

To the office of U.S. Representative Christopher R. Deluzio

Re: HR 10111 (119th Congress), Oversight Access Act • Latest action (2026-08-18): Referred to the Subcommittee on Oversight, Investigations, and Accountability.

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Office of record (Congress.gov): 1222 Longworth House Office Building, Washington, DC • (202) 225-2301

Immigration Oversight and Accountability Act of 2025

The measure, as described from the official record: To enhance congressional oversight of immigration enforcement by compelling the executive branch to produce documents and information related to immigration policies and actions.

THE PROPOSAL

This Act establishes a bipartisan Congressional Immigration Oversight Commission (CIOC) to review immigration enforcement actions by the Department of Homeland Security (DHS) and ensure compliance with federal law. The Commission shall consist of six members: three appointed by the Speaker of the House and three by the Senate Majority Leader, with no more than three from the same political party.

The Commission may request documents and testimony from DHS regarding immigration enforcement policies, procedures, and specific cases. All requests must be in writing and specify the subject matter and relevance to a legitimate legislative purpose. If DHS declines to produce requested information on grounds of executive privilege or national security, the Commission may petition the United States District Court for the District of Columbia for an order compelling production. The court shall review the claim in camera and may order disclosure only if it determines that the legislative need outweighs the privilege, consistent with settled separation-of-powers principles.

For any request that involves documents or records of private individuals or entities (including state or local law enforcement), the Commission must first obtain a judicial warrant based on probable cause that the records are relevant to an ongoing investigation of a violation of federal immigration law. No compelled production of private documents shall occur without such a warrant.

The Commission's authority is limited to matters within Congress's enumerated powers under Article I, Section 8, including the power to establish a uniform rule of naturalization and to regulate commerce with foreign nations. It shall not extend to state immigration enforcement activities that are not directly related to federal programs or funding.

All proceedings and records of the Commission shall be confidential unless declassified by a two-thirds vote, except that final reports and recommendations shall be made public after a 90-day review period by DHS for national security concerns.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Appropriated from the Treasury general fund, offset by a 0.1% fee on all immigration-related visa applications and petitions.
Funding Amount	\$5 million per fiscal year, adjusted for inflation.
Sunset Years	5 years
Oversight Body	Congressional Immigration Oversight Commission (CIOC), with staff support from the Government Accountability Office.
Enforcement Mechanism	If DHS or any other federal agency fails to comply with a court order to produce documents, the court may impose civil contempt penalties, including fines of up to \$10,000 per day until compliance. Willful obstruction of the Commission's lawful requests may be referred to the Department of Justice for prosecution under 18 U.S.C. § 1505.
Effective Date	90 days after enactment.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 4 (uniform rule of naturalization)
- Article I, Section 8, Clause 18 (necessary and proper clause)
- Fourth Amendment (protection against unreasonable searches and seizures)
- Fifth Amendment (due process clause)
- Tenth Amendment (reservation of powers to the states)
- Separation of powers doctrine (implied from Articles I, II, III)

Concerns with the measure as written:

- Potential violation of separation of powers by compelling disclosure of privileged executive communications without due process.
- Risk of infringing executive privilege and the President's constitutional duties under Article II.
- Possible Fourth Amendment violation if compelled production includes private documents without a judicial warrant.
- Tenth Amendment concerns if the act imposes federal oversight on state immigration enforcement activities beyond Congress's enumerated powers.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Honors Democratic priorities by establishing a robust oversight mechanism with subpoena power and judicial enforcement to ensure immigration enforcement accountability. Honors Republican priorities by protecting executive privilege through judicial review, requiring warrants for private documents, limiting the scope to federal matters under enumerated powers, and including a sunset to prevent permanent expansion of federal oversight.

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