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PAUL D. TONKO

U.S. HOUSE OF REPRESENTATIVES
20TH DISTRICT, NEW YORK

COMMITTEE ON ENERGY AND COMMERCE
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MANUFACTURING, AND CRITICAL MATERIALS
SUBCOMMITTEE ON ENERGY, CLIMATE, AND GRID SECURITY
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

COMMITTEE ON SCIENCE, SPACE,
AND TECHNOLOGY

September 21, 2026

Secretary Markwayne Mullin
Department of Homeland Security
395 E Street SW
Washington, DC 20423

Mr. David J. Venturella
Acting Director
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, DC 20536

Steven Kurzdorfer
Acting Field Office Director
Buffalo Federal Detention Facility
4250 Federal Drive
Batavia, NY 14020

Dear Secretary Mullin, Acting Director Venturella, and Acting Director Kurzdorfer:

I am writing today to follow up after my visit to the Buffalo Federal Detention Facility in Batavia, New York, on August 3, 2026. My visit to this facility came amid increased Immigration and Customs Enforcement (ICE) activity and arrests in New York's Capital Region,¹ as well as across the country, and after I was illegally denied entry to this same facility in August 2025.²

In July 2026, ICE announced that it would be constructing a 100-bed facility to expand the Buffalo Federal Detention Facility.³ ICE intends to use taxpayer dollars for this expansion and says that it will operate "in accordance with applicable National Detention Standards,"⁴ yet ICE

¹ <https://www.timesunion.com/news/article/ice-activity-capital-region-increasing-22381651.php>

² <https://www.news10.com/news/ny-news/congressman-says-entry-denied-at-federal-detention-center-in-batavia/>

³ <https://rochesterbeacon.com/2026/07/14/dhs-expanding-ice-detention-facility-in-batavia/>

⁴ <https://nysfocus.com/2026/07/09/ice-buffalo-detention-facility-expansion-batavia>

has failed to answer basic questions about what this expansion might look like, estimated construction timelines, and who would be housed in such an expansion. During my visit to the Buffalo Federal Detention Facility, I followed up for further detail on these questions and was extremely disappointed by the lack of transparency and detail in the responses I received. Now, federal records show that after just a single day of public notice, ICE awarded a contract for the construction and operation of the expansion of this facility,⁵ a decision that was made in clear violation of the statutorily required minimum of 15 days of public notice for federal contracts. I am following up to demand proper and substantive responses to my questions below and requesting that you send my office all records related to the decision to construct the facility, including official memos, cost estimates, and communications with any contractors.

1. What is the full construction timeline for this expansion?
2. Have you completed the environmental review for this planned expansion?
3. What does “hard-sided” mean? Will these structures be able to safely house detainees during a Buffalo winter? If yes, provide relevant data to back this assertion. Does the facility have an emergency winterization plan?
4. Will the facility be for temporary or permanent lodging of detained individuals? What is the expected sleeping arrangement? Will detainees be provided individual sleeping quarters? Will the bathrooms in the facility have running water? Will this facility be equipped with air conditioning and heating?
5. Does ICE plan to detain any women or children at the new facility? Do you expect to detain members of the same family at this facility? Do you expect that individuals detained in this facility will interact with individuals detained in the main facility?
6. Please provide all information that allowed you to make the determination that “only Akima Infrastructure Protection, LLC can meet the requirement in the required timeframe without unacceptable risk to ERO operations.”⁶ Are the costs of the construction and operation of this expansion included in Akima Infrastructure Protection, LLC’s existing contract with ICE? Will you be hiring additional staff for this facility? Will prior contracts for the original facility, including those for security, health, and food preparation, be in force for this new facility?
7. What does your organization determine to be an “unacceptable risk to ERO operations?” Please provide all relevant materials that led you to make this determination.

This expansion is especially concerning given the conditions that have been alleged by current and former detainees, including many of my constituents, at the Buffalo Federal Detention Facility. Detainees have alleged overcrowding, issues with accessing medical care in a timely fashion, and excessive use of solitary confinement as punishment.⁷ My own constituents have

⁵ <https://sam.gov/workspace/contract/opp/f78a73b0fd3542f3a3fab93f59bae8d0/view>

⁶ *ibid*

⁷ <https://investigativepost.org/2025/07/30/another-bad-review-for-ices-batavia-detention-center/>

also alleged overcrowding at this facility, including being forced to sleep on the floor,⁸ and during my visit I witnessed staff wheeling additional cots inside the facility. I was also particularly struck that you were shackling a detainee at the wrists and ankles even though he was designated as a non-criminal and non-violent detainee, and upon further inquiry was told that this behavior was standard practice for detainees when leaving the facility. This is deeply disturbing and dehumanizing behavior, and I am angered that it is taking place under the federal government's watch.

8. How often has solitary confinement been utilized at this facility? Please provide the documented reasons for and length of each placement, including whether an individual's classification (non-criminal, criminal/non-violent, violent).
9. Your most recent publicly available data shows that you are detaining 699 people in the Buffalo Federal Detention Facility,⁹ which is over your 650-bed capacity. However, your publicly shared data has not been updated in months.¹⁰ How many people are currently detained in Batavia? Do you track the daily population of this facility? How many times in the past six months has this facility been over capacity? How many individuals are sleeping on cots on any given night? Are individuals ever forced to sleep on the floor? Please provide all data for the population of this facility during fiscal year 2026.
10. Do you ever move large numbers of detainees in and out of the facility at a time? Did you move more than 100 detainees out of the facility in advance of my visit? If so, where were those 100 detainees moved during my visit?
11. During fiscal years 2024 and 2025, detention statistics for this facility were updated approximately 22 times. As of September 4, 2026, they have been updated approximately 8 times in fiscal year 2026. Why have these numbers not been updated more regularly over the past fiscal year?
12. Is it standard practice to shackle non-criminal, non-violent detainees at the wrists and ankles when they are leaving the facility? Please provide the relevant statute that directs this behavior.

As an agency, your practices and standards, as well as the behavior and actions of your employees, have been appalling. For the safety of our communities and my constituents, I demand that you take immediate action to correct the horrific and dehumanizing behavior that your employees have exhibited and pause the plans for this expansion. Your agency is operating with little regard for human life and dignity, and you have repeatedly refused to cooperate with lawful Congressional oversight. As an agency, you report that at least 22 people¹¹ have died while detained in facilities across the United States this year, which is an

⁸ <https://www.timesunion.com/news/article/johan-sandoval-talks-about-ice-detention-22351457.php>

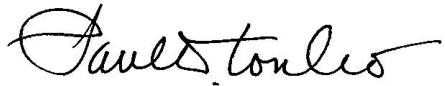
⁹ <https://www.ice.gov/detain/detention-management#stats>

¹⁰ <https://detentionreports.com/facility/BTV.html>

¹¹ <https://www.ice.gov/detain/detainee-death-reporting>

unprecedented and horrifying increase. At the same time, my colleagues and I have serious concerns regarding the reliability and accuracy of your data on deaths in custody.¹² Your recent actions, coupled with my visit to the Buffalo Federal Detention Facility have raised serious questions, and I demand that you respond with the transparency the American people require before September 30, 2026.

Sincerely,

A handwritten signature in black ink that reads "Paul D. Tonko". The signature is fluid and cursive, with the first name "Paul" and last name "Tonko" clearly legible.

Paul D. Tonko
Member of Congress

¹² <https://pallone.house.gov/media/press-releases/pallone-leads-87-house-democrats-demanding-answers-50-deaths-ice-custody>