

Congress of the United States

Washington, DC 20510

May 12, 2025

The Honorable Kristi Noem
Secretary of Homeland Security
Department of Homeland Security
2707 Martin Luther King Jr. Avenue SE
Washington, D.C. 20528

The Honorable Todd Lyons
Acting Director
Immigration and Customs Enforcement
500 12th Street SW
Washington, D.C. 20536

Dear Secretary Noem and Acting Director Lyons,

We are alarmed and forcefully condemn the events that took place on May 9, 2025, at the Delaney Hall Immigration and Customs Enforcement (ICE) detention facility in Newark, New Jersey, and urge you to issue clarifying direction to Department of Homeland Security personnel about the explicit legal right that a Member of Congress has to access a detention center.

During a site visit by three Members of Congress – Representatives Bonnie Watson Coleman, Rob Menendez, and LaMonica McIver – Newark Mayor Ras Baraka waited outside in a fenced-in parking lot as protestors gathered on the other side of the fence. He was told to leave the fenced-in part of the parking lot and, despite complying with the request, was arrested by ICE agents. Subsequently, a Department of Homeland Security (DHS) spokesperson indicated that arrests of the attending Members of Congress are, “on the table,” alleging that one of them “body-slammed” an ICE officer – a claim uncorroborated by witnesses or available video evidence¹.

Members of Congress possess explicit statutory authority to conduct unannounced oversight visits to facilities operated by or for the Department of Homeland Security. This was outlined in the Consolidated Appropriations Act, 2020 (Public Law 116-93), Division D – Department of Homeland Security Appropriations Act, 2020, Sec. 532 and re-affirmed in each year since, including Section 527(a) of the Department of Homeland Security Appropriations Act, 2024 (Public Law 118-47), which stipulates:

None of the funds appropriated or otherwise made available to the Department of Homeland Security by this Act 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... [nor] to make any temporary modification at any such facility that in any way alters what is observed by a visiting Member of Congress... compared to what would be observed in the absence of such modification.

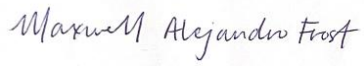
Furthermore, subsection (b) clarifies that nothing in this section requires a Member of Congress to provide prior notice of intent to enter such a facility for oversight purposes. The Department itself has affirmed the oversight duties of Members of Congress in guidance posted by ICE dated to February 2025². Arresting Members of Congress for performing their lawful oversight duties cannot be “on the table” because that action would be explicitly unlawful.

¹ Rivard, R. and Han, D. (2025) *DHS spokesperson: More Dem arrests are ‘on the table’ after ice facility Scrum - Politico*, Politico. (Accessed: 11 May 2025).

² “Facility Visits and Operational Ride-Along Guidance for Members of Congress and Staff.” U.S. Immigration and Customs Enforcement. Updated: 2025, January 27. Accessed: 2025, May 12. <https://www.ice.gov/leadership/ocr/facility-visits>

We anticipate your prompt confirmation that clarifying direction has been given by **May 17, 2025**.

Sincerely,

A handwritten signature in black ink that reads "Maxwell Alejandro Frost".

Maxwell Alejandro Frost
Member of Congress

/s/

Veronica Escobar
Member of Congress

A handwritten signature in blue ink that reads "Jason".

Jason Crow
Member of Congress