



THE CONTRACT CAME FIRST

How a Billion-Dollar Detention Network Was Procured Before It Was Reviewed

E. Lawrence Anderson | Yellow Jacket Policy Research Series | July 2026

I. THE NUMBER

On February 12, 2026, at 6:08 in the evening, someone inside U.S. Immigration and Customs Enforcement generated a five-page document marked FOR OFFICIAL USE ONLY. It was titled *ICE Detention Reengineering Initiative*. Six weeks later it became Plaintiffs' Exhibit 2 in a federal lawsuit in the Eastern District of Michigan, and so it is now a public record.

It says what the program is.

Under the Detention Reengineering Initiative — the DRI — ICE's Enforcement and Removal Operations division would "fully implement a new detention model by the end of Fiscal Year 2026." The model comprises eight large-scale detention centers, sixteen processing sites, and the acquisition of ten existing "turnkey" facilities where ERO already operates. Thirty-four facilities. The estimated cost is **\$38.3 billion**, drawn from the appropriation Congress passed in the One Big Beautiful Bill Act. The design target is **92,600 beds**.

The document specifies the architecture. Regional Processing Centers house an average daily population of 1,000 to 1,500 detainees for stays of three to seven days; they are "staging locations for transfers or removals." Large-Scale Detention Facilities hold 7,000 to 10,000 detainees for periods averaging less than sixty days; they are "the primary locations for international removals." The facilities include lobbies, dormitories, cafeterias, law libraries, medical services, recreational space — and courtroom spaces.

The DRI does not hedge about what the network is for. The facilities will "help ICE effectuate mass deportations." Asked in its own FAQ whether the sites will be used long-term, the document answers: "Yes. The new sites will serve as ICE's long-term detention solution."

And it explains, in a single sentence, why the beds are needed at all:

"ICE's surge hiring effort has resulted in the addition of 12,000 new law enforcement officers. For ICE to sustain the anticipated increase in enforcement operations and arrests in 2026, an increase in detention capacity will be a **necessary downstream requirement**."

That sentence deserves to be read carefully, because it is the government's own account of its own program, and it is more modest than the account its critics have offered.

The beds are downstream. The officers came first. Detention capacity is not the objective; it is the consequence of an arrest volume that has already been staffed for. If you hire twelve thousand officers and instruct them to arrest at

scale, you will need somewhere to put the people they arrest. The DRI says so plainly, in a document it did not expect anyone outside the agency to read.

This paper takes ICE at its word on that point, and it declines the stronger claim.

There is a reading of this program — a common one, and one this research initiative has itself entertained in prior work — which holds that 92,600 beds cannot be explained by removal throughput, that the arithmetic overshoots any plausible deportation pipeline, and that the excess capacity therefore implies some undisclosed purpose. That reading is not supported by the primary record. The primary record says the opposite: capacity is a downstream requirement of arrest volume, stated by the agency, in an internal document, without qualification.

The capacity question remains open as a *question*. A national network of thirty-four owned facilities, sized for 92,600 simultaneous detainees and built to a five-year contractual horizon, is a capability that outlasts the policy that produced it. That is worth watching. It is not evidence of a purpose no one has stated, and this paper will not treat it as such.

What the record *does* support is narrower, harder, and considerably more damning. It is not about why the beds were wanted.

It is about the order in which things were done.



II. THE REVIEW THAT WASN'T

To understand what happened at Williamsport, Maryland, you have to first understand what happened at Laredo, Texas.

In April 2024, the Department of Homeland Security proposed a new Joint Processing Center in Webb County, Texas — a facility capable of accommodating five hundred non-citizens. Before proceeding, DHS issued a **224-page Supplemental Environmental Assessment**. It distributed notice of the proposed action to thirty potentially interested federal, state, and local agencies, Indian Tribes, and stakeholder groups. It opened a thirty-day period for public input. It publicized the documents online and in local news. It then opened a *second* thirty-day comment period on the draft assessment, and considered every comment it received.

That is what the National Environmental Policy Act looks like when an agency intends to comply with it. It is not a hypothetical standard imposed by hostile litigants. It is DHS's own conduct, at its own initiative, twenty-two months ago, for a facility one-third the size of the one at issue here.

Now Williamsport.

On or about January 16, 2026, DHS and ICE purchased an **825,620-square-foot** warehouse outside Williamsport, Maryland — a town of just over two thousand people — for approximately **\$102.4 million**. The intent was to convert it into an immigration detention facility.

Before the purchase, ICE completed what it calls a **Record of Environmental Consideration**, or REC. A REC is a real DHS instrument; there is nothing invented about it. It is the documentation an agency prepares when it has determined that a proposed action falls within a **categorical exclusion** — a pre-approved category of federal action that Congress and the agency have agreed does not normally require an environmental assessment or impact statement at all.

ICE claimed three of them: **C1** (Real Estate Activities), **D1** (Repair & Maintenance Activities), and **E2** (Construction, Installation, and Demolition Activities).

Here is the text of C1, as ICE invoked it and as the district court quoted it:

"Real Estate Activities — Acquisition of an interest in real property that is **not within or adjacent to environmentally sensitive areas** ... which **does not result in a change in the functional use of the property**."

Read that against what ICE bought, and what it bought it for.

The categorical exclusion is available for real-estate acquisitions that **do not change the functional use of the property**. ICE invoked it to acquire a commercial warehouse **for the sole and express purpose of changing its functional use into a detention center**. That is not an interpretation. It is the transaction, set against the words of the exclusion that was claimed to cover it.

The exclusion is further limited to property **not within or adjacent to environmentally sensitive areas**. The Williamsport property sits above Semple Run, a tributary of the Conococheague Creek and thence the Potomac. Maryland's Department of Natural Resources has identified two state-designated Ecologically Significant Areas within half a mile — Kemps Springs, roughly two thousand feet southwest, home to rare limestone springs and their associated invertebrates, and Conococheague-Kemps Mill, roughly fourteen hundred feet northwest. The federal government's own data indicates the possible presence of protected bat species on or near the property.

A categorical exclusion is not a finding that a project is harmless. It is a determination that the project is of a type that does not require the agency to find out.

The REC, dated with an estimated start date of **January 19, 2026** — three days after the purchase closed — certified that the warehouse "will utilize

existing infrastructure, including water, sanitary sewer, stormwater management, and transportation access," and is "designed to accommodate up to **542 detainees**." Housing would consist of 448 typical dormitory pods, 32 ADA-compliant pods, and 62 pods designated for behavioral and special housing needs. The facility would include four separate secure recreation yards, two cafeterias, a kitchen, three multi-purpose rooms, a health services room, and laundry facilities.

And it certified this:

"No off site sewer upgrades or new connections are anticipated."

"No new building additions, footprint expansions, off site construction, or **capacity related improvements** are included in the Project."

Maryland's Department of the Environment examined the site. The warehouse is served by a **six-inch lateral sewer line**, connecting to an **eight-inch main**, which feeds the Wright Road Pumping Station. A six-inch line can carry roughly **63,500 gallons per day**. Using the State's own Design Guidelines for Wastewater Facilities, applying the category most closely analogous to a detention facility, a 1,500-bed facility would generate an estimated **187,500 gallons per day**.

The State's engineer testified that upgrading the system would require significant excavation along the six-inch lateral, likely the eight-inch main, and expansion of the pumping station's wet well.

ICE certified that no off-site sewer upgrades were anticipated.

When Maryland raised all of this in federal court, ICE's answer was not that the review had been adequate. Its answer, in its own brief, was that no review had been owed:

"NEPA contains no disclosure requirement for the application of CEs, much less any public disclosure requirements."

That is the government's position, in its own words, in a filed brief. It is very likely correct as a matter of law. And that is the point. The mechanism worked exactly as designed. What was extraordinary was not the law. It was the decision to use it.

Two hundred and twenty-four pages and two public comment periods, for five hundred people, in 2024.

Three checkboxes and no notice, for eight hundred and twenty-five thousand square feet, in 2026.

Same agency. Same statute. Same category of facility.



III. THE SEQUENCE

The environmental review said 542.

The planning document said 1,000 to 1,500.

The contract had already been written.

On **April 2, 2026**, Andrew J. DeGregorio, an Environmental Protection Specialist at ICE, executed a declaration in the District of Maryland under penalty of perjury pursuant to 28 U.S.C. § 1746. At paragraph eleven, he wrote:

"Part of this assessment is the planned population for the facility — **initial plans are for approximately 540 but the facility could ultimately house 1,500 detainees.** Once those plans are nearer finalization, ICE will conduct additional NEPA analysis based on those plans before it makes a final decision on its plan for retrofitting the warehouse for housing detainees."

A companion declaration, filed the same day, added:

"Since the completion of the initial NEPA analysis in January 2026, **ICE has continued to work on — and consider modifying — its construction plans for the facility, including the possibility of housing up to 1,500 detainees. ICE is currently working with a contractor to develop a construction plan** for the interior of the facility..."

So the sequence is this:

Date	Event
December 22, 2025	Task orders solicited for the renovation and operation of the Williamsport and Surprise facilities.
January 2026	REC completed. Three categorical exclusions. Scoped to 542 detainees. Never made public.
January 16-22, 2026	Purchase of the Williamsport warehouse closes. \$102.4 million.
February 12, 2026	The DRI states that Regional Processing Centers house 1,000 to 1,500 detainees.
March 6, 2026	Task order effective. \$113,052,115.78 obligated on day one.
April 2, 2026	ICE declares, under oath, that the facility "could ultimately house 1,500

detainees."

The contract was solicited before the property was owned, before the review was written, and before the public was told anything at all.

This is not a claim about anyone's intent. It is a calendar.

Judge Brendan Hurson of the District of Maryland put it more precisely than this paper could:

"[E]very action Defendants needed to take to execute their proposal — with the possible exception of some additional analysis under NEPA, which is the very question before the Court — is complete. Defendants determined certain categorical exclusions applied to their proposed course of action, completed a REC, purchased the warehouse, and **awarded a potentially multi-hundred-million-dollar contract to execute their plan.**"

ICE's response to the injunction motion was to promise further environmental analysis before any expansion beyond 542. The court examined that promise:

"Those declarations, however, **do not suggest that Defendants are obligated to do so.**"

And:

"Defendants **do not specify what additional NEPA analysis they will undertake or when it will be undertaken.**"

And:

"**Defendants identify no law or regulation that would constrain their continued undertaking to transform the Williamsport Warehouse into a detention center capable of holding 542 people.**"

And, in a footnote that says more than its length suggests:

"Perhaps in recognition of this conclusion, **Defendants do not argue that this case is moot.**"

The environmental review was scoped to a number the program's own planning documents did not use. The commitment to revisit it carries no obligation, no scope, and no date. And the agency has never conceded that it needs one.



IV. WHAT THE CONTRACTS SAY

Two task orders exist for the conversion of purchased warehouses into detention facilities. There are no others.

Williamsport, Maryland — PIID 70CDCR26FR0000035, awarded to **KVG LLC** of Gettysburg, Pennsylvania. Parent contract: **N0002325D0048**, Department of Defense.

Surprise, Arizona — PIID 70CDCR26FR0000043, awarded to **GardaWorld Federal Services LLC**. Parent contract: **N0002325D0032**, Department of Defense.

Both were solicited on **December 22, 2025**. Both became effective on **March 6, 2026**. Both are firm-fixed-price delivery orders. Both were awarded by ICE's office of **Detention Compliance and Removals**, funded through ICE Enforcement and Removal Operations field offices in Baltimore and Phoenix.

The base scope of each is identical in structure: to procure the renovation of an existing, ICE-owned permanent structure "to serve as a processing and detention facility and provide all necessary wraparound services for operation of the facility."

The money:

	Williamsport (KVG)	Surprise (GardaWorld)
Obligated	\$113,052,115.78	\$313,357,612.46
Potential ceiling	\$641,795,971.68	\$704,091,073.00
Outlaid to date	\$9,957,780.75	\$3,863,852.98
Potential end of performance	March 5, 2029	February 17, 2029

Combined obligated: \$426,409,728.24. Combined ceiling: \$1,345,887,044.68.

The ceiling is a maximum, not a commitment — it is what the government structured itself to be able to spend if every option is exercised. The obligation is real money, committed on the day of award. The outlays are money that has already left the Treasury.

Both draw on two ICE appropriations accounts — **070-0540**, Operations and Support, and **070-0545**, Procurement, Construction, and Improvements — both of which are **multi-year funds available through fiscal year 2029**. The money does not expire when the fiscal year does. The appropriation horizon and the contract horizon are the same horizon.

The vehicle

Both parent contracts are Department of Defense awards in the Navy's N00023 series. The instrument is the **Worldwide Expeditionary Multiple Award Contract** — WEXMAC — administered through Naval Supply Systems Command.

WEXMAC was launched in June 2021 to support naval expeditionary forces "on missions in austere and remote locations across the globe." It served twenty-six designated regions. In July 2025, the Navy added a twenty-seventh: **TITUS — Territorial Integrity of the United States**.

The performance work statement for WEXMAC 2.2 TITUS covers "infrastructure, staffing, services, and/or supplies necessary to provide safe and secure confinement for aliens in the administrative custody of [DHS] and [ICE]."

The ceiling grew from \$10 billion in July 2025, to \$20 billion that September, to a figure reported at \$55 billion or more following a Navy modification in January 2026. Roughly 120 to 140 contractors now hold TITUS awards, including GEO Group and CoreCivic. **The DHS share of that ceiling — \$38.3 billion — is the exact figure the DRI states as the cost of the new detention model.** The contract vehicle and the program budget are the same money.

Senators Warren and Shaheen wrote to the Secretary of Defense on March 22, 2026 to say that "[t]he authority DoD is relying upon to execute these contracts is unclear."

A correction owed to the record

Much of the reporting on WEXMAC-TITUS — including reporting this research initiative has relied on — describes the vehicle as allowing ICE to issue task orders "without going through any normal bidding process."

The procurement records do not support that. For both task orders, the federal award data records:

- extent_competed: **FULL AND OPEN COMPETITION**
- solicitation_procedures: **SUBJECT TO MULTIPLE AWARD FAIR OPPORTUNITY**
- fair_opportunity_limited_sources: **FAIR OPPORTUNITY GIVEN**
- Offers received: **four** (Williamsport), **six** (Surprise)

Under a multiple-award indefinite-delivery contract, fair opportunity among pre-qualified holders is the competitive process, and by the government's own reporting it was given, and multiple vendors competed.

The accurate criticism is narrower, and it survives. What the vehicle bypassed was not competition. It was **public notice**. There was no solicitation the public could see, no comment period, no opportunity for the affected jurisdiction to learn what was coming. Communities discovered a

billion-dollar detention buildout in their jurisdictions after the deed was recorded.

That is a transparency failure, and it is sufficient. It does not need to be exaggerated into something it is not.

The vehicle is closed — after it was used

On **June 25, 2026**, Secretary Mullin appeared before the House Appropriations Committee's homeland security subcommittee. Representative Veronica Escobar began to ask him about the use of WEXMAC to procure detention services. He interrupted her.

| **"We're not using it anymore, just so you know."**

That is the principal, on the record, before an appropriations subcommittee, retiring the instrument at the center of this paper.

It is worth being precise about what that does and does not mean. It does not unwind the two task orders. Both were awarded in March under the vehicle, both remain obligated, and neither has been terminated. What ended was the *further* use of a channel that had already delivered the thing it was used for.

The vehicle was closed after the contracts were let. That is the same sequence the rest of this paper describes, applied to the procurement instrument itself.

[SOCKET — the underlying task order documents, obtained by public records request and published by a third-party tracker, reportedly contain line items including an "Alien Volunteer Work Program" reimbursable at a per-detainee per-day rate, guard services capped at 20,000 hours per year, and transportation lines distinguishing "Processing Sites" from "Megacenters." This paper does not rely on those contents, which have not been independently verified against the source documents. The procurement metadata above is drawn from federal award records and stands on its own.]



V. THE RETREAT, AND WHAT IT ACTUALLY WAS

In March 2026, President Trump removed Kristi Noem as Secretary of Homeland Security. Markwayne Mullin was sworn in on March 24. He paused new warehouse purchases, imposed a deputy-secretary approval requirement on contracts above \$25 million, and opened a review of the acquisitions his predecessor had made.

On **June 18, 2026**, the story broke that the retreat was on.

The *New York Times*, citing internal documents, reported that DHS would offload seven of the eleven warehouses it had purchased. Michigan Attorney

General Dana Nessel announced that ICE had abandoned the Romulus project and would sell the building. Social Circle, Georgia confirmed the federal government was "no longer pursuing" the million-square-foot megacenter it had bought there. New Jersey's Governor and Attorney General issued a joint statement on Roxbury. Senator Fetterman confirmed the cancellation of two Pennsylvania sites.

DHS's explanation was consistent and public:

"These heinous criminals, once arrested, should be removed at lightning speed, not housed on American soil at the taxpayer's expense. **DHS is moving swiftly to utilize EXISTING detention space with our state and county partners.**"

This was reported, almost universally, as a collapse.

On June 18, 2026, ICE also executed a change order on the Williamsport task order.

Modification P00003. A change order incorporating an **updated Performance Work Statement**. The scope description, as recorded in the federal award data, now reads: renovation of the existing ICE-owned structure in Hagerstown, Maryland — "**and full detention services.**"

The stop-work order on Williamsport, issued April 2 in the wake of the court's injunction, had been **partially lifted on May 18**. The stop-work order at Surprise, issued April 22 and updated April 23, had been **rescinded outright on May 6**, and a revised Performance Work Statement was incorporated there on **June 5**.

All of it under the new Secretary. All of it in the eight weeks during which the program was being reported as dismantled.

Seven sites were shed. Four were kept. Of the four, one — Socorro, Texas — has been converted into an ICE training and office campus rather than the 8,500-bed detention center originally planned. Two remain under contract: Williamsport and Surprise. **Those two contracts are the entire contracted warehouse detention program.** \$426 million obligated, \$1.35 billion in ceiling, options running to 2029, stop-works lifted, work statements rewritten.

The program was not cancelled. It was concentrated.

The count is not stable

The "seven offloaded" figure has been repeated across every account of the retreat, including this one. It should be held loosely, because at least one of the seven has moved three times in a month.

Roxbury, New Jersey — a 470,000-square-foot warehouse on Route 46, purchased in February for **\$129.3 million** — was reported in June as

abandoned. Governor Sherrill said so. Then Secretary Mullin posted publicly that the agency would "NEVER back down." Then, in a court notice, the government stated it "intends to move forward with plans to consider the retrofiting" of the building. Then, in a joint status report filed **July 17, 2026**, Justice Department attorneys said DHS is "continuing to assess whether to proceed" and gave no timeline.

Three positions in roughly three weeks, in filings before the same court, with no explanation offered for any of the reversals.

The seven sites are reconstructable from the public record as Romulus, Michigan; Social Circle and Flowery Branch, Georgia; Hamburg and Tremont, Pennsylvania; Salt Lake City, Utah; and Roxbury, New Jersey. That list has not been published by the government as a list, and Roxbury's presence on it is now contested by the government's own filings.

"Seven of eleven" is a snapshot of a moving object, not a finding. Treat it that way.

The requirement, measured

The retreat did not coincide with a reduction in detention activity. On **July 20, 2026** — after a delay of more than one hundred days, the longest gap in the recent history of a dataset that a congressional mandate had kept on a roughly two-week cycle — DHS published its detention statistics.

They show the following.

June 2026 was the highest month for detention bookings of the entire administration: 43,138 people. That surpassed the December total, which had included Operation Metro Surge in Minneapolis. Of the June bookings, ICE arrested 39,563 and CBP 3,575. June averaged 1,438 arrests per day. The first eleven days of July averaged **1,593 per day**. The detained population, which had declined through the spring, is rising again, and the sharpest increase is among detainees with no criminal record — up roughly twenty percent from June into early July.

Set that against the sentence the DRI used to justify the entire buildout:

"For ICE to sustain the anticipated increase in enforcement operations and arrests in 2026, an increase in detention capacity will be a **necessary downstream requirement**."

The agency told itself, in February, that arrests would drive beds. In July, its own published data shows arrests at a record. **The demand signal the program was built to serve is not weakening. It is at its highest recorded level, and it is being met somewhere.**

Where it is being met has changed. Read the department's statement again with that in front of you:

"DHS is moving swiftly to utilize **EXISTING** detention space with our state and county partners."

It is not a cover story. It is an accurate description of a reallocation.

The Secretary moved detention spending out of the leg that was generating lawsuits, audits, and headlines — federally owned warehouses — and into the legs that were not: contracted beds, air transport, and biometric processing. In early July the federal government **acquired two California detention facilities from CoreCivic for a combined \$1.5 billion**, with the private operator expected to continue running them under existing ICE contracts. That is federal ownership of detention infrastructure, purchased outright — arrived at by buying operating prisons rather than empty warehouses.

Same requirement. Different supplier.

And when contracted capacity is stripped, owned capacity appears. New York's ban on county-jail ICE detention takes effect **August 25**; ICE responded by announcing a hundred new hard-sided beds at its federal facility in Batavia, and the Justice Department sued the state.

The delivery mechanism changed. The requirement did not.

[SOCKET — month-by-month ICE obligation totals for April and May 2026 are drawn from a third-party analysis of USAspending data and have not been independently re-derived. The directional finding — that the warehouse retreat coincided with sustained or rising ICE detention activity concentrated outside owned warehouses — is supported independently by the July 20 DHS detention data and by the CoreCivic transaction, and is stated at that level of confidence and no higher.]

The statute nobody mentions

There is a federal statute, 8 U.S.C. § 1231(g)(2), which provides that before "initiating any project for the construction of any new detention facility," the government shall "consider the availability for purchase or lease of any existing prison, jail, detention center, or other comparable facility suitable for such use."

Michigan alleges that before buying the Romulus warehouse, DHS never contacted the Michigan Department of Corrections — which owns several empty prisons — nor local governments, nor the neighboring states of Ohio or Indiana.

Set that against the department's own explanation for the retreat: it is *moving swiftly to utilize existing detention space*. Set it also against the CoreCivic purchase: the government has now bought two existing, operating detention facilities.

The retreat is a return to the statutory baseline the program skipped. Under the pressure of federal lawsuits in six states, an Inspector General audit, and a change of Secretary, DHS is now doing the thing the statute required it to do before it spent a billion dollars.



VI. WHAT HELD

This is the part of the story that most coverage of the retreat has gotten backwards, and it deserves to be said plainly.

The retreat was not a change of heart. It was a defeat, and it was inflicted by a specific mechanism.

Not the appropriations process — Congress funded this. Not oversight hearings. Not the political branches at all.

The National Environmental Policy Act.

In Maryland, Judge Hurson found the State likely to succeed on its NEPA claim and enjoined construction. In New Jersey, ICE agreed in May to halt most work at Roxbury pending an environmental assessment. In Arizona, Attorney General Kris Mayes sued in April, and on **June 30, 2026** the parties jointly filed a stipulation under which DHS agrees not to detain anyone at the Surprise property, and not to initiate construction, demolition, retrofitting, or physical changes, until it completes an environmental assessment and decision document — or a full impact statement if one is required. DHS must file status reports every sixty days. When the review concludes, Arizona has ten days to seek a preliminary injunction, and DHS must pause a further twenty-one days if it does. The Attorney General's office projects a minimum nine-month delay; an ICE attorney told the Maryland court the process "could take years."

In Michigan, the State and the City of Romulus sued on NEPA, the Administrative Procedure Act, the Intergovernmental Cooperation Act, and 8 U.S.C. § 1231(g). The government did not win. It withdrew.

Maryland's Department of the Environment separately issued an administrative order barring Washington County from granting additional wastewater permits for the site. The permitting layer became a second brake.

A thirty-page environmental statute, a six-inch sewer line, and an Appalachian springsnail did what the appropriations process did not.

There is a lesson in that, and it is not a comfortable one for anyone. It is that the constraint that actually bound was procedural, incidental, and available only because the government chose to move faster than its own rules permitted. Had ICE run the Laredo playbook — 224 pages, two comment

periods, thirty stakeholder notifications — it would have taken a year, and it would very likely have won.

The program was stopped by its own speed.

There is one detail common to all three of the NEPA settlements that is worth noticing, because it recurs with a consistency that is unlikely to be accidental. In New Jersey, in Arizona, and under the Maryland injunction, the government retained the right to install fencing, security cameras, alarms, and to perform basic property maintenance. The conversion stops. The perimeter does not.

What must also be said

Two facts belong in this record, and a paper that omitted them would not be worth reading.

The first is that this buildout provoked resistance that crossed political lines in ways that are not reducible to partisan alignment. Social Circle, Georgia — a town of five thousand that voted overwhelmingly for the administration — sued the federal government and cut off the water. Surprise, Arizona has a nonpartisan mayor and a two-to-one Republican registration advantage; the city council wrote to the Secretary. Roxbury Township is Republican-dominated and joined New Jersey's suit. The objections were about water, sewer, traffic, schools, emergency services, and property values, and they were the same objections in Michigan and Georgia and Pennsylvania and Arizona and New Jersey.

The second is this, from a sworn ICE declaration filed in the Maryland case:

"Multiple other locations acquired for detention purposes have been the targets for vandalism; **arson has been attempted at three such sites.**"

That is the government's evidence, under penalty of perjury, and it is offered here without editorial comment, because it is a fact about the environment in which this program is being built and any account that leaves it out is not an account.



VII. THE SUCCESSOR

A paper that stopped at the retreat would be describing a program that no longer exists in the form described. So: what replaced it.

On **July 9, 2026**, ICE posted a pre-solicitation notice to SAM.gov, the federal contracting portal (Notice ID 6275d1aeeb0d4b5ca5eb10bfed3e5149). It describes a construction contract, held directly by ICE rather than routed through the Navy, covering "new construction, renovation, and repair of

owned Service Processing Center" facilities — the detention centers the agency owns and operates itself. Its scope extends to "new construction of buildings, facilities, and real property." Bidding is restricted to large businesses. The formal solicitation was to post no later than July 17.

It follows a market research notice ICE issued in April (Notice ID 0df76f80cef6428cbe790d0ef20440f1) seeking "highly flexible construction contracting" from firms able to secure at least \$300 million in construction bonding. That notice anticipated up to nine contracts with **a combined maximum ordering limit of \$10 billion over five years** if all options were exercised.

The two documents do not agree with each other on structure — the April notice describes multiple awards, the July statement of work describes a single-award arrangement and is captioned as a multiple-award construction contract. Neither explains the discrepancy. That is worth flagging and not worth over-reading; pre-solicitation documents are frequently inconsistent and are frequently revised.

What is worth reading closely is the scope.

The successor vehicle does three things the warehouse program could not. It moves the work onto **property the agency already owns**, where the acquisition-stage legal exposure that generated six lawsuits does not arise. It contemplates **new construction on undeveloped land** rather than the conversion of purchased commercial buildings. And it brings the contracting **inside DHS**, out of the Pentagon channel that drew two senators, a Navy authority question, and a GAO review.

And then there is the deliverables list.

The statement of work assigns **"NEPA reviews and document preparation"** to the contractor. Among the enumerated deliverables: **"NEPA Categorical Exclusions, Environmental Assessments, and decisional documents (if applicable)."**

Read that against Section II of this paper.

The categorical exclusion is the instrument that let ICE acquire an 825,000-square-foot warehouse without telling anyone. The inadequacy of that instrument's application is the finding that enjoined Williamsport, paused Roxbury, stalled Surprise, and ended Romulus. It is the single mechanism that held.

Under the successor vehicle, the document that declares a project exempt from environmental study would be prepared by **the firm hired to build the project**.

This paper does not assert that the provision was written in response to the litigation. Design-build contracts routinely assign permitting and environmental documentation to the builder, and that is the strongest

innocent explanation; it is a real one and it may well be the correct one. But the observation stands on the record without needing intent: **the one procedural constraint that successfully bound this program is, in the successor instrument, a contract deliverable owed by the contractor.**

That is a structural observation about where a review function now sits. It is falsifiable — the final solicitation may drop the provision, or may reserve the decisional document to the agency — and it should be tracked rather than assumed.

[SOCKET — the statement-of-work language quoted in this section is drawn from a document posted alongside the July 9 SAM.gov notice and reported by a specialist procurement outlet. The notice identifiers are public record and searchable. The quoted provisions have not been independently verified by this research initiative against the posted statement of work, and are marked accordingly. The structural claims in this section rest on the notice scope, which is verifiable at the identifiers given.]



VIII. WHAT THIS PAPER DOES NOT CLAIM

The discipline of this series requires that we state what we got wrong and what we decline to assert. Both lists are short and both are load-bearing.

We were wrong three times, and caught it before publication.

First: this research initiative initially flagged a phrase in the DRI — "No Detrimental Effect" — as a possibly invented environmental standard. It is not. The operative instruments at Williamsport were three genuine DHS categorical exclusions and a Record of Environmental Consideration, all of which exist in DHS's own NEPA directive. The claim was wrong. It is withdrawn.

Second: this initiative initially read the 542-detainee figure as a litigation posture — a number produced in April, two days after a new Secretary took office, to keep the project below a review threshold. That is also wrong. The REC was completed in **January**, before the purchase, before the lawsuit, under the prior Secretary. 542 was always the review number. The "litigation posture" reading was pattern-matching on a coincidence of dates, and it is withdrawn.

Third: a prior draft of this paper stated that the retrenchment came under the pressure of "seven federal lawsuits." The number the public record supports is **six** — Maryland, Michigan, New Jersey, Arizona, Georgia, and Utah. The figure is corrected in the text above.

Both of the first two errors were caught by pulling the primary documents. The finding that replaced them — that a categorical exclusion for acquisitions

which *do not change functional use* was invoked to acquire a building *in order to change its functional use* — is stronger than either error, and it required no inference at all.

We decline the maximalist reading.

The most widely circulated interpretation of this program holds that its capacity exceeds any plausible removal pipeline and that the excess therefore reveals an undisclosed purpose. This paper does not adopt that reading, because the primary record contradicts it. ICE's own planning document states that detention capacity is "a necessary downstream requirement" of an arrest volume it has already hired for, and the July 20 data shows that arrest volume at a record. The conventional explanation is the explanation the agency gives itself in documents it never expected to be read.

The excess-capacity observation survives as a question worth watching. A network sized for 92,600 detainees, contracted to 2029 and funded on appropriations available through 2029, is a durable capability. Capabilities outlast the policies that build them. That is a forward question, and it is falsifiable, and it should be tracked rather than assumed.

We do not claim ICE lied to a court. It did not. It disclosed the 1,500 figure in a sworn declaration and stated it would conduct further NEPA analysis before pursuing it. What the record shows is narrower and does not require bad faith: the environmental review was scoped to a number the program's own planning documents did not use, and the commitment to revisit it carries — as the district court observed — no obligation, no specified scope, and no date.

We do not claim the retreat was insincere. The Secretary shed sites, paid Surprise for lost property taxes, opened communication with local officials who confirm the change, scaled Socorro from 8,500 beds to an office campus, and told an appropriations subcommittee that the Navy vehicle is no longer in use. Those are real. What the record also shows is that in the same weeks, the stop-work orders on the two surviving contracts were lifted, the work statements were rewritten, a successor construction vehicle was solicited, and \$1.5 billion was spent acquiring two operating detention facilities. Both things are true. The paper reports both.

We do not claim the successor vehicle was designed to evade NEPA. See Section VII. The observation is about where the review function sits, not about why it was put there.



IX. FALSIFIABLE PREDICTIONS

Staked on the record, to be scored publicly, including misses.

1. The Williamsport and Surprise task orders will not be terminated for convenience before **December 31, 2026**. They will remain obligated, and at least one will show additional outlays. *(Falsified by: termination notice on either PIID in federal award data.)*
2. The current period of performance on the Williamsport task order expires **July 31, 2026**. It will be extended rather than allowed to lapse. *(Falsified by: expiry without extension, or termination. This one scores within days of publication.)*
3. ICE will complete an Environmental Assessment — not an Environmental Impact Statement — for at least one of the two surviving sites, and will use it to support a capacity above 542. *(Falsified by: an EIS; or an EA supporting only 542; or abandonment of both sites.)*
4. Aggregate ICE detention obligations for FY2026 will exceed FY2025, notwithstanding the warehouse retrenchment, with the increase concentrated in contracted capacity, facility acquisition, transportation, and biometrics rather than warehouse conversion. *(Falsified by: a year-over-year decline, or an increase concentrated in warehouse conversion.)*
5. The DHS Inspector General's audit (Project No. 26-018-AUD-ICE) will find that ICE paid above market value on multiple acquisitions and will not find that the acquisitions met operational need in a cost-effective manner. *(Falsified by: a clean finding on cost-effectiveness.)*
6. No new **empty commercial warehouse** will be purchased for detention conversion before the end of calendar year 2026. *(Falsified by: any such acquisition in federal property or award records. Note the narrowing: the July 2026 CoreCivic transaction — the purchase of two operating detention facilities for \$1.5 billion — does not falsify this prediction, but it does show that the broader version of it, "no new federal detention property acquisition," would already have failed. The narrower prediction is the one this paper stakes, and the reason for the narrowing is stated here rather than buried.)*
7. The successor construction vehicle will be awarded before the end of FY2027, and the final statement of work will retain the assignment of NEPA documentation to the contractor. *(Falsified by: no award; or a final SOW reserving preparation of categorical exclusions and decisional documents to the agency.)*



X. THE SENTENCE THAT MATTERS

Strip away the acronyms and there is one fact at the center of this.

A federal agency solicited contracts to build detention facilities on **December 22, 2025**. It bought the buildings in **January**. It wrote its environmental review to a capacity its own planning documents did not use, filed it nowhere, told no one, and argued in court that it was not required to. It obligated **\$426 million** in **March**. And in **April** it acknowledged, under oath, that the facility it had reviewed for 542 people could ultimately hold 1,500.

Everything else — the retreat, the reallocation, the offloaded warehouses, the Secretary's review, the closed vehicle and the one that replaced it — happened downstream of that.

The Detention Reengineering Initiative set itself a deadline: full implementation of the new detention model by the end of Fiscal Year 2026. That is **September 30, 2026**. It is nine weeks away. The model it named has been abandoned, the vehicle it ran on has been retired, and the arrest volume it was built to absorb is at the highest level on record.

The 92,600 beds are the headline. They are not the finding.

The finding is that the contract came first.



E. Lawrence Anderson writes the Yellow Jacket Policy Research Series. Primary sources for this paper include: ICE Detention Reengineering Initiative (ECF No. 1-3, State of Michigan and City of Romulus v. U.S. Department of Homeland Security, No. 2:26-cv-10968, E.D. Mich.); Defendants' Response to Plaintiff's Motion for a Preliminary Injunction and supporting declarations (ECF Nos. 34, 34-2, 34-3), and the Memorandum Opinion of April 17, 2026 (ECF No. 43), in State of Maryland v. Noem, No. 1:26-cv-00733-BAH (D. Md.); federal contract award records for PIID 70CDCR26FR0000035 and PIID 70CDCR26FR0000043; SAM.gov notices 6275d1aeeb0d4b5ca5eb10bfed3e5149 and 0df76f80cef6428cbe790d0ef20440f1; DHS Office of Inspector General Project No. 26-018-AUD-ICE, audit initiation memorandum of May 12, 2026; ICE detention statistics published July 20, 2026; and the letter of Senators Warren and Shaheen to the Secretary of Defense, March 22, 2026. Corrections are issued as formal errata, never as silent edits.

