

H.R. 1573, Access to Counsel Act of 2021

As ordered reported by the House Committee on the Judiciary on April 14, 2021

By Fiscal Year, Millions of Dollars	2021	2021-2026	2021-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	825	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

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).

Table 1.
Estimated Increases in Spending Subject to Appropriation Under H.R. 1573

	By Fiscal Year, Millions of Dollars						2021-2026
	2021	2022	2023	2024	2025	2026	
CBP Personnel							
Estimated Authorization	0	62	132	158	189	226	767
Estimated Outlays	0	50	112	146	180	215	703
Construction and Operation at Ports of Entry							
Estimated Authorization	0	82	12	13	13	13	134
Estimated Outlays	0	13	27	27	28	28	123
Total Changes							
Estimated Authorization	0	144	145	171	202	239	900
Estimated Outlays	0	63	139	173	208	243	825

Components may not sum to totals because of rounding; CBP = Customs and Border Protection.

The CBO staff contact for this estimate is Lindsay Wylie. The estimate was reviewed by Leo Lex, Deputy Director of Budget Analysis.