

117TH CONGRESS
2D SESSION

H. R. 7741

To prevent the Federal Government from using taxpayer funds to distribute cellular devices to individuals who unlawfully cross the southern border, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2022

Mr. DONALDS (for himself, Ms. HERRELL, Mr. TIFFANY, Mr. VAN DREW, Mrs. BOEBERT, Mr. CLYDE, Mr. LAMBORN, Mr. NORMAN, Mr. BIGGS, Mr. HICE of Georgia, Mrs. FISCHBACH, and Mr. BISHOP of North Carolina) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prevent the Federal Government from using taxpayer funds to distribute cellular devices to individuals who unlawfully cross the southern border, 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 “No More Phones Act”.

5 **SEC. 2. FINDINGS; STATEMENT OF CONGRESS .**

6 (a) FINDINGS.—Congress finds the following:

1 (1) U.S. Customs and Border Protection (CBP)
2 is charged with securing the United States borders
3 at and between ports of entry by stopping inadmis-
4 sible people and illicit goods.

5 (2) In fiscal year 2020, the U.S. Border Patrol
6 experienced 405,036 total encounters with illegal im-
7 migrants. Comparatively, the U.S. Border Patrol en-
8 countered 1,662,167 illegal immigrants in fiscal year
9 2021—nearly 4 times the amount from the previous
10 fiscal year.

11 (3) Upon apprehending illegal immigrants at
12 the southern border, which often occurs voluntarily,
13 the individuals are then processed and detained by
14 CBP agents in holding facilities for approximately
15 52 hours, where they are provided 3 meals a day
16 and a constant supply of water and snacks, and then
17 subsequently placed into legal proceedings to deter-
18 mine the individual’s immigration eligibility.

19 (4) If the undocumented individual requests
20 asylum based on credible fear of persecution, the
21 U.S. Citizenship and Immigration Services will make
22 a determination if the individual does in fact have
23 credible fear of persecution, and if so, the alien will
24 then be placed in a standard removal process accord-
25 ing to section 240 of the Immigration and Nation-

1 ality Act (8 U.S.C. 1229a) and may then pursue a
2 hearing before an immigration judge.

3 (5) During these hearings, immigration judges
4 within the Department of Justice's Executive Office
5 for Immigration Review determines whether an indi-
6 vidual is subject to removal or if the individual is eli-
7 gible for relief, although U.S. Immigration and Cus-
8 toms Enforcement (ICE) makes the initial decision
9 immediately after the alien was processed at CBP
10 detention facilities, to detain the individual or re-
11 lease them into the several communities of the
12 United States pending their immigration hearing.

13 (6) Aliens will then be considered for detention
14 at ICE holding facilities or other detention plans co-
15 ordinated with nongovernmental organizations; how-
16 ever, due to limited space and other legal consider-
17 ations that relate to family units and immigration
18 shelter licensing, many individuals that cross the
19 southern border illegally are usually released into the
20 several communities of the United States after leav-
21 ing CBP detention facilities.

22 (7) All aliens released from ICE custody into
23 the several communities of the United States are
24 then assigned to a nondetained docket and must re-
25 port to ICE's Enforcement and Removal Operations

1 (ERO) at least once a year while they await a deci-
2 sion on whether they should be removed from the
3 United States—which, as of August 2020, consisted
4 of over 3,300,000 outstanding cases waiting to be
5 heard.

6 (8) Some individuals in the nondetained docket
7 are enrolled in Alternatives to Detention (ATD) pro-
8 grams, through which ERO ATD officers determine
9 case management and supervision methods on a
10 case-by-case basis, and if the alien complies with the
11 terms of their plan within 30 days, the level of su-
12 pervision may be lowered.

13 (9) One main method to ensure ATD compli-
14 ance is to provide the alien with technology services,
15 which may include telephonic reporting, GPS moni-
16 toring via ankle bracelets, or a smartphone applica-
17 tion that allows for facial recognition scanning and
18 GPS monitoring.

19 (10) Before the individual's immigration hear-
20 ing, many individuals simply dispose of their ATD
21 compliance cell phone immediately upon release, or
22 after their initial 30-day compliance meeting with
23 EOR ATD, to abscond and avoid further detection
24 from immigration enforcement agencies.

1 (11) Another prevalent reason for an alien’s
2 falling out of contact with EOR ATD and thereby
3 avoiding further detection includes instances where
4 the alien moves within the United States and fails
5 to provide updated contact information to EOR
6 ATD.

7 (12) Ninety-five to ninety-seven percent of
8 aliens that are released into the several communities
9 of the United States don’t show up for their removal
10 hearings, resulting in many cases of undetected ille-
11 gal immigrants taking abode in the United States
12 until they are subsequently, if ever, identified by im-
13 migration enforcement agencies.

14 (b) STATEMENT OF CONGRESS.—Congress—

15 (1) recognizes the unprecedented immigration
16 crisis currently occurring at the southern border;

17 (2) condemns the Biden Administration’s
18 prioritization of faster illegal immigrant processing
19 time instead of implementing policies that actually
20 deter illegal immigration from occurring in the first
21 place;

22 (3) deplores the use of any Federal funding
23 under ATD plans to provide cell phones to illegal
24 immigrants who are released into the several com-
25 munities of the United States;

1 (4) demands that President Joseph Biden re-
2 sume and finish construction of the southern border
3 wall to diminish the opportunity for unlawful border
4 crossings;

5 (5) encourages the allocation of increased Fed-
6 eral funding towards additional CBP agents and
7 monitoring technology at the southern border;

8 (6) emphasizes and denounces the immense
9 waste of United States taxpayer funding that is cur-
10 rently used to provide cell phones to immigrants who
11 unlawfully enter the United States; and

12 (7) stresses the national security concerns of re-
13 leasing illegal immigrants into the several commu-
14 nities of the United States based on the unlikely
15 premise that such individuals will maintain the cell
16 phone while awaiting their hearing date in United
17 States immigration court.

18 **SEC. 3. PREVENTING TAXPAYER FUNDING FROM BEING**
19 **USED TO PROVIDE ILLEGAL IMMIGRANTS**
20 **WITH CELLULAR DEVICES.**

21 The Secretary of Homeland Security (including any
22 delegate of the Secretary) or any other Federal Govern-
23 ment official may not use American taxpayer funding to
24 provide cellular devices to individuals who cross the south-
25 ern border illegally.

1 **SEC. 4. AMERICAN TAXPAYER WASTE REPORT.**

2 Not later than 150 days after the date of the enact-
3 ment of this Act, the Secretary of Homeland Security, in
4 conjunction with the Commissioner of the U.S. Customs
5 and Border Protection, shall submit a report to the Com-
6 mittee on Homeland Security of the House of Representa-
7 tives and the Committee on Homeland Security and Gov-
8 ernmental Affairs of the Senate outlining the total number
9 of cellular devices allocated to illegal immigrants since the
10 beginning of Joe Biden's presidency, the total monetary
11 cost of each cellular device, the economic impact on each
12 American citizen resulting from the decision to distribute
13 cellular devices to illegal immigrants, a detailed overview
14 of the stipulations and process when providing cellular de-
15 vices to illegal immigrants, the number of cellular devices
16 that were returned after an immigration hearing decision
17 in comparison to those that were not returned, details
18 about the cellular device return process after the immigra-
19 tion hearing concludes, and any other information relating
20 to the illegal immigrant cellular device distribution process
21 that the Secretary determines necessary.

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