

To the office of U.S. Representative Shri Thanedar

Re: HR 10105 (119th Congress), Stop ICE Price Gouging Act • Latest action (2026-08-14): Referred to the Subcommittee on Border Security and Enforcement.

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Office of record (Congress.gov): 154 Cannon House Office Building, Washington, DC • (202) 225-5802

Immigration Detention Commissary Fair Pricing Act of 2025

The measure, as described from the official record: Prevent price gouging at immigration detention facility commissaries by capping prices on items sold to detainees.

THE PROPOSAL

Section 1. Short Title. This Act may be cited as the 'Immigration Detention Commissary Fair Pricing Act of 2025'.

Section 2. Purpose. The purpose of this Act is to ensure that items sold at commissaries in immigration detention facilities are priced at no more than the average retail price for comparable items in the local geographic area, thereby preventing exploitation of detainees while respecting market mechanisms and federal contracting standards.

Section 3. Contractual Requirement. Any contract entered into or renewed by the Department of Homeland Security (DHS) for the operation of an immigration detention facility, whether directly operated or through a private contractor, shall include a clause requiring that the prices of all items sold at the facility's commissary not exceed the average retail price for such items in the local area, as determined by a quarterly survey conducted by the DHS Office of Inspector General (OIG). The OIG shall use publicly available data from reputable sources such as the Bureau of Labor Statistics or local retail surveys.

Section 4. Oversight and Enforcement. The DHS OIG shall review commissary pricing annually and report to Congress on compliance. Any contractor found to have willfully violated the pricing requirement shall be subject to a civil penalty of up to \$10,000 per violation, and the contract may be terminated for cause. Detainees may submit complaints through a designated hotline, and the OIG shall investigate substantiated complaints within 60 days.

Section 5. Funding. The costs of implementing this Act shall be covered by existing DHS appropriations, with a cap of \$2 million per fiscal year for OIG oversight activities. No additional funds are authorized.

Section 6. Sunset. This Act shall expire five years after the date of enactment, unless reauthorized by Congress.

Section 7. Effective Date. This Act shall take effect 180 days after enactment.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Existing DHS appropriations, capped at \$2 million per fiscal year for OIG oversight.
Funding Amount	\$2 million per fiscal year (capped).
Sunset Years	5 years
Oversight Body	DHS Office of Inspector General (OIG).
Enforcement Mechanism	Civil penalties up to \$10,000 per violation; contract termination for cause; detainee complaint hotline.
Effective Date	180 days after enactment.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 4 (naturalization and immigration power)
- Article I, Section 8, Clause 17 (power over federal enclaves)
- Article I, Section 8, Clause 18 (necessary and proper clause)
- Fifth Amendment (due process and takings clause, addressed by using market-based pricing)

Concerns with the measure as written:

- Direct price caps may exceed Congress's enumerated powers if applied to private vendors operating on federal property, as price regulation is traditionally a state police power.
 - Potential Fifth Amendment takings issue if caps are set below cost without compensation.
 - Possible violation of the Tenth Amendment if the cap is applied to state-run detention facilities under federal contract.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities: Protects vulnerable detainees from exploitative pricing and ensures basic fairness in federal detention. Republican priorities: Avoids direct price controls, uses market-based pricing tied to local averages, limits federal spending to existing appropriations, and includes a sunset to prevent permanent government overreach.

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