Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

ACCESS TO COUNSEL ACT OF 2021

Mr. NADLER. Madam Speaker, pursuant to House Resolution 330, I call up the bill (H.R. 1573) to clarify the rights of all persons who are held or detained at a port of entry or at any detention facility overseen by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 330, the amendment in the nature of a substitute, recommended by the Committee on the Judiciary, printed in the bill, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Access to Counsel Act of 2021''.

SEC. 2. ACCESS TO COUNSEL AND OTHER ASSISTANCE AT PORTS OF ENTRY AND DURING DEFERRED INSPECTION.

(a) ACCESS TO COUNSEL AND OTHER ASSISTANCE DURING INSPECTION.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

''(e) ACCESS TO COUNSEL AND OTHER ASSISTANCE DURING INSPECTION AT PORTS OF ENTRY AND DURING DEFERRED INSPECTION.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that a covered individual has a meaningful opportunity to consult with counsel and an interested party during the inspection process.

''(2) SCOPE OF ASSISTANCE.—The Secretary of Homeland Security shall—

''(A) provide the covered individual a meaningful opportunity to consult (including consultation via telephone) with counsel and an interested party not later than one hour after the secondary inspection process commences and as necessary throughout the remainder of the inspection process, including, as applicable, during deferred inspection;

''(B) allow counsel and an interested party to advocate on behalf of the covered individual, including by providing to the examining immigration officer information, documentation, and other evidence in support of the covered individual; and

''(C) to the greatest extent practicable, accommodate a request by the covered individual for counsel or an interested party to appear in-person at the secondary or deferred inspection site.

''(3) SPECIAL RULE FOR LAWFUL PERMANENT RESIDENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of Homeland Security may not accept a Form I-407 Record of Abandonment of Lawful Permanent Resident Status (or a successor form) from a lawful permanent resident subject to secondary or deferred inspection without first providing such lawful permanent resident a meaningful opportunity to seek advice from counsel.

''(B) EXCEPTION.—The Secretary of Homeland Security may accept Form I-407 Record of Abandonment of Lawful Permanent Resident Status (or a successor form) from a lawful permanent resident subject to secondary or deferred inspection if such lawful permanent resident knowingly, intelligently, and voluntarily waives, in writing, the opportunity to seek advice from counsel.

''(4) DEFINITIONS.—In this section:

''(A) COUNSEL.—The term 'counsel' means—

''(i) an attorney who is a member in good standing of the bar of any State, the District of Columbia, or a territory or a possession of the United States and is not under an order suspending, enjoining, restraining, disbarring, or otherwise restricting the attorney in the practice of law; or

''(ii) an individual accredited by the Attorney General, acting as a representative of an organization recognized by the Executive Office for Immigration Review, to represent a covered individual in immigration matters.

''(B) COVERED INDIVIDUAL.—The term 'covered individual' means an individual subject to secondary or deferred inspection who is—

''(i) a national of the United States;

''(ii) an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;

''(iii) an alien seeking admission as an immigrant in possession of a valid unexpired immigrant visa;

''(iv) an alien seeking admission as a nonimmigrant in possession of a valid unexpired nonimmigrant visa;

''(v) a refugee;

''(vi) a returning asylee; or

''(vii) an alien who has been approved for parole under section 212(d)(5)(A), including an alien who is returning to the United States in possession of a valid advance parole document.

''(C) INTERESTED PARTY.—The term 'interested party' means—

''(i) a relative of the covered individual;

''(ii) in the case of a covered individual to whom an immigrant or a nonimmigrant visa has been issued, the petitioner or sponsor thereof (including an agent of such petitioner or sponsor); or

''(iii) a person, organization, or entity in the United States with a bona fide connection to the covered individual.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

(c) SAVINGS PROVISION.—Nothing in this Act, or in any amendment made by this Act, may be construed to limit a right to counsel or any right to appointed counsel under—

(1) section 240(b)(4)(A) (8 U.S.C. 1229a(b)(4)(A));

(2) section 292 of the Immigration and Nationality Act (8 U.S.C. 1362); or

(3) any other provision of law, including any final court order securing such rights,

as in effect on the day before the date of the enactment of this Act.

Amend the title so as to read: ''A bill to clarify the rights of certain persons who are held or detained at a port of entry or at any facility overseen by U.S. Customs and Border Protection.''.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees.

The gentleman from New York (Mr. NADLER) and the gentlemen from Ohio (Mr. JORDAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1573.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, H.R. 1573, the Access to Counsel Act of 2021, is an important bill that will ensure that individuals who seek to lawfully enter the United States can contact a family member or an adviser if they are held for an extended period at a port of entry.

Last September, the Judiciary Committee and the Foreign Affairs Committee held a hearing to explore President Trump's Muslim ban and the chaos that unfolded at airports across the country when it was first announced.

I can personally attest to that chaos, based on my experience at JFK Airport immediately after the ban was implemented. Refugees, individuals with valid visas, and even lawful permanent residents were detained for hours and were prevented from speaking with attorneys. Some even had their phones taken away and were unable to call their family.

Although the issue grabbed the headlines then, it is, unfortunately, a problem that occurs daily. Due to the complexity of U.S. immigration law and the fact-intensive nature of questions regarding admissibility, it is not uncommon for some people to spend hours undergoing inspection by U.S. Customs and Border Protection, or CBP.

During this time, individuals are often prevented from communicating with those on the outside. And if the individual is lucky enough to have a lawyer, CBP will often refuse to speak to them, even if they can provide critical information or correct the legal error. Moreover, serious consequences can result from being refused admission.

Some have argued that this bill will require CBP to expend significant resources, but I believe they fundamentally misunderstand the substance of the bill. To be clear, H.R. 1573 does not provide a right to counsel, nor does it impose any obligation on the Federal Government to build any additional space to accommodate counsel or hire new staff, nor to pay for counsel.

The bill simply ensures that no one who presents themselves at a port of entry with valid travel documents is completely cut off from the world during the inspection process. It allows those seeking admission, including U.S. citizens, to communicate with counsel and other parties if they are subjected to secondary inspection that lasts longer than 1 hour. The bill specifically contemplates that this could be accomplished telephonically.

It is absurd to claim that providing these individuals with the opportunity to call their families or an attorney and potentially receive their assistance during the inspection process will consume significant CBP resources.

Madam Speaker, I would like to extend a special thanks to my colleague, Representative JAYAPAL, for her leadership on this issue and for championing this bill. I encourage my colleagues to support it, and I reserve the balance of my time.

Mr. JORDAN. Madam Speaker, I yield 3½ minutes to the gentleman from California (Mr. MCCLINTOCK), the ranking member on the Immigration Subcommittee.

Mr. MCCLINTOCK. Madam Speaker, we are way beyond any question of whether we face a border crisis. The question now is whether we have a border at all.

When I put that very question directly to the president of the Border Patrol, his answer was an emphatic: No, we do not.

By abandoning the border wall, rescinding the remain in Mexico policy, and obstructing enforcement of court-ordered deportations, President Biden has produced a mass illegal migration of historic proportions, preying most tragically on young children and making the Mexican crime cartels billions of dollars.

The only border security measure he hasn't pulled down is the ability of the CBP to stop illicit activity at our official ports of entry, where large volumes of narcotics and other contraband must pass.

Judiciary Republicans recently visited our facility at Hidalgo crossing, where thousands of cars and trucks passing through the port of entry must be inspected daily to protect our country from high-volume cartel smuggling. Our officers are experts at spotting suspicious traffic hidden among the high volume of legal crossings without unduly delaying honest commerce and passage.

Now, to do this, they wave the suspicious traffic to secondary inspections, where they can locate and stop contraband that is often ingeniously hidden.

□ 1400

Now, this has been a tremendous inconvenience to the cartels. We saw millions of dollars of methamphetamines and other deadly drugs, as well as infected fruits and vegetables heading to American markets, recently seized at these secondary inspections.

But H.R. 1573 would grind legitimate trade and travel to a halt by providing that anyone referred to secondary inspection can, within an hour, consult with an attorney and call other third parties. Now, there are more than 17 million secondary inspections conducted each year at our 328 ports of entry.

Can you imagine the effect of this bill?

It is not limited to attorneys. A smuggler pulled into secondary inspection could warn confederates behind him that their hiding places have been discovered, turn back.

The officers told me they are already overwhelmed, using antiquated facilities, and suffering manpower shortages. This bill gives the CBP the Hobson's choice of curtailing inspections or routinely backing up traffic for hours on end.

The inspection itself is not a criminal process. It is a screening process to assure that only legal products enter our country. Only when it becomes a criminal matter is there a right to counsel.

Now, if this isn't actually written by the crime cartels, it is certainly entirely in their interest and service. It speaks volumes about the attitude of the Democrats on the security of our border, the safety of our citizens, and the sovereignty of our Nation.

Mr. NADLER. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN), who is the chairwoman of the Immigration and Citizenship Subcommittee.

Ms. LOFGREN. Madam Speaker, I urge adoption of this bill that allows individuals who have obviously valid travel documents to contact a member of their family or counsel if they are held for an extended period of time at a U.S. port of entry.

It has nothing to do with the inspection of contraband. It has nothing to do with providing a lawyer at government expense. That is prohibited. It has nothing to do with delaying the inspection. It is only if it is practical for the CBP to allow this to occur.

The immigration laws are very complex and fact-intensive, and for some people who are in secondary inspection for hours, providing a piece of information to the CBP can clear things up.

Madam Speaker, I will give you an example of a researcher coming in with a valid visa and the CBP wonders about that research: Is it true? Being able to communicate with the president of the university where the student is heading to can assure the CBP about the research and would clear the matter up.

This bill does nothing to alter the existing authority of the CBP to alter, to deny entry, or to issue an expedited removal order. It just allows individuals to communicate with their American family, with their employer, and with their counsel to help provide information. There are many red herrings that have been offered about this bill, but it is really about expediting a process that is impeded, oftentimes because of lack of information. These are individuals who are coming legally. It does not apply to people who are coming between ports of entry.

The lack of communication can cause harm to American families. Somebody who is coming to their American fiancee can be turned away. Somebody who is coming to work for an employer who needs their expertise could be turned away. Somebody who is coming to continue their groundbreaking medical research could erroneously be turned away.

It is important that information be made available to the CBP, and the way to do that is to make sure that individuals who are lawfully attempting to enter the United States with an apparently valid visa at a port of entry who has been held for secondary inspection have an opportunity to communicate with their American family or with their American boss or even a lawyer to get information that the CBP can then consider, and if they are not persuaded it is valid, they can still turn that individual around.

I think that the opposition is a bit overwrought.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NADLER. Madam Speaker, I yield the gentlewoman from California such time as she may consume.

Ms. LOFGREN. Madam Speaker, I actually am surprised by some of the things in the rhetoric that have been offered in opposition to what is really just a commonsense, modest measure that will allow for communication for people who have legal visas who have been held in secondary inspection, so the confusion can be cleared up. It is important, not just to the people trying to enter, but it is important to Americans who are waiting for them—their families, their employers, and their teachers.

Madam Speaker, I urge approval of this bill.

Mr. JORDAN. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ROY).

Mr. ROY. Madam Speaker, I thank the gentleman from Ohio for yielding.

Madam Speaker, 185 years ago today in San Jacinto, Texas, the great State of Texas won its independence from Mexico.

General Sam Houston launched a surprise attack against Santa Anna, routed their forces, and then ultimately was able to negotiate with Santa Anna for his freedom the treaty that resulted in the founding of the Republic of Texas.

As a proud Texan, I am sitting here 185 years later recognizing that my State, the State that I am proud to represent, is under siege. It is under constant siege on a daily basis by dangerous cartels, but worse than being under siege by dangerous cartels, it is under siege by a Democrat President who refuses to do his constitutional duty to secure the border of the United States.

That is the fact, that this President, obligated under the Constitution, literally refuses to carry out and exercise his constitutional duty to defend our borders—our borders in Texas—where our communities are under siege, where our schools are overrun, where our hospitals are being inundated, where our ranchers are having people cross them, and where dangerous narcotics like fentanyl are pouring into our communities.

This is what is happening to my State of Texas on this, the 185th anniversary of the battle at San Jacinto.

One has to wonder whether the agreement that Texas made when entering

this Union remains worth it when the State of Texas is under siege by an administration that refuses to defend our border.

That is a question that we Texans are continuing to wrestle with, because it is the duty of this President and the duty of the Federal Government to secure the borders.

I look at Texans who have lost loved ones at the hands of people here illegally. I look at families who have families destroyed by fentanyl and dangerous narcotics. And I look at trafficking of human beings into the sex trade in the State of Texas where stash houses are being run by cartels. Then I watch as my Democratic colleagues want to put up every roadblock to security and launch every single way possible to prop up cartels, prop up the ability of our border to be exploited, and refuse to actually do the job necessary to secure the border.

It is incumbent upon this body to speak with one voice that we are going to defend the borders of the United States and do our duty under the Constitution while States are feeling the brunt every single day in very real terms.

The SPEAKER pro tempore (Mr. MCGOVERN). Members are reminded to refrain from engaging in personalities toward the President.

Mr. NADLER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am going to have a lot more to say about this bill a little later, but I have to respond to one point that the gentleman just made.

He said he was considering whether the agreement to enter the Union was valid or was worth it. He is not the first to consider that. John Calhoun considered that. Others considered it, and they tried it. The result was a civil war. So I certainly hope that no one is thinking of that again.

Mr. Speaker, I reserve the balance of my time.

Mr. JORDAN. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. CAWTHORN).

Mr. CAWTHORN. Mr. Speaker, I rise today because I feel that too many on the left are comfortable with lies and half-truths. Let me tell you one thing, Mr. Speaker: I am sick of it, my constituents are sick of it, and the American people are sick of it.

My colleagues just said that President Trump instituted a Muslim ban. If my colleagues had read executive order 13769, instead of their liberal talking points, they would know that that is simply not true. President Trump's ban impacted seven specific countries. My colleagues' statements are patently false and prohibitively misleading.

The crisis at our southern border represents a serious risk to our national security of the United States and the sanctity of the rule of law.

Reports from law enforcement officers fighting to stem the overwhelming tide of illegal immigration into our country emphasizes the lack of resources and misapplication of funds by the Federal Government. Yet today, we are being asked to vote on a bill that would do nothing to fix the weaknesses at our border but instead would misallocate resources away from our border security agents.

This little bill would spend $825 million to provide taxpayer-funded legal assistance to individuals crossing our border because my colleagues on the left believe the best way to fix any problem is just to send in more lawyers.

This legislation would significantly hamper law enforcement's ability to effectively screen potentially dangerous individuals who have been flagged by other agencies for advanced screening due to their criminal record or status as a person of interest for national security purposes.

We should be empowering law enforcement, not reining in their effectiveness. Screening passengers who enter our country is a normal part of securing the U.S. ports of entry and is a uniform expectation for all who want to enter the United States. Granting a lawyer to anyone who warrants a secondary screening is like demanding a lawyer every time your bag is checked going through TSA.

This bill does nothing to enhance our border security, and, furthermore, it hampers their ability to carry out their mission.

Mr. Speaker, I strongly urge my colleagues to vote ''no'' on H.R. 1573.

Mr. NADLER. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Washington (Ms. JAYAPAL), who is the sponsor of the bill.

Ms. JAYAPAL. Mr. Speaker, I thank the chairman so much for his tremendous leadership on helping to bring this bill to the floor.

Mr. Speaker, I rise in support of my bill, the Access to Counsel Act.

It is the Access to Counsel Act. I don't know if my friends on the other side have heard that. I am not sure how access to counsel helps empower cartels. I am not sure if my colleagues on the other side have read the bill. This does not fund counsel, and it actually doesn't give a right to counsel. We could debate that in another bill. This gives access to counsel.

It brings us one step closer to upholding our country's principles of due process and fairness by ensuring that individuals with lawful status have the right to call a lawyer and receive assistance if they are detained at ports of entry or in airports.

So why did this bill come about?

The Access to Counsel Act was the very first bill I introduced as a Member of Congress in 2017 in response to President Donald Trump's Muslim ban. On the day that Donald Trump announced that ban, I rushed to my local airport in Seattle. What I encountered and what we saw at airports across the Nation was a sham of our democracy.

People from seven Muslim-majority countries—all with legal access to be in the United States—suddenly found themselves held for upwards of 30 hours, deported, and in some cases pressured to sign papers giving up their legal status without even the ability to call an attorney or a family member.

I then reintroduced, again, the Access to Counsel Act in my second term, in January of 2020, after Customs and Border Protection targeted Iranian Americans at ports of entry. As many as 200 Iranian Americans were held in secondary screening in Blaine, Washington.

Negah Hekmati and her two children were detained for nearly 6 hours despite being U.S. citizens and despite having preclearance for expedited processing at the border that is specifically for approved, low-risk travelers.

□ 1415

She recalls her small children begging her not to speak Farsi in fear of being detained. At such a young age, her children, U.S. citizens, already recognized that they were being profiled and unjustly held because of their heritage.

Of course, when we raised this in the moment, Border Patrol said: That is not happening. We can't do that. We wouldn't do that. We are not doing that.

Well, it took over a year and suing the government in order to access documents from Customs and Border Protection for us to find out that the total number of people held was 227 people. Half of those people were U.S. citizens and legal permanent residents, half of the 227. The rest of them had legal paperwork to come into the country.

So, why were they held? They were held because of their Iranian heritage or ties to the Middle East. Later, we also found out that there was no attempt from Border Patrol to figure out why they were there, whether they should be there, or to even comply with the law that says that your country of origin cannot be the sole purpose that you are held.

If Republicans want to talk about wasting Border Patrol resources, let's talk about the fact that 227 people, half of whom were U.S. citizens and legal permanent residents and the rest with valid visas, were held in a Border Patrol station in Blaine, Washington, for almost 12 hours and unable to leave. That is called detention.

You have now turned the Border Patrol stations into detention facilities. That is not what we are supposed to do. Why is it so difficult to say: Yes, a phone call is permissible.

That is what this bill is trying to do.

Throughout the last administration, we saw dozens of Iranian students with valid visas having their visas revoked or being deported upon arrival to the United States simply because of their country of origin. The Access to Counsel Act would ensure that people who have already been vetted and granted lawful status have a meaningful opportunity to call an attorney, have a

meaningful opportunity to call a relative or other interested party, like a Member of Congress, when they get held for more than an hour in secondary inspection.

This is a commonsense measure, Mr. Speaker, to make sure that our Nation treats those who are arriving to our country, whether it is green card holders who have made their home here in the United States; visa holders working, studying, or traveling to the United States; or U.S. citizens who happen to have been identified with a different country of origin for some reason, let's make sure we treat everybody with dignity and respect.

I am so proud to be passing the Access to Counsel Act today, alongside the No BAN Act, to put an end to some of the most cruel and discriminatory policies adopted by the previous administration and to make sure that they never happen again.

Mr. JORDAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation requires individuals entering our country at ports of entry, tens of millions of them, who are referred for secondary inspection to get a lawyer. Yet, Democrats tell us this is not going to cost the taxpayers anything. I mean, this is some kind of miracle.

You have a mandate for tens of millions of people coming into our country, and it is not going to cost Americans any money? I have never seen a government mandate that didn't cost something. This is amazing.

I remember my days in the State legislature. Local governments were concerned about unfunded mandates from the State. This may be the biggest mandate we have ever seen.

But somehow, our agents, who are busting their tails working night and day right now with this crisis on the border, it is not going to cost them anything in time and effort.

I think the American taxpayers are smarter than that.

Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. BIGGS).

Mr. BIGGS. Madam Speaker, I thank the gentleman for yielding.

When I hear that, oh, this bill simply is just trying to give a phone call, well, then why didn't it say that? Why didn't it say that in the bill? It didn't say that. It talks about access to an attorney. I am an attorney. I did court-appointed attorney work. I did it all the time.

Madam Speaker, this may not give someone a court-appointed attorney, but what it does is, you open it up. If Democrats don't think that consumes resources, then I just wonder if Democrats have ever been to a port of entry and watched people coming through and seen the secondary inspection process.

This is going to bog down your ports of entry, and it is going to lead to litigation. This is a trial lawyer's blessing, a trial lawyer's dream, I can tell you that, because that is what is going to happen. There are going to be mistakes made, and even if there aren't mistakes made, there are going to be lawsuits.

This is not designed to facilitate border ingress and egress. This is not designed to help commercial traffic. This is going to bog down our system.

While that is going on, Democrats say this is not going to be a problem. It will redirect and redeploy Border Patrol agents and Customs agents to deal with this. That means it is going to really slow things down, and everyone knows what that means. That means that all the people who are coming are going to have an even wider open field.

In February, over 101,000 aliens were encountered. In March, over 172,000 aliens were encountered at the border. The number is going up. It is not going down. It is going up. Do you know why? Because the policies of this administration draw people in. They have done absolutely nothing to slow this down.

Madam Speaker, do you know what the number one most important thing would be? How about the President of the United States of America stand up and say: No. We will send you back. Our border is closed. If you want to come in, come in legally through the ports of entry.

How about doing that? Well, he has not done that. That is why you see people showing up with Biden campaign T-shirts on the border. That is why the Mexican President said this is Biden's border crisis. That is why the El Salvador President has expressed the same. And that is what Border Patrol agents also understand.

Ranchers and people in my district and those who live on the border, that is why they will say: This is Biden's problem. He created it. He inherited a solution and created a crisis.

The person who he has tapped to lead the efforts to address this surge at the border has been all over the place, just hasn't been at the border.

The SPEAKER pro tempore (Ms. TLAIB). The time of the gentleman has expired.

Mr. JORDAN. Madam Speaker, I yield an additional 30 seconds to gentleman from Arizona.

Mr. BIGGS. Madam Speaker, this individual has not been to the border once, but the solutions are not a mystery.

President Biden has to stand up and make a statement: You have to continue construction of the wall; reinstate the MPP program; reinstate the 12 international agreements that were in place that were slowing this down. That would have stopped it. The last thing is, move your asylum courts down to the border to deal with current asylum cases.

Mr. NADLER. Madam Speaker, I yield 6 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, I thank the gentleman from New York for his leadership.

I thank the gentlewoman from the State of Washington for her grand and superb and astute leadership in understanding the Bill of Rights.

I have watched this debate, and I have seen people go to the microphone and talk about ''on the left.'' I didn't know the Constitution was on the left or the right. I thought the Constitution was a document that our Founding Fathers started with the language ''to form a more perfect Union.'' And in the Bill of Rights, citizens or noncitizens can have access to due process just because of the basic foundation of this Nation.

For a moment, I am going to pause, but I rise to support enthusiastically the Access to Counsel Act, H.R. 1573. But let me pause, as a resident and citizen of a border State.

Oh, how interesting it is, the interpretation of those one-time visitors. What about those of us who have been at the border over and over again? What about those of us who stood in the dark of night and saw a 2-year-old or a baby come off the wall.

No, that was not what we wanted. But people fleeing persecution have always sought to come to the place where the Statue of Liberty stands in the harbor. As far as I know, she is not gone. There is an Office of Refugee Resettlement. We have been a refuge for refugees.

Madam Speaker, I can tell you that, in the last 4 years, I saw scenes that I had never seen in my life. Do I need to remind Republicans of the children who died in our custody? No, I don't blame those Border Patrol or others there, my neighbors. But I blame the policies of the previous administration that did not care and simply left them to their own devices, which was a crowded, unsanitized place with metallic blankets and people not able to move because their idea was: Move them out. Make it so horrible, short of losing their lives, they will leave.

Then, what about the MPP program? I went to Mexico and saw desperate people in the streets. They had no place to live. They were being taken advantage of. I don't fault Mexico that, in essence, made an agreement. Maybe they were intimidated by the last administration and didn't know what else to do. But the MPP program subjected people to very dangerous conditions.

So, besides the Biden administration's policy of a closed border, sending people back who are single adults, but for the ports of entry, obviously; and, as well, those families, still giving them the opportunity to apply for asylum, which was literally cut off—domestic abuse persons couldn't apply for asylum under the last administration—fleeing bloodshed.

I would rather stand with President Biden and Vice President Harris, who are strategically trying to work on behalf of the American people, but they have not left their compassion and humanity at the front door of the White House.

This legislation is absolutely in compliance with the Constitution because what it says is that you have access to counsel. We don't pay for it. You have legal entry documents, and it is only when you are in secondary detention that this takes place so that little Ali, who I mentioned earlier on the floor, coming from Egypt with the appropriate documents, would have been able to call his father or his uncle, who was here in Houston, Texas.

Is that not simple humanity? Is that simple kindness? Is that recognizing the dignity of all people?

What about this New York City design gallery owner detained at an airport because of this ridiculous process? Of course, that was in 2017, the last administration, Juan Garcia Mosqueda, founder of the New York art-and-design gallery called Chamber and a decade-long legal permanent resident. I don't know how he got detained at the John F. Kennedy International Airport. Not only did he get detained, but he was shipped back to his native Argentina with no opportunity to talk to anyone ahead of his gallery art show that very day.

In an open letter titled ''The Visible Wall,'' released by Mosqueda, he called the experience dehumanizing and degrading. He had his documents and detailed his 36-hour-long detainment, questioning, and return to Buenos Aires.

We already know I was getting ready to speak in the last debate on the No BAN Act. Nigeria was added to the list. I co-chair the Nigerian Caucus. There are doctors, lawyers, teachers, and businesspersons who have served from Nigeria in this Nation.

I believe this is a right-thinking bill, the Access to Counsel Act of 2021. I rise to support this legislation, and I oppose all of those who think that the Constitution no longer exists. Support the bill, H.R. 1573.

□ 1430

Mr. JORDAN. Madam Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. VAN DUYNE).

Ms. VAN DUYNE. Madam Speaker, I recently visited the border in my home State of Texas. The crisis there is astounding, as thousands of illegal immigrants enter the country on a daily basis. The Biden administration has been silent and in denial of any crisis, as we have seen record numbers of apprehensions, drug crossings into the U.S., and no answer for the humanitarian crisis of 20,000 unaccompanied minors.

President Biden appointed Vice President Harris as his immigration czar, and we have seen her travel all around the country, but not to the border. We have got a border czar who has not even been to the border.

Democrat leadership has been silent, not once questioning her absence from this humanitarian crisis. Instead, this week, they bring us more bad legislation. Today, we are debating spending nearly a billion dollars to give access to counsel to foreign citizens when they are not even subject to a criminal investigation. That is a right we do not even afford our own citizens.

My Republican colleagues and I continue to expose the crisis on the border, having seen firsthand the horrific situation. Yet the Democrats' solution is to hire attorneys, forcing Border Patrol to hire new personnel and construct new space to comply with this misguided legislation, which does nothing to address the hundreds of thousands of people surging our borders at record numbers, the girls and the boys who are being sexually assaulted and exploited, and the thousands of pounds of illegal drugs and weapons pouring into our country.

If the Vice President actually went down there, agents could show her the miles of unprotected border they have been pulled off of to instead act as babysitters. She might be able to understand that the policies put in place under the previous administration actually worked.

We should be focused on securing our border and letting our agents do their jobs. The lack of compassion, the lack of humanity that we have seen under the Biden administration is appalling. The gentlewoman from Washington said we should treat everyone with dignity and respect.

Have you seen the conditions that are down at the border right now?

It is the exact opposite of dignity and respect. And these words mean nothing if we refuse to follow them with action.

The legislation in front of us does nothing to stop the Biden border crisis, and it is just another attempt to prioritize the interests of aliens over the American people.

Madam Speaker, I urge opposition.

Mr. NADLER. Madam Speaker, I yield 6 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Madam Speaker, I want to start with responding to a complete misrepresentation of what this bill does. We have heard our friends on the other side of the aisle say that this bill requires that counsel be appointed to individuals, and they have even gone so far as to assign a number to it, $800 million.

That simply is not true. At first, I thought maybe it was an honest mistake, but it is being repeated. So now I know it is an affirmative misrepresentation.

What the bill does—and I invite my colleagues to look at the language of the bill. Go to page 3, line 17. A covered individual has a meaningful opportunity to consult with counsel and an interested party; they are required to provide a meaningful opportunity to consult with counsel.

There is no requirement in the bill that counsel be provided or paid for. So that claim is just not true. No matter how many times it gets repeated by our Republican colleagues, they are making it up. It is not in the bill.

So I rise in strong support of the H.R. 1573, the Access to Counsel Act.

Our legal system rests on the principle that every person is entitled to due process and a meaningful opportunity to be heard. The ability to consult with legal counsel is critical to both of these principles. For some, it is a matter of life and death. In the context of immigration, access to counsel can mean the difference between someone fleeing persecution, being able to remain safely in the United States, or detained or deported back to a war zone.

These are decisions that are often made away from courts. For example, Customs and Border Protection have the power to remove individuals from the United States without a hearing, based on statements made during an initial screening. Nothing in this bill changes that.

Questioning by Immigration and Customs Enforcement can lead to arrest, detention, initiation of removal proceedings, and removal, all done without access to counsel. The time, expense, and other resources associated with many immigration-related detentions could be avoided entirely if counsel were able to sit in during questioning.

H.R. 1573 confirms that the right to access counsel attaches at the time of holding or detention and requires CBP or ICE to provide people detained and questioned with the ability to make a call and notify an attorney of their detention.

H.R. 1573 does not force CBP or ICE to identify and assign lawyers to individuals subject to inspection. It doesn't require them to provide funds to obtain lawyers and support through the inspection process, nor does it create any obligation for the government to pay for counsel.

This legislation simply opens the door to meaningful access to counsel for those who have an attorney ready to assist, and it ensures that people subjected to prolonged inspection are able to communicate with and receive assistance from counsel or other individuals who can facilitate the inspection process.

This is a commonsense proposal that really does ensure that the system will work more efficiently, particularly for U.S. citizens.

I want to applaud the sponsor of this bill, Congresswoman JAYAPAL, for her extraordinary leadership. I thank the chairman of our committee for bringing this to the committee and now to the floor. This is something that everyone should support.

Madam Speaker, I urge my colleagues to support H.R. 1573.

Mr. JORDAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I include in the RECORD this cost estimate on H.R. 1573 from the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, APRIL 15, 2021

H.R. 1573 would require the Department of Homeland Security (DHS) to allow individuals subject to secondary immigration inspection at U.S. ports of entry to consult with an attorney, accredited immigration official, family member, or immigration sponsor during the inspection. The bill also would require DHS to allow the counsel or interested party to appear in person at the inspection site to the greatest extent practicable. (A secondary immigration inspection is conducted by customs officers if individuals entering the United States do not have the required documents for entry or if their information cannot be initially verified.)

Approximately 10.2 million individuals were referred to secondary inspection at the United States' 328 ports of entry in 2019. Using information provided by Customs and Border Protection (CBP), CBO expects that roughly 8 percent of referrals would request access to counsel each year. Immigration at ports of entry has declined significantly in fiscal years 2020 and 2021 because of the coronavirus pandemic; CBO assumes referrals would return to pre-pandemic levels beginning in mid–2022.

CBO estimates that CBP would need two new full-time officers on average at each port of entry to provide security and transportation services for individuals requesting access to counsel. (The number of CBP officers stationed at each port of entry ranges from several individuals to up to several thousands, and the number of additional officers needed at each port under the bill would vary by the size of the port.) CBO estimates that salaries, benefits, and overtime for the additional staff would cost about $700 million over the 2021–2026 period; such spending would be subject to the availability of appropriated funds.

Additionally, using information provided by the agency, CBO expects that 222 ports of entry (nearly two-thirds of all ports) would need additional space or other upgrades to accommodate the bill's requirement to allow counsel to appear in person at inspection sites. Using that same information and historical patterns of construction costs, CBO estimates the total cost for construction and operation of the additional space would total $123 million over the 2021–2026 period.

Specifically, CBO estimates that construction costs at 113 land facilities would total $62 million over the 2021–2026 period, with $10 million spent in subsequent years. CBO estimates the cost of renting additional space at 109 airport facilities would total $44 million over the 2021–2026 period. In addition, CBO estimates the cost of initial setup, recurring maintenance, and other operational expenses associated with the additional space would total $17 million over the 2021–2026 period. All construction and operational costs would be subject to the availability of appropriated funds.

The costs of the legislation, detailed in Table 1, fall within budget function 750 (administration of justice).

Mr. JORDAN. Madam Speaker, the gentleman said it wasn't going to cost anything.

This is straight from the Congressional Budget Office: $825 million over the next 5 years, this is going to cost. This is based on Customs and Border Protection telling the CBO what costs they are going to incur.

So right there it is. He can say it is not there, but the CBO says it is.

Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CLINE).

Mr. CLINE. Madam Speaker, our Nation is in a crisis. We are facing a real crisis at our southern border. As I speak, hundreds of migrants are crossing into the United States right now because the Biden administration has made it clear to the world that the border is open and the rule of law will not be upheld.

Now, instead of working on solutions to address the ongoing border crisis, the majority has brought forward legislation that would cripple our Nation's screening process for individuals entering at U.S. ports of entry.

Currently, a right to counsel does exist, but it only occurs once a screening turns from questions on the admissibility of people or goods to a custodial interrogation relating to a criminal offense.

More efficient, says my colleague from the other side.

This bill would place a significant burden on the men and women of the U.S. Customs and Border Protection, who, prior to the pandemic, processed over 1 million people daily at various ports of entry. The CBP regularly conducts over 17 million secondary inspections each year. That is not more efficient with this legislation.

This legislation would severely limit the CBP's ability to ensure thorough inspections of all travelers, not only those referred to secondary inspection, creating unnecessary delays and significant impacts on daily operations.

This bill misuses taxpayer dollars, puts the interests of foreign citizens above the interests of American citizens.

Madam Speaker, I urge my colleagues to oppose it.

Mr. NADLER. Madam Speaker, I reserve the balance of my time.

Mr. JORDAN. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOOD).

Mr. GOOD of Virginia. Madam Speaker, we must establish an America-first immigration policy. However, the Democrats are doing the opposite, with illegal aliens first, foreign nations first, and future Democrat voters first. Law-abiding American citizens are clearly last on the list of priorities, if they even make the list at all.

They are giving illegal aliens free healthcare, free education, free social services, free transportation, and even free lodging. Today, it is more of the same, with the continued effort to enable and facilitate illegal entry into our country. Now they want to provide attorneys for illegal aliens and further restrict our ability to refuse entry to those who wish us harm. Come one, come all.

Is it confusion and incompetence on the part of Democrats?

Do they not know the threat to our country? Do they not understand?

Or is it worse and they know exactly what they are doing and they don't care about the consequences?

Why else would they let organized crime profit off the suffering of those trying to illegally cross our border?

Why else would they stop building the Trump wall?

Why else would they reinstate catch-and-release and offer amnesty to illegal aliens?

Why else would they stop MPP and Title 42 restrictions?

The Democrats are destroying our country, and you need to look no further than our own border.

Mr. NADLER. Madam Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore (Mrs. DINGELL). The gentleman from New York has 8 minutes remaining.

Mr. NADLER. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, I rise today in support of the Access to Counsel Act.

Thousands of immigrants lawfully come to our country, come through our ports of entry, daily. They come in order to reunite with families, in order to receive lifesaving medical help, in order to pursue their educational dreams. They come because they are allowed to come, and they come for really good purposes.

When they arrive, all too often they are subjected to grueling inspections and relentless questioning by our Customs and Border Patrol agents, and often they have no help to turn to.

H.R. 1573 will ensure that these individuals can communicate with a family member, an attorney, or other party who can help them navigate what is going on at the port of entry if they are held over an hour.

This is important. We are not saying that there shouldn't be any inspections whatsoever, that there shouldn't be any questioning. But sometimes people have been held up to 30 hours without any access to help. It is not right.

This is critical to ensuring that immigrants are treated fairly and with dignity.

Madam Speaker, I urge my colleagues to vote ''yes'' on the Access to Counsel Act and to support due process for all.

Mr. JORDAN. Madam Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. BUCK).

Mr. BUCK. Madam Speaker, there is a humanitarian crisis on our southern border. Every day, more migrants surge towards the border and overwhelm the dedicated men and women of Customs and Border Protection.

CBP is facing the most dramatic increase in detentions and illegal crossings in nearly 15 years, with no end in sight and no plan to address the situation articulated and caused by the Biden administration.

Mr. Biden revoked the remain in Mexico policy and the safe third country agreements with Guatemala, Honduras, and El Salvador. He stopped building the wall. He tapped Vice President KAMALA HARRIS to coordinate the response to this humanitarian crisis almost a month ago. She still

hasn't visited the border, but she has had time to stop at a Chicago bakery and grab a slice of cake for her plane ride home.

The Vice President's message to the American communities being overrun with illegal immigrants is, apparently, ''let them eat cake,'' while the President rolls out the welcome mat to illegal immigrants pouring over our border.

My colleagues across the aisle want to fund lawyers for illegal immigrants and defund the police. They don't care if the American people are protected, but they want to make sure their friends in the local bar association get paid to represent criminals flooding into our country.

Democrats don't have time to fix our broken immigration system, but they have time to visit Minnesota and incite riots.

□ 1445

During the current crisis, immigration backlogs have gotten so extreme that illegal migrants are being housed in convention centers and hotels across the country. My liberal colleagues should try addressing the rising homeless problem with Americans rather than placing illegal immigrants in hotels.

Just 2 weeks ago, the CBP announced the arrest of two men on the FBI's terrorism watch list as they tried to cross the southern border. If this legislation was enacted, Americans would have paid for their lawyers to help these terrorists stay in our country.

This is a dangerous precedent that prevents our existing border security apparatus from working properly.

Mr. NADLER. Madam Speaker, I reserve the balance of my time.

Mr. JORDAN. Madam Speaker, may I inquire as to how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Ohio has 9½ minutes remaining. The gentleman from New York has 6 minutes remaining.

Mr. JORDAN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, I know it seems compassionate to those who support this bill to say we want to give this young child whose parents sent them up by themselves, give them a lawyer, help them out.

But the consequences for those of us that have spent a lot of time on the border are very clear. It means, if you make this law, that the representatives of the drug cartels, which are often gang members, they can tell the parents, Look, I know it is a tough decision whether to send your child alone, this little 3-, 5-, 8-year-old child up by themselves, but the good news is that there are people in Congress that have fought for and have gotten you a lawyer at the border for your child.

So with the drug cartels, the truth is this child will likely be an indentured servant for many years, either drug trade or sex traffic, but they are going to be owned by the drug cartel, as far as what they get to do in their freedom. This is not something we should be doing, adding more to lure more unaccompanied children up to our border. We are already in crisis mode.

As all of the Border Patrol that I have talked to over the years explained, they are basically working now for the drug cartels. As they have said, we are the logistics for the drug cartels. The cartels send them up, get them to the border, and then we ship them wherever the cartels want us to send them.

This is not as compassionate as it may seem. This is going to damage millions of people.

Mr. NADLER. Madam Speaker, I reserve the balance of my time.

Mr. JORDAN. Madam Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. VAN DREW).

Mr. VAN DREW. Madam Speaker, I rise in opposition to this bill.

In the midst of an unprecedented and ongoing border crisis, as CBP struggles to keep up, Democrats focus on a bill that will not only be expensive but will continue to hamper and slow down our hardworking women and men with the CBP.

Almost a billion taxpayer dollars—almost a billion taxpayer dollars—provided for by the hardworking men and women in America, both legal immigrants and others, literally, to provide access to legal representation to noncitizens. I guess they would call it noncitizen human infrastructure. But really it is just another payday for lawyers.

America is struggling. Our borders are struggling. Our neighbors are struggling. We all want to help. But let's help America. Let's love America. Let's take care of our American people. Oppose this bill.

Mr. NADLER. Madam Speaker, I reserve the balance of my time.

Mr. JORDAN. Madam Speaker, I yield 1½ minutes to the gentlewoman from New York (Ms. MALLIOTAKIS).

Ms. MALLIOTAKIS. Madam Speaker, I am the daughter of immigrants. My mother came to this country as a refugee, and we are speaking about those who are seeking refuge in our country.

When my mother came to this country, there was a process. There was order. I visited the border a couple of weeks ago, and there was just absolute disorder and chaos.

It is shocking that this body refuses to take any action, that the Vice President, after 28 days of being appointed to oversee this issue, refuses to go to the border and see what I saw, hear what I heard.

You need to have a discussion with Customs and Border Protection before taking any action on legislation. They will tell you that they are being overrun by the cartels and the smugglers, who are taking over the border and making half a billion dollars a month doing it.

The action we are taking here today will do nothing to help the 9-year-old girl that we saw in this facility who was gang raped on her journey here. How come nobody cares or has the compassion to do anything about those individuals who are being exploited by the smugglers and cartels? That is what we should be discussing here today.

To go into one of these facilities and see these children, sleeping on top of each other—capacity of 250, and they have 4,000 people jammed in there. No COVID testing. Nobody cares about the public health crisis that is creating.

So you have a humanitarian crisis, a public health crisis, and on top of it a national security crisis. Thousands of criminals being caught at the border and nobody is doing a damn thing about it.

Mr. NADLER. Madam Speaker, I reserve the balance of my time.

Mr. JORDAN. Madam Speaker, the gentlewoman from New York is exactly right. When will the Democrats take it seriously? When will the President go to the border? When will the Vice President go to the border, the person who is supposed to be in charge of dealing with this crisis? When will the press be able to enter the holding facilities and actually show the American people how bad it is, what Ms. MALLIOTAKIS just described?

When will Secretary Mayorkas come in front of the Judiciary Committee? We have asked for him to come, answer our questions, tell us how he is dealing with this crisis.

When are the Democrats going to take this seriously? We do. We have all been down there. We asked them to go. They wouldn't go with us.

The American people understand what is going on, how bad it is. I just hope the Democrats will deal with it sometime soon.

Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Madam Speaker, H.R. 1573 provides access to counsel for individuals referred to the secondary inspection station, but there are over 328 ports of entry to the United States. Those field executives, if this is enacted, would, in fact, be handling over 17 million people who might seek assistance.

In the upcoming motion to recommit, we will offer that, in fact, the claim by this bill that there will be no cost for attorneys' fees is, in fact, likely to not be true.

Last week the Congressional Budget Office estimated it would cost $828 million to implement this legislation if enacted, and that would be without the right to free counsel. We need to ensure that these costs aren't even higher.

The Democrats have stated that H.R. 1573 will not require the American people to pay for attorneys accessed during this administrative stop. And, again, Madam Speaker, this is an administrative procedure. If, for any reason, somebody is charged with a crime,

they immediately do get access to counsel. This is for those 17 million people who will go through secondary inspection and likely then be allowed to move forward.

However, you need to look no further in this act than the comprehensive immigration reform bill of the U.S. Citizenship Act for evidence that Democrats want us to pay for counsel to foreign nationals. This bill specifically removes the current prohibition on government-paid counsel. And yet, in the markup my colleagues insisted that this had no right to counsel. If you want more evidence than this, the American people deserve an assurance in this bill. We will ask in the motion to recommit that we add that specific prohibition in this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JORDAN. Madam Speaker, I yield the gentleman from California an additional 30 seconds.

Mr. ISSA. Madam Speaker, in the language of the motion to recommit H.R. 1573, no one will doubt that Congress either does or does not have the intent to make sure that the voters and our taxpayers are protected. I urge my colleagues to support the motion to recommit.

Madam Speaker, if we adopt the motion to recommit, we will instruct the Committee on the Judiciary to consider my amendment to H.R. 1573 to ensure that no taxpayer funds are used.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. JORDAN. Madam Speaker, I yield the gentleman from California an additional 15 seconds.

Mr. ISSA. Madam Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD immediately prior to the vote on the motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. NADLER. Madam Speaker, I reserve the balance of my time.

Mr. JORDAN. Madam Speaker, for all the reasons that we have stated here in the last half hour, we urge a ''no'' vote on this legislation.

I yield back the balance of my time.

Mr. NADLER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I have heard a lot of nonsense on this floor. I have heard a lot of fiction on this floor today, but not everything the Republicans have said is fiction.

They said, for instance, there is a crisis at the border. Indeed, there is a crisis at the border.

The crisis at the border started under President Trump and has continued under President Biden; the same crisis. The difference is that President Trump tried to deal with the crisis in the cruelest way possible, by tearing babies away from their parents, by tearing families apart, and by doing so, so incompetently—I assume it was incompetence; maybe it was malevolence, I don't know—that they didn't even get the records so that people today can figure out how to reunite these families.

The crisis continues, but at least we are dealing with it. We are trying to deal with it in a humane way.

It is also interesting the fictions we have heard about this bill: This bill will cost money, this bill gives people the right to an attorney, and the Federal Government will have to pay for that attorney. Not true. Not true.

I suspect my Republican colleagues have lost the ability to read a bill somehow. The bill is very clear. The bill simply says that if someone with valid documents—valid documents—no litigation as to whether they are valid or not, they have got to be valid in the first place, a U.S. citizen, a green card holder, someone with a valid visa, that is all we are talking about. The bill simply says that those people, if detained at a border entry point for a period of time for longer than an hour have the right to make a phone call.

A phone call doesn't cost the government anything. They have the right to make a phone call. To whom? To whoever they want. A family member, perhaps an attorney, a friend, whoever they want.

Experience tells us that when people can make a phone call to an attorney in such a situation because the INA, the Immigration and Naturalization Act, is so complicated, it can often straighten things out, and that saves the government money. Because they don't have to litigate, it saves the government money. So this bill will not cost the government any money. It will save it money.

□ 1500

It will also help people who must be helped—again, I stress, only those people who have a valid document to enter the United States and for some reason are detained at the border.

How long does this last? Eight hours, at most. That is what the bill says, 8 hours.

This bill is limited to a measure that Members on both sides of the aisle, everybody, should embrace. As I said before, this is not a bill about a right to counsel. It is simply a bill about fair process. It ensures that individuals seeking to enter the United States with facially valid documents—a visa, a green card, including U.S. citizens who may have a passport—are given an opportunity to call somebody, a family member, counsel, another interested party, whoever they want, if they are subject to prolonged inspection.

Admissibility decisions by Customs and Border Protection can have life-altering consequences. This bill will ensure that CBP has the relevant facts prior to making decisions, the relevant facts, and facts that don't cost the CBP anything to get. Well, they do, actually: the cost of a phone call. I take that back. It would cost the CBP the cost of a phone call, although not necessarily, because the person may have their cell phone on him. So, it won't even cost the cost of a telephone.

I urge my colleagues to vote in support of the Access to Counsel Act. It makes sense. It hurts nobody. It imposes no duty on the government. It imposes no cost on the government. But it does mean that people will not unnecessarily get caught up in bureaucracy. I urge my colleagues to vote in support of the Access to Counsel Act, and I yield back the balance of my time.

Ms. JACKSON LEE. Madam Speaker, as a senior member of the Committee on the Judiciary, I rise in strong and enthusiastic support of H.R. 1573, the ''Access to Counsel Act of 2021'', which would ensure that certain individuals who are subject to prolonged inspection by U.S. Customs and Border Protection (CBP) at ports of entry have the ability to communicate with and receive the assistance of counsel and other interested parties at no expense to the government.

The Access to Counsel Act does the following:

Allows individuals who already have legal status in the United States who are held in secondary inspection at airports or other points of entry for more than an hour with an opportunity to access legal counsel or an interested party, such as a relative or someone with a bona fide relationship, under certain circumstances.

Allows counsel or a covered interested party the ability to advocate on behalf of the individual by providing information or documentation in support of the individual.

Affirms the opportunity to access to counsel attaches no later than one hour after the secondary inspection process begins and as necessary throughout the process.

Invalidates any effort by CBP to persuade someone to relinquish their legal status (by executing a I–407 or Record of Abandonment of Lawful Permanent Resident Status) if that person has been denied access to counsel or voluntarily waives, in writing, the opportunity to seek advice from counsel.

In 2017, Juan Garcia Mosqueda, a decade-long legal permanent resident of the U.S., was detained at John F. Kennedy International Airport in New York City and sent back to his native Argentina by a CBP agent who told him that, ''lawyers had no jurisdiction at the borders.''

This statement, made in the weeks following implementation of the former president's 2017 travel ban, lays bare the vulnerable situation faced by people upon their arrival to the United States.

Behind closed doors without a friend or counsel, people are subjected to prolonged questioning, coercion, extended detention, mistreatment and summary expulsion.

Many lose valuable rights, and sometimes more, as CBP agents interpret and apply complex immigration rules to decide people's lives without the benefit of a knowledgeable advocate.

While many within the agency interpret and apply the law competently, the position does not require more than a high school degree, and CBP inspectors continue to act as judge, jury and expulsioner without so much as a

whisper allowed during that decision making from an attorney representing the banished.

We are a country of laws, and we hold as a cherished tradition the concept of due process of law.

The need for this bill became apparent after the Trump Administration implemented the Muslim ban in early 2017, resulting in individuals being detained at airports, while others being barred from boarding flights and pulled off planes abroad.

In 2020, we saw additional instances of CBP officers unjustly detaining Iranian Americans for up to 12 hours at the northern border in Blaine, WA and detaining and deporting Iranian students who were attending U.S. universities and people from Iran traveling on valid visas.

Immigrants and civil rights activists have also raised concerns that CBP appears to target individuals for inspection based on racial profiling, and often holds U.S. citizens with proper documentation in secondary inspection without access to an attorney.

For example, three Black CBP officers recently filed a lawsuit against DHS, alleging CBP routinely targets and harasses Black travelers at the Blue Water bridge between Port Huron and Sarnia on the Canada-Michigan border.

A March 25, 2021 report by the American Civil Liberties Union of Michigan examined CBP data on apprehensions at the Michigan-Canada border and corroborates these allegations.

The report found that between 2012 and 2019, over 96 percent of the 13,000 documented apprehensions involved people of color, and one-third involved U.S. citizens.

In another example, Tianna Spears, a Black U.S. citizen diplomat working at the U.S. consulate in Ciudad Juarez, Mexico said that she was targeted regularly for inspection over a four month period, despite crossing the border daily, possessing a diplomatic passport and Global Entry approval, and having registered her car in the SENTRI system.

She states that during these encounters, she was unable to contact counsel or State Department colleagues who could verify her identity.

After four months of regular apprehensions, she began to develop symptoms of PTSD, and was forced to transfer to a different post. She later resigned from the State Department.

Madam Speaker, we must ensure that people are treated fairly during the inspections process, and to do so at the very minimum requires that CBP permit representation of counsel when requested during inspections.

I urge all Members to vote for H.R. 1573 and send a powerful message that this House stands firmly behind America's well-earned and long established reputation of being the most welcoming nation on earth.

[From Curbed, Mar. 2, 2017]

OWNER OF NYC DESIGN GALLERY DETAINED AT AIRPORTS, DENIED RE-ENTRY TO U.S.

Juan Garcia Mosqueda, founder of New York art and design gallery Chamber and a decade-long legal permanent resident of the U.S., was detained last Friday at John F. Kennedy International Airport in New York City and was sent back to his native Argentina, ahead of his gallery's new show—Domestic Appeal, Part III—which opens tonight.

In an open letter titled The Visible Wall released by Mosqueda on Tuesday, he called the experience ''dehumanizing and degrading,'' and detailed his 36-hours-long detainment, questioning, and return to Buenos Aires.

The reaction from the design community was swift and impassioned. Posting Mosqueda's open letter on Tuesday, Sight Unseen wrote: ''We are strongly against this administration's unfair and un-American targeting of immigrants—and not just those who are important design gallerists, but all those who seek to make a better life here.''

Designers, journalists, and other supporters took to Twitter to rally behind Mosqueda and decry his alleged treatment.

Of the response from the design community, Mosqueda said this in a statement emailed to Curbed:

Since issuing the letter . . . I have received tremendous support from not only the design community in New York but from people all over the world. I greatly appreciate everyone's kind words and concern following this unfortunate incident.

My reason for sharing my experience was to bring to light the situation currently facing immigrants from around the world and to encourage my American friends to contact your local congressmen and push for immigration reform. I am currently in the process of dealing with my reentry into the United States and for this reason I am not able to speak with media at this time. Thank you again for your support.

You can read Mosqueda's open letter in full below.

THE VISIBLE WALL

DEAR FRIENDS: This past Friday, February 24, 2017, I was denied entry into the United States—the nation where I have been legally residing for the past ten years. The procedure was dehumanizing and degrading every step of the way.

After being escorted to the secondary inspection premises, I was brought down for interrogation where I was questioned under oath and threatened with the possibility of being barred from entering the country for five years.

The border patrol officer denied me the right to legal counseling, arrogantly claiming that lawyers had no jurisdiction at the borders. Shortly after my sworn statement was delivered to the chief officer in charge, they informed me that I was not permitted to come into the country and, therefore, would be forced onto the return flight to Buenos Aires later that evening.

During the following fourteen excruciatingly painful hours, I was prohibited from the use of any means of communication and had no access to any of my belongings, which were ferociously examined without any warrant whatsoever. I was deprived of food. I was frisked three times in order to go to the bathroom, where I had no privacy and was under the constant surveillance of an officer.

Finally, I was escorted by two armed officers directly onto the plane and denied my documents until I reached my destination, Buenos Aires.

This thirty-six hour nightmare is nothing but clear evidence of a deeply flawed immigration system in the United States, carried out by an administration that is more interested in expelling people than admitting them.

I was educated in America, worked at prestigious design entities, and, now, as you all know, own a gallery which employs Americans and non-Americans alike. Chamber supports architecture and design studios in the United States and abroad.

I own several properties in New York and have collaborated in numerous projects with architects, contractors, and construction workers to bring to life projects around the city. We have created a network within the creative industries that span all disciplines and media that help individuals sustain their practices and do what they love.

We proudly carry the New York flag to every fair that we do and every project we initiate across the globe. We self-publish books printed in the United States. And, needless to say, we pay considerable federal and state taxes that help fund many of the societal aspects that fuel the American engine.

Although I am not an American citizen, Chamber is an American product that I hope adds to the cultural landscape of the country. The gallery was conceived in alignment with the same idea of inclusion that was found in the streets of the Lower East Side (where I live and was denied access to) not so long ago: a melting pot of all nationalities and religions, importing ideas from abroad to a culturally embracing metropolis.

We have worked with over 200 artists and designers, from Tokyo to Los Angeles, from Amstetdam to Santiago, in our less than three years of existence and rely heavily on social mobility to get our message across and display the works that we want to show.

To my American friends, I urge you to contact your congressmen and push for immigration reform. Push for a system that does not alienate, intimidate, and bully foreigners but that, on the contrary, welcomes and encourages citizens from all countries to want to keep investing in and contributing to your wonderful country.

This coming Thursday, I will not be able to celebrate the opening of our newest show, Domestic Appeal, which my team and I worked hard to conceive, and will not be able to meet some of the incredible participants that are traveling to the United States to take pride in displaying their creations in one of the most culturally relevant cities on the planet.

Please come see it, have a glass of wine, and enjoy it on my behalf!

Hope to see you all very soon,

JUAN GARCIA MOSQUEDA,
Buenos Aires, Argentina.

The SPEAKER pro tempore. Pursuant to House Resolution 330, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. ISSA. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Issa moves to recommit the bill H.R. 1573 to the Committee on the Judiciary.

The material previously referred to by Mr. ISSA is as follows:

At the end of the bill, add the following:

(d) CONSTRUCTION.—No counsel accessed, consulted, or otherwise providing assistance pursuant to this Act, or the amendment made by this Act, shall be compensated at the expense of the United States Government for any such service or activity.

The SPEAKER pro tempore. Pursuant to clause 2(b) of rule XIX, the previous question is ordered on the motion to recommit.

The question is on the motion to recommit.

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

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

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

EXTENDING TEMPORARY EMERGENCY SCHEDULING OF FENTANYL ANALOGUES ACT

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2630) to amend the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act to extend until September 2021, a temporary order for fentanyl-related substances, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Extending Temporary Emergency Scheduling of Fentanyl Analogues Act''.

SEC. 2. EXTENSION OF TEMPORARY ORDER FOR FENTANYL-RELATED SUBSTANCES.

Effective as if included in the enactment of the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act (Public Law 116–114), section 2 of such Act (Public Law 116–114) is amended by striking ''May 6, 2021'' and inserting ''October 22, 2021''.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentlewoman from Washington (Mrs. RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2630.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to seek support for the Extending Temporary Emergency Scheduling of Fentanyl Analogues Act.

As we continue to combat the COVID–19 pandemic, we are also facing a tragic, growing trend of overdose deaths across this country.

We have lost nearly 1 million Americans since the beginning of the Nation's drug epidemic. These Americans are sons, daughters, mothers, fathers, neighbors, coworkers, and members of our communities. Now, data tells us that the COVID–19 pandemic, increased isolation, and related economic hardships over the past year may be hampering efforts to turn the tide.

Last week, Madam Speaker, the Centers for Disease Control and Prevention released its most recent data finding that, from August 2019 to August 2020, there were 88,000 overdose deaths reported. That is the highest ever recorded in a 12-month period.

This most recent data represents a worsening crisis driven primarily by synthetic opioids, such as illicitly manufactured fentanyl. This drug is 50 times more potent than heroin and 100 times more potent than morphine. Although fentanyl itself is often used for medical purposes, use of illicitly manufactured fentanyl has increased in recent years, including co-use with cocaine and methamphetamines. As little as 2 milligrams can cause a lethal overdose.

Congress has recognized this unprecedented threat and acted in strong bipartisan fashion to combat it with resources to communities around the country. We passed major pieces of legislation like the Comprehensive Addiction and Recovery Act, the 21st Century Cures Act, and the SUPPORT for Patients and Communities Act.

At the end of last year, in the final omnibus bill, we included over $4 billion to increase mental health and substance use services and support. Recognizing the worsening trends early this year, we passed the American Rescue Plan last month that provided an additional $4 billion in resources. This critical funding will be used to enhance mental health and substance use disorder services supported by the Substance Abuse and Mental Health Services Administration, the Health Resources and Services Administration, and the Indian Health Service.

Madam Speaker, while this critical assistance is on the way, unfortunately, due to the disturbing rates of overdose and substance use, more work is clearly needed. The Biden administration is asking Congress to extend a temporary tool we provided last Congress so that agency experts can come together to examine the facts and come up with an effective, long-term solution. That tool is the authority to temporarily classify fentanyl-related substances as schedule I substances under the Controlled Substances Act.

Ensuring fentanyl-related substances remain scheduled will maintain an important deterrent to traffickers, manufacturers, and those distributing this substance.

During an Energy and Commerce Committee hearing last week, the White House Office of National Drug Control Policy's Acting Director Regina LaBelle testified on the importance of this extension. Acting Director LaBelle highlighted ongoing discussions with the Department of Health and Human Services, the Department of Justice, and the Drug Enforcement Administration. She testified that an extension of this temporary authority would allow executive branch agencies time to convene and present a long-term solution to this ever-changing drug environment that balances the risk of illicit fentanyl with the need to ensure appropriate enforcement.

The Biden administration is taking this drug epidemic seriously and has delivered a thoughtful, thorough set of drug policy priorities. I ask my colleagues to join me in giving these agency experts time to produce a thoughtful, thorough solution to this scourge of overdose deaths.

Madam Speaker, I urge my colleagues to support this measure, and I reserve the balance of my time.

Mrs. RODGERS of Washington. Madam Speaker, I yield myself such time as I may consume.

I am disappointed that we are kicking the can down the road on a short-term extension of DEA's emergency scheduling order to keep dangerous fentanyl analogues in schedule I.

While I will vote in favor of this bill today because allowing this lifesaving order to expire is unacceptable, this short-term extension from the Democratic majority fails to meet the gravity of the situation facing our communities, our border, and our country.

They have had 2 years to come to the table and work with us on a permanent solution to combat fentanyl and fentanyl analogues and the dangers that they pose to Americans. If we don't act, these dangerous drugs being smuggled across our southern border would effectively become street legal.

We need a permanent solution to save the lives of people in despair and to protect our communities, and we need Democrats in the House and the Senate to wake up and take it seriously. Nearly all States are seeing a spike in synthetic opioid deaths, with 10 Western States reporting a more than 98 percent increase. This pandemic has made it worse.

In my home State of Washington, the fentanyl positivity rate has increased 236 percent, more than any other State in the country. My community lost two teenagers recently from a suspected fentanyl-related death. They had their whole lives in front of them.

Just a few milligrams of fentanyl, what can fit on the ear of Abraham