

United States Senate

WASHINGTON, DC 20510-0309

February 10, 2026

The Honorable Kristi Noem
Secretary
Department of Homeland Security
2707 Martin Luther King Jr. Ave., SE
Washington, DC 20536

Mr. Todd Lyons
Acting Director
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, DC 20536

Dear Secretary Noem and Acting Director Lyons,

We write with serious concerns about the Department of Homeland Security's (Department) acquisition of a commercial warehouse facility in Surprise, Arizona, recorded on January 23, 2026.¹ Public reporting indicates that the Department purchased this commercial warehouse to convert the site into a U.S. Immigration and Customs Enforcement (ICE) "processing facility with about 1,500 beds."² The Department is carrying out this project without so much as notifying the City of Surprise or Maricopa County officials. Our offices learned of this project through public news reports and asked for details from your agencies, but those requests have yet to be answered. Given the scale of this project, the total lack of community involvement, the concerns we have heard from local leaders, and the potential implications for the community and region, we urge the Department to immediately provide answers about this project before it moves forward.

Officials from the City of Surprise have indicated they were not informed or consulted about the property sale or the Department's plans for this site, which has contributed to uncertainty and concern among city leadership and residents.³ We are deeply concerned by the lack of meaningful engagement with local leadership prior to this acquisition, which follows a pattern for how the Department has conducted immigration enforcement under this administration. The Department's real property management program has long followed guidance documents, issued by the General Service Acquisition, detailing the proper procedures for acquiring new federal

¹ Jessica Boehm, *Axios Phoenix*, "ICE warehouse purchase fuels Valley immigration enforcement concerns," February 4, 2026, <https://www.axios.com/local/phoenix/2026/02/04/dhs-surprise-warehouse-immigration-detention>.

² Elena Santa Cruz and Richard Ruelas, *Arizona Republic*, "ICE confirms it will add 1,500-bed detention facility in Surprise," January 30, 2026, <https://www.azcentral.com/story/news/local/surprise/2026/01/30/ice-surprise-detention-facility-confirmed/88431249007/>.

³ City of Surprise, "Statement from the City of Surprise," January 30, 2026, <https://surpriseaz.gov/1155/City-News?contentId=2a6d02c6-8bb9-4a6f-b2b4-9734b84b929a>.

property.⁴ Such guidance has held that “consultation and engagement and consideration of local input must occur in urban areas” prior to the acquisition or construction of federal real property.⁵ Failure of the Department to follow these longstanding best practices undermines the principles of cooperative federalism and threatens to seriously damage trust between federal agencies and the communities that host federal facilities.

Furthermore, the acquisition of real property has long been considered a “major federal action” under the National Environmental Policy Act (NEPA).⁶ While the Department maintains a categorical exclusion within its NEPA procedures manual for the acquisition of property, the categorical exclusion applies only if the property acquisition “does not result in a change in the functional use of the property,”⁷ which is not applicable in this case. Surprise is one of the fastest-growing cities in Arizona with a population that has increased by more than 17 percent since 2020.⁸ The pace of this growth has placed ongoing pressure on local infrastructure, water resources, public safety, and economic development planning. Given the potential for significant impacts related to the Department’s acquisition and conversion of a warehouse into a detention facility, an environmental assessment is appropriate to ensure the City of Surprise has a full understanding of these impacts, particularly with regard to the city’s water usage, utilities, and traffic.

This acquisition appears to be part of a broader, nationwide effort by the Department to rapidly expand detention capacity through the purchase and conversion of mega commercial warehouses at unprecedented scale and speed. At some facilities, the Department plans to hold as many as 10,000 individuals—over twice the capacity of ICE’s largest existing detention facility—starting in just a couple of months with little to no public input.⁹ Given the sheer size of the planned facilities, the aggressive schedule for opening them, and the complete lack of transparency associated with the planning process, the Department’s approach raises serious concerns about whether these projects have had sufficient planning and environmental review to proceed. As a result, cities like Surprise, and the American public at large, are being left in the dark about the major impacts these facilities will inevitably have on their communities.

⁴ U.S. Department of Homeland Security, *DHS Directive 119-02, Real Property Management Program*, Revision 00, December 10, 2012, https://www.dhs.gov/sites/default/files/publications/mgmt/administrative-management/mgmt-dir_119-02-real-property-management-program_revision-00.pdf.

⁵ 41 C.F.R. § 102-83.95 (2024).

⁶ 40 C.F.R. § 1508.18 (2010).

⁷ U.S. Department of Homeland Security, *Instruction Manual 023-01-001-01, Rev. 01: Implementation of the National Environmental Policy Act (NEPA)*, May 27, 2014, https://www.dhs.gov/sites/default/files/publications/DHS_NEPA%20IM%20023-01-001-01%20Rev%2001_version%20for%20FR_5-27-14.pdf.

⁸ U.S. Census Bureau, *QuickFacts: Surprise city, Arizona*, accessed February 10, 2026, <https://www.census.gov/quickfacts/fact/table/surprisecityarizona/POP010210>.

⁹ Joanathan O’Connell and Douglas MacMillan, *Washington Post*, “ICE buys warehouses for mass detention network, rattling locals,” January 30, 2026, <https://www.washingtonpost.com/investigations/2026/01/30/ice-warehouse-detention-dhs-immigration>.

To better understand the Department's plans and address concerns raised by our constituents, we request the Department and ICE provide detailed responses to the following questions relating to the Department-purchased facility in Surprise, Arizona:

1. What is the intended use and operation duration of the facility? What functions will occur on site?
2. What is the anticipated timeline for renovation, changes, and/or retrofitting of the existing structure? Who will be responsible for making these renovations, changes, and/or retrofits, and under what authorities or contracts?
3. What is the anticipated date by which the facility will be operational?
4. Has the Department published a finding of no significant impact for the acquisition and modification of this property as required by NEPA? If not, under what categorical exclusion or other relevant authority is the Department relying on to bypass these required reviews?
5. What detention standards will this facility be subject to and why?
6. What is the estimated cost for making this site operational, including purchase price, renovating/retrofitting costs, construction, and other similar costs?
7. What are the estimated annual operational costs?
8. What are the source(s) of funds for the costs outlined in response to questions six and seven?
9. What analyses has the Department conducted regarding impacts on local transportation, infrastructure, water and wastewater systems, utilities, and emergency services?
10. What is the projected detainee capacity, average daily population, length of stay, and staffing levels?
11. How does the Department plan to engage with the City of Surprise and Maricopa County moving forward?
12. Who will operate the facility on a day-to-day basis, and under what authorities or contracts?
13. Is this facility intended to operate on a temporary or permanent basis, and what criteria would be used to modify, expand, or terminate operations at this site?

Given the scale of the facility, the lack of transparency surrounding this process, and the concerns raised by residents and local leaders, we demand prompt and substantive engagement by the Department. Thank you for your attention to this matter.

We look forward to your response to this request and an associated briefing by February 17, 2026.

Sincerely,



Mark Kelly
United States Senator



Ruben Gallego
United States Senator