



House of Representatives
Judiciary Committee
Ranking Member Jim Jordan

H.R. 1573, The Access to Counsel Act of 2021
Sponsor: Rep. Pramilia Jayapal (D-WA)
House Judiciary Republicans Urge Opposition

H.R. 1573 does nothing to stop the Biden Border Crisis and is another misguided attempt to prioritize the interests of aliens over the American people. This bill provides a right to consult with counsel for persons referred to secondary inspection at a port of entry. This shortsighted bill would substantially slow legitimate trade and travel into the United States and would cost U.S. Customs and Border Protection (CBP) hundreds of millions of dollars needed to accommodate the consultations.

- **The Democrats’ answer to the Biden Border Crisis: Send in the Lawyers.** H.R. 1573 would provide access to counsel for travelers referred to secondary inspection at a port of entry. Secondary inspections are conducted not only to determine admissibility of an individual, but also the admissibility of goods coming into the country. Under current regulations, applicants for admission are not entitled to counsel in secondary inspection unless the individual becomes the focus of a criminal investigation.
- **H.R. 1573 also grants access to an interested party during the first hour of referral to secondary inspection.** Under this bill, an “interested party” is defined as a relative of the covered individual; the petitioner or sponsor of the covered individual; or a person, organization, or entity in the U.S. with a bona fide connection to the covered individual. The bill raises serious concerns that covered individuals could use their “interested party” contact in furtherance of a crime. For example, if an individual was a part of a criminal conspiracy, they could contact their coconspirator while in secondary.
- **H.R. 1573 would have significant operational effects on CBP.** Requiring access to counsel during secondary inspections would severely affect CBP’s ability to quickly screen millions of people and goods brought into the U.S.
- **The Congressional Budget Office estimates that H.R. 1573 will cost \$825 million over the next five years.** The money will be necessary to hire additional personnel at each port of entry, provide security and transportation for each individual seeking access to counsel, upgrade current space, and construct new space for necessary meetings.
- **H.R. 1573 would require CBP to provide space for the attorney or interested party consultations at all 328 U.S. ports of entry.** CBP will have to expand facilities and legitimate trade and travel would be backed up while individuals are given time to wait for and consult with the attorney and interested party.