

Congress of the United States
Washington, DC 20515

March 5, 2026

Mr. Rodney Scott
Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue NW
Washington, D.C. 20229

Mr. Edward Forst
Acting Administrator
U.S. General Services Administration
1800 F St NW
Washington, DC 20006

Dear Mr. Scott and Mr. Forst:

We write to express our strong opposition and demand you immediately reverse any effort to establish a U.S. Customs and Border Protection (CBP) detention center at the Kenneth B. Keating Federal Building in downtown Rochester, New York. This proposal raises serious concerns for the Rochester community, the federal judiciary, and the day-to-day operations of the building itself.

Numerous residents utilize the Kenneth B. Keating Federal Building every day for a variety of vital services. It's a civic building that houses the Western District of New York Federal Courts, Social Security Administration Office of Hearings, U.S. Small Business Administration, U.S. Department of Agriculture, U.S. Department of Labor, the U.S. Attorney's Office, the U.S. Marshals Service, the U.S. Probation and Pretrial Services Office, congressional offices, and other federal offices, serving as a hub for judicial proceedings and public services for the community. It is also home to a daycare facility, providing essential, on-site childcare for working parents, and is located next door to a major hotel, public park, and 600-space municipal parking garage.

It is unacceptable that CBP and the U.S. General Services Administration (GSA) have planned and proceeded upon establishing this detention center without meaningfully consulting local officials, community members, or without addressing the concerns raised by the Federal Court. Decisions of this magnitude and impact should never be made in secrecy; rather, they require opportunity for full public review and input. It is deeply disappointing and disturbing that this course of action was not followed in this instance. In the span of just a few days, after details of this proposal were learned by the public, we have seen hundreds of community members protest in outrage at the lack of transparency and in fierce opposition to this plan.

On Friday, the GSA claimed that "The Court approved CBP's occupancy as a compatible tenant five years ago in 2021." This statement is inaccurate. In 2021, CBP said that it would only use temporary holding cells in the federal building, where individuals would be detained for just a few hours before being released. The plan being proposed now, however, calls for CBP to operate 24/7 detention facilities in the Keating Federal Building, with detainees being held for

multiple unspecified periods of days and nights, and with detainees cycling through continuously to be held in cells.

This approach is a major departure from the representations CBP made in the 2021 Tenant Suitability Survey, which indicated that detainees would be held for only 1 to 3 hours before being released on their own recognizance. To say this arrangement is unusual would be an understatement — it is entirely inappropriate. We understand there is no other federal courthouse of Rochester’s size or with this many judges that also houses detention cells. What is being proposed at the Keating Federal Building in downtown Rochester would be a rare, and entirely unacceptable, exception to operational norms. In other words, combining a large federal courthouse with continuous detention operations is virtually unprecedented.

The vast majority of the people who would be held in these detention cells do not have any connection to the Western District of New York Federal Courts. They are not held under judicial warrants or oversight, not facing federal charges in this district, nor are they appearing before any judges housed in the Keating Federal Building. This lack of connection means there is no legitimate reason to co-locate detention operations within a federal courthouse, and doing so serves no judicial purpose as it relates to the Western District federal court.

Housing unrelated detainees in the same building as active court proceedings disrupts the functioning of the courthouse and introduces tension between unrelated federal operations, as well as with non-federal operations, including the childcare facility. It blurs the line between judicial functions and law enforcement detention, which are typically kept separate to ensure both public access to courts and the integrity of judicial proceedings.

It must be acknowledged that no one has ever lived in the federal building 24/7. And now, CBP is seeking to detain men, women, children, and families there. And because this would be a CBP facility, it would not be subject to the same strict detention standards that apply to U.S. Immigration and Customs Enforcement (ICE) facilities. That means basic necessities we take for granted—hygiene supplies, showers, full meals, and adequate medical care—would not be guaranteed.

We worry that those who would be detained there would be forced to live in a building designed for offices and courts, not for human habitation, with inadequate safeguards to protect their safety, dignity, and wellbeing.

Recent events under the Trump administration, such as the death of Nurul Amin Shah Alam, a 56-year-old nearly blind, non-English-speaking Rohingya refugee from Myanmar, make it painfully clear that the Department of Homeland Security (DHS) and CBP have profound operational challenges in ensuring the safety of those in its custody. Expanding DHS detention cells in the heart of downtown Rochester, is not only misguided but dangerous, and it is absolutely not supported by those who work in the building, the public which must regularly access this building, or the broader Rochester community.

Given the serious community concerns—and the fact that this process moved forward without public notice, a public process, or transparency— we request answers in writing to the following questions:

1. Please provide and make public detailed design plans for the entire proposed CBP leased space in the Keating Federal Building including the detention areas, including total square footage, layout, and the specific location of the detention cells within the building;

as well as any and all other spaces that will be included in the CBP lease such as an 1,840 sq ft fitness center that CBP reportedly requested to be included solely for the use of CBP personnel.

2. Provide a detailed breakdown of the total cost and timeline to construct this new CBP facility, including all necessary security upgrades in and around the Keating Federal Building including the projected timeline, in weeks, for building out and completing the proposed space.
3. Provide a detailed breakdown of traffic studies and traffic modeling for State Street and Andrews Street and the associated area that have or will be conducted as part of this construction. Andrews St. is a major downtown city thoroughfare and one of only a few east-west connections that traverse the Genesee River between the City's east and west sides. It is not unusual for vehicles to get "stacked up" behind each other on Andrews Street and impede traffic as they must queue up and wait for the slow-moving motorized entrance gates at the Keating Federal Building to open in order for each vehicle to enter one-by-one to eventually access the employee parking and loading dock areas.
 - How will the addition of CBP vehicles and personnel entering and exiting the Andrews Street motorized gates on a 24/7 basis exacerbate the likelihood of unsafe vehicle and pedestrian conditions along Andrews Street?
 - How will the construction and operation of the additional CBP facilities impact on the ability of employees and the public to access the building and the ability of parents dropping off and picking up their children from the daycare center?
4. Provide a detailed accounting of the local and regional jurisdictions, including the City of Rochester, County of Monroe, and local law enforcement agencies that have been included to date and entities that you intend to include as involved parties to provide input and public comment on the viability and safety of this facility to be constructed in downtown Rochester. Provide a breakdown of how this construction will adhere to zoning, traffic, safety, and other building requirements.
5. What CBP facilities and activities will be relocated from CBP's current 5,500 sq ft "Rochester Station" headquarters and operational facility at 171 Pattonwood Drive to the new facility planned to be constructed at the Keating Federal Building. During and after the construction of the CBP Keating facility, what will be the disposition of the Rochester Station facility at 171 Pattonwood Drive?
6. How many detention holding cells do you plan to construct, how many people will be housed in each detention cell, and what is the intended duration of detention for individuals held there? Will these facilities be used to detain women, children, or pregnant individuals?

7. What services and standards of care will be provided to individuals held in these facilities, including access to hygiene supplies, showers, full meals, and adequate medical care? Please specify the applicable standards governing care and treatment.

8. Given the strong opposition by local leaders and the community, will you delay implementation of these plans to allow for a public comment period where Rochester residents can make their voices heard and concerns taken into account?

Let us be clear this is not how an agency should conduct operations in a community. We remain staunchly opposed to this plan and our constituents expect answers to these basic questions which should have already been made public. We ask that you provide written responses to this letter by no later than March 13, 2026.

Sincerely,



Charles E. Schumer
United States Senator



Kirsten Gillibrand
United States Senator



Joseph D. Morelle
Member of Congress