

119TH CONGRESS
2D SESSION

H. R. 10105

To impose a cap on the price of items sold at the immigration detention facility commissary, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 13, 2026

Mr. THANEDAR introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To impose a cap on the price of items sold at the immigration detention facility commissary, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop ICE Price
5 Gouging Act”.

6 **SEC. 2. IMMIGRATION DETENTION FACILITY COMMISSARY** 7 **REQUIREMENTS.**

8 (a) LIMITATION.—

1 (1) ESSENTIAL ITEMS.—The sale price of an
2 essential item offered for sale in a commissary at an
3 immigration detention facility shall be limited to an
4 amount not to exceed a 5-percent markup above the
5 amount paid to a vendor for that item.

6 (2) NONESSENTIAL ITEMS.—The sale price of a
7 nonessential item offered for sale in a commissary at
8 an immigration detention facility shall be limited to
9 an amount not to exceed a 35-percent markup above
10 the amount paid to a vendor for that item.

11 (3) AMOUNT PAID.—For the purpose of this
12 subsection, the amount paid to a vendor for an item
13 is the amount paid for the acquisition of that item,
14 less any discount, credit, allowance, refund, or other
15 price reduction.

16 (b) PROHIBITION.—

17 (1) FEES.—No sales transaction of a com-
18 missary at an immigration detention facility shall
19 incur additional fees, including service fees, commis-
20 sions, or any similar fee.

21 (2) NO KICKBACKS OR REVENUE SHARING.—No
22 agency or contractor providing a commissary service
23 at an immigration detention facility may receive
24 kickbacks or share revenue with respect to such
25 service.

1 (c) ENFORCEMENT.—

2 (1) INDIVIDUAL OVERCHARGES.—In any case in
3 which the Director of U.S. Immigration and Cus-
4 toms Enforcement determines that a detained indi-
5 vidual has been charged a sale price for an item in
6 excess of the limitation under subsection (a), the Di-
7 rector shall ensure that the agency or contractor
8 providing the commissary service shall refund an
9 amount to the individual equal to the amount in ex-
10 cess or, in the case of an individual who is trans-
11 ferred to a facility or released, make all reasonable
12 efforts to refund such amount.

13 (2) AMOUNTS NOT REFUNDED.—In the case
14 that the amount charged in excess of the limitation
15 under subsection (a) is unable to be refunded to the
16 appropriate individual due to transfer or removal
17 from the detention facility, such amount shall be
18 transferred to the Department of Homeland Security
19 and thereafter deposited into a separate account in
20 the Treasury to be known as the Detainee Welfare
21 Fund to be used solely for electronics, recreational
22 or educational items, and other items and programs
23 that benefit detainees. Such amount may not be
24 used to comply with the standards for detention or
25 other requirements under the immigration laws (as

1 defined in section 101(a) of the Immigration and
2 Nationality Act (8 U.S.C. 1101(a))).

3 (3) OTHER ENFORCEMENT.—

4 (A) DIRECTOR AUTHORITY.—The Director
5 of U.S. Immigration and Customs Enforcement
6 shall address violations of this Act in a manner
7 the Director determines appropriate, including
8 imposing a corrective action plan, requiring re-
9 funds, or, in the case of repeated and willful
10 violations by contractors, withholding payments,
11 terminating the contract, and making the con-
12 tractor ineligible for future contracts.

13 (B) INSPECTOR GENERAL.—The Inspector
14 General of the Department of Homeland Secu-
15 rity shall conduct audits to ensure compliance
16 with this Act, investigate alleged violations, and
17 refer credible allegations to the Director of U.S.
18 Immigration and Customs Enforcement.

19 (d) REPORT.—Beginning 90 days after the date of
20 enactment of this Act, and every 90 days thereafter, the
21 Director of U.S. Immigration and Customs Enforcement
22 shall submit to the Committee on Homeland Security of
23 the House of Representatives and the Committee on
24 Homeland Security and Governmental Affairs of the Sen-
25 ate a report on—

1 (1) the cost of acquiring essential items and the
2 percentage of markup;

3 (2) the average percentage of markup with re-
4 spect to nonessential items;

5 (3) a list of each violation involving essential
6 and nonessential items; and

7 (4) a written certification of compliance with
8 the requirements of this Act with respect to each de-
9 tention facility meeting such requirements.

10 (e) LIMITED PREEMPTION.—The provisions of this
11 Act shall not be construed to preempt any provision of
12 State law that imposes a limitation on a markup of items
13 for sale in a commissary at an immigration detention facil-
14 ity that is less than the limitation under subsection (a).

15 (f) RULE OF CONSTRUCTION.—Nothing in this Act
16 may be construed to authorize charging for any item that
17 is required to be provided without charge under Federal
18 or State law, standards for detention, or contracts.

19 (g) DEFINITION.—In this section:

20 (1) DIRECTOR OF U.S. IMMIGRATION AND CUS-
21 TOMS ENFORCEMENT.—The term “Director of U.S.
22 Immigration and Customs Enforcement” means the
23 Secretary of Homeland Security, acting through the
24 Director of U.S. Immigration and Customs Enforce-
25 ment.

1 (2) ESSENTIAL ITEM.—The term “essential
2 item” means any item needed for hygiene, health,
3 dignity, and communication, including menstrual
4 products, soap, shampoo, moisturizing cream, tooth-
5 paste, toothbrushes, deodorant, toilet paper, tissues,
6 diapers, baby wipes, laundry supplies, basic under-
7 garments and socks, writing paper, writing imple-
8 ments, envelopes, and stamps.

9 (3) IMMIGRATION DETENTION FACILITY.—The
10 term “immigration detention facility” means any fa-
11 cility with the primary purpose of detaining individ-
12 uals under the immigration laws (as defined in sec-
13 tion 101(a) of the Immigration and Nationality Act
14 (8 U.S.C. 1101(a))).

15 (4) NONESSENTIAL ITEM.—The term “non-
16 essential item” means any item that is not an essen-
17 tial item.

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