

Madam Speaker, the stakes can be high for a person wrongfully refused admission and the consequences of being denied admission to the United States can be significant.

For example, a U.S. research institution may lose the opportunity to employ a next generation cancer researcher if that researcher is denied admission despite possessing a valid nonimmigrant visa.

Individuals who are refused admission may be unable to reunite with their families, receive critical medical care unavailable in their home country, or pursue higher education at a U.S. college or university.

Although some individuals may be permitted to withdraw their application for admission and return home without long term consequences, others may be ordered removed without a hearing or further review under “expedited removal.”

An individual who receives an expedited removal order is barred from returning to the United States for five years.

Communication protocols are inconsistent across ports of entry and CBP provides no public guidance on an individual’s ability to communicate with counsel and other individuals during the inspection process.

According to an American Immigration Council report, CBP policies and practices on access to counsel vary from one office to another.”

While some ports of entry completely bar counsel in primary or secondary inspection,” others provide specific procedures for interacting with counsel or provide the inspecting officer with broad discretion to decide whether and with whom to communicate.

Madam Speaker, the Access to Counsel Act of 2020 ensures that no one is cut off from the world due to the Administration’s hasty and mismanaged rollout of the Muslim ban and the widespread chaos that it engendered at airports across the nation.

Affected individuals were detained at airports for hours, and many were sent back to their home countries without the ability to contact their families or receive the assistance of counsel.

Reports of similar treatment surfaced in January 2020, as tensions between Iran and the United States escalated and up to 200 individuals of Iranian descent were detained and questioned in secondary inspection at the Peace Arch Border Crossing in Blaine, Washington.

These individuals—many of whom were U.S. citizens or permanent residents, including seniors and children—were held for several hours, with some reportedly held for up to 12 hours.

Madam Speaker, although complications in the inspection process can arise in response to sweeping changes in immigration policy or shifting world events, the greatest impact on individuals comes from the consistent lack of access to counsel and other assistance at ports of entry on a day-to-day basis.

All individuals—including U.S. citizens—who seek to lawfully enter the United States are subject to inspection by CBP officers at ports of entry.

Without access to counsel and other parties, many individuals are refused admission or issued an expedited removal order instead of being provided the chance to vindicate their rights and lawfully enter the country.

The Access to Counsel Act will ensure individuals who are seeking to lawfully enter the United States are treated fairly and with dignity.

The bill permits counsel and interested parties to appear in person at the port of entry, but also gives DHS and CBP enough discretion to determine—based on operational and other practical limitations—how the consultation takes place.

The bill provides extra protection for lawful permanent residents (LPRs) by prohibiting DHS from accepting a Record of Abandonment of Lawful Permanent Resident Status from an LPR without first providing the LPR a reasonable opportunity to consult with counsel.

Madam Speaker, the Access to Counsel Act of 2020 is supported by an impressive coalition of highly respected organizations, including: Amnesty International; American Civil Liberties Union (ACLU); America’s Voice; American Immigration Lawyers Association (AILA); Coalition for Humane Immigrant Rights; Immigration Hub; and National Iranian American Council (NIAC).

I urge all Members to join me in voting to pass H.R. 5581, the Access to Counsel Act of 2020.

Ms. LOFGREN. Madam Speaker, I rise in support of H.R. 5581, the “Access to Counsel Act of 2020”, a bill that will ensure that individuals who lawfully present themselves at our ports of entry are treated fairly and allowed to communicate with counsel and other parties if they are subjected to prolonged inspection.

The Immigration and Nationality Act provides individuals in removal proceedings the right to representation at no expense to the government. Although federal regulations extend this right to immigration-related “examinations,” applicants for admission—specifically those in primary or secondary inspection—are excluded unless they become the focus of a criminal investigation.

However, our immigration laws are complex, and so are some questions regarding an individual’s admissibility.

Access to outside assistance is important to ensure that CBP has a complete understanding of the facts and the law before deciding admissibility. That is because grave consequences can result from being refused admission—consequences that extend well beyond simply turning around and getting back on a plane.

Individuals who are refused admission may be unable to reunite with their families or receive critical medical care unavailable in their home country. They may be turned away from a U.S. employer who desperately needs their skills. Or they may be denied the opportunity to pursue higher education at a U.S. college or university.

If that weren’t enough, they could also be subject to a 5-year bar to returning to the United States if they are issued an expedited removal order.

That is why this legislation is so critical.

By allowing individuals who lawfully present themselves for inspection at a port of entry to communicate with counsel or other interested parties with information relevant to their request for admission, CBP will be better equipped to correctly resolve legal uncertainties and individuals will be treated more equitably.

I would like to thank my friend and colleague, Representative JAYAPAL for her leadership and commitment to this issue. Her efforts led to the introduction of this legislation, and I urge all my colleagues to support the Access to Counsel Act.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 891, the previous question is ordered on this portion of the divided question.

The question is: Will the House concur in the Senate amendment with the House amendment specified in section 4(b) of House Resolution 891?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NADLER. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3989. An act to amend the United States Semiquincentennial Commission Act of 2016 to modify certain membership and other requirements of the United States Semiquincentennial Commission, and for other purposes.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Mariel Ridgway, one of his secretaries.

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TAXPAYER FIRST ACT OF 2019

Mr. GRIJALVA. Mr. Speaker, pursuant to House Resolution 1053, I move to take from the Speaker’s table the bill (H.R. 1957) to amend the Internal Revenue Code of 1986 to modernize and improve the Internal Revenue Service, and for other purposes, with the Senate amendments thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SCHNEIDER). The Clerk will designate the Senate amendments.

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Great American Outdoors Act”.

SEC. 2. NATIONAL PARKS AND PUBLIC LAND LEGACY RESTORATION FUND.

(a) IN GENERAL.—Subtitle II of title 54, United States Code, is amended by inserting after chapter 2003 the following:

“CHAPTER 2004—NATIONAL PARKS AND PUBLIC LAND LEGACY RESTORATION FUND

“Sec.

“200401. Definitions.

“200402. National Parks and Public Land Legacy Restoration Fund.

“§ 200401. Definitions.

“In this chapter:

“(1) ASSET.—The term ‘asset’ means any real property, including any physical structure or grouping of structures, landscape, trail, or other tangible property, that—

“(A) has a specific service or function; and