

# Congress of the United States

Washington, DC 20515

May 21, 2026

The Honorable Markwayne Mullin  
Secretary  
Department of Homeland Security  
Washington, DC 20528

Mr. Todd M. Lyons  
Acting Director  
U.S. Immigration and Customs Enforcement  
Washington, DC 20024

Dear Secretary Mullin and Acting Director Lyons:

I am writing following up on my recent oversight visit to the Metropolitan Detention Center in Brooklyn (MDC Brooklyn) on May 18, 2026. As you know, there is an active Interagency Agreement (IAA) between the Department of Homeland Security (DHS) and the Federal Bureau of Prisons (BOP) which has resulted in the detention of nearly 200 immigrant detainees — most of whom have no criminal records whatsoever — at the MDC Brooklyn, a jail for federal criminal defendants.<sup>1</sup> The immigration detainees are being held indefinitely and treated identically to the criminal defendants there — currently including former Venezuelan President Nicolas Maduro and alleged murderer Luigi Mangione — despite having no criminal record. This is unacceptable and must be corrected immediately, starting with addressing the concerns I raise below.

While I appreciate the DHS' [response](#) to my February 19, 2026, letter in which the Department provided important information regarding the ICE detainee population, many issues — such as lack of timely medical care and sometimes unsanitary conditions — still persist.

First, there has been no improvement to the provision of medical care. Two detainees I spoke with both said their requests to see a dentist for infections and other pain-related issues have not resulted in an appointment. Another detainee reported ongoing kidney pain and stated that despite x-rays having been conducted, there was no significant follow-up medical care to address his pain that persists. These issues are part of a consistent pattern of medical neglect that, despite my best efforts to raise through the course of my oversight, continue to be ignored.

Second, I heard serious concerns about the conditions of the facility. For example, the water provided to the detainees is sometimes brown or filled with sediment. Toilets in cells have restrictions on the number of times they can be flushed, sometimes causing them to smell for an extended period of time. Shower drains are often clogged, and the water is often either freezing or scalding hot.

---

<sup>1</sup> Agreement Between ICE and BOP Re: Detaining Immigrants at Federal Prisons, Obtained by Associated Press, (February 14, 2025), <https://www.documentcloud.org/documents/25536309-agreement-between-ice-and-bop-re-detaining-immigrants-at-federal-prisons/>.

Third, similar to criminal defendants, and different from other ICE detention facilities, restrictions on phone call time unreasonably limit the ability of detainees to communicate with legal representatives or loved ones. Unlike criminal defendants who have a right to counsel, immigrant detainees are not and many are proceeding *pro se* and are therefore unable to schedule appointments with approved attorneys. They have insufficient time to speak to potential counsel or others about their cases. In addition, like the criminal defendants but unlike other ICE facilities — despite ICE’s [encouragement for facilities](#) to allow detainees to maintain ties with friends in the community — visitations at MDC are limited to family members and are only allowed on Saturdays.

Fourth, pursuant to BOP policy, the MDC does two “counts” during the day that can take up to two hours each, during which all detainees are required to remain in their cells. When combined with the 10 hours at night when they are also required to be in their cell, they have only 10 hours a day to be in common areas. Moreover, when there are minor issues with facilities or staffing, they are forced to remain in their cells for 22 hours per day, as happened for four days last week when one of the elevators broke. Furthermore, the BOP corrections officers who are trained to deal with criminal defendants frequently send detainees to solitary confinement if they do not like the way a detainee speaks to them. Separate and apart from whether these restrictions are appropriate for criminal defendants, they are certainly not reasonable for non-criminal immigration detainees.

These concerns further support my broad opposition to ICE using BOP facilities for non-criminal immigration detainees, many of whom have active immigration cases (and are therefore lawfully residing in the country) yet are held indefinitely in conditions designed for criminal defendants. **I urge you to cancel the IAA and stop treating immigrants seeking lawful pathways to remain in the country as criminals.**

To the extent you continue to implement the IAA, I demand that DHS amend it to address the above-mentioned concerns and ensure that the issues surrounding medical care are immediately addressed. I recently met with BOP Director Marshall, who pledged to address some of the aforementioned concerns. However, it is clear that your Department must take a more active role in ensuring these conditions improve without further delay since BOP will operate the immigration pods under their procedures designed for criminal defendants without direction from DHS.

In addition, I am requesting answers to the following questions and requests no later than May 29th, 2026:

1. Since the IAA was first enacted, how many ICE detainees have been detained and housed at the MDC Brooklyn facility? As of the date this letter was received, what was the current ICE detainee population count? Please provide updated numbers since your last response.
2. As of the date of this letter, how much money has ICE/DHS reimbursed BOP for the costs and expenses related to the housing and detention of ICE detainees? Please provide updated figures since your last response.
3. Publicly available [data](#) indicates that the vast majority of the ICE detainee population is “non-criminal.” How many individuals who are currently detained as part of the ICE

population have criminal records? How many do not? Please provide a detailed report of non-criminal versus criminal detainees held at the facility.

4. Please provide a breakdown of current detainees by age. Please provide a similar breakdown for past detainees.
5. What steps have been taken, since your last response, to ensure detainees have access to medical care such as medical visits and evaluations and are provided with medications in a timely manner?
6. What steps can be taken to ensure the safety of the water supply beyond annual testing? Are there alternative points of access to clean water for detainees when the issues outlined above arise?
7. Will the Department coordinate with the BOP to expand visitation policies to include visits from friends and other non-family visitors? Please provide a detailed timeline for this implementation if so. If not, please provide an explanation as to why this access will not be accommodated.
8. Will the Department coordinate with the BOP to expand the number of minutes available for immigration detainees to use the telephone? Please provide a detailed timeline for this implementation if so. If not, please provide an explanation as to why this access will not be accommodated.
9. Will you commit to working in coordination with BOP leadership to address these outstanding concerns?

We look forward to your prompt and thorough response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Goldman', written over a horizontal line.

Dan Goldman  
Member of Congress

cc:

William K. Marshall III  
Director  
Federal Bureau of Prisons  
320 First Street, NW  
Washington, DC 20534