and characteristics of individuals in its custody, including any changes since January 20, 2025?
2. What are the types and names of facilities ICE is using to detain individuals in its custody, and how has this changed since January 20, 2025? In particular, to what extent is ICE using BOP and U.S. military facilities for detaining individuals?
3. What costs has ICE incurred in detaining these individuals, and how has ICE funded, or does ICE plan to fund, this detention expansion (e.g., through reprogramming or transfers from within ICE or from other agencies)? How do these costs differ by type of detention space (e.g., whether the facility is owned by ICE, CBP, BOP, state or local governments, private companies, or the U.S. military)?
4. To what extent has DHS or ICE evaluated its growing needs for detention space and developed a plan for acquiring new detention space?
5. How does ICE determine where to house detained individuals, and to what extent does the agency consider facility cost and capacity data when placing them at detention facilities?
6. What detention standards does ICE require recently acquired or reopened detention facilities to meet, including short-term, previously vacant, or repurposed facilities, and to what extent is ICE overseeing compliance with those standards?
7. What offices or entities are overseeing short-term and long-term facilities and what oversight are they performing, including conducting facility inspections, receiving and addressing complaints, and performing other oversight activities? What do oversight activities, like facility inspections, show about the conditions of facilities used to detain individuals in ICE's custody?
8. What trends are observable from ICE data about case and removal outcomes for individuals detained in ICE custody?

immigrant arrests at the Detroit-Canada border bridge, NPR (Apr. 24, 2025), <https://www.npr.org/2025/04/24/nx-s1-5374937/immigrant-arrests-detroit-canada-border-bridge-detention> (CBP using office spaces to detain individuals).

⁸ *Immigration Detention: Actions Needed to Improve Planning, Documentation, and Oversight of Detention Facility Contracts*, U.S. GOV. ACCOUNTABILITY OFFICE (Jan. 12, 2021), <https://www.gao.gov/products/gao-21-149>.

⁹ *Id.*

It is critical that ICE's expansion of detention facilities is subject to rigorous oversight, adheres to legal standards, and does not repeat past failures. I appreciate your attention to this matter and look forward to working with you.

Sincerely,

A handwritten signature in blue ink, reading "Dick Durbin", is positioned above a horizontal line.

Richard J. Durbin
Ranking Member

cc: The Honorable Charles E. Grassley
Chairman, Senate Committee on the Judiciary