AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO THE COMMITTEE PRINT
OFFERED BY MR. NADLER OF NEW YORK

Strike the text of the committee print and insert the following:

TITLE VI—COMMITTEE ON THE JUDICIARY
Subtitle A—Immigration
Provisions

SECTION 60001. LAWFUL PERMANENT RESIDENCE FOR CERTAIN ENTRANTS.

(a) In General.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

“SEC. 245B. ADJUSTMENT OF STATUS OF CERTAIN ENTRANTS.

“(a) In General.—Notwithstanding sections 201, 202, 203, and 245(c), and subject to subsection (c), the Secretary of Homeland Security shall adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b), if such alien—
“(1) submits an application for adjustment of status in accordance with procedures established by the Secretary;

“(2) in addition to any administrative processing fee, pays a supplemental fee of $1,500; and

“(3) completes, to the satisfaction of the Secretary—

“(A) security and law enforcement background checks; and

“(B) a medical examination consistent with section 221(d).

“(b) ALIENS DESCRIBED.—An alien described in this subsection is an alien who—

“(1)(A) has been continuously physically present in the United States since January 1, 2021;

“(B) was 18 years of age or younger on the date on which the alien entered the United States and has continuously resided in the United States since such entry; and

“(C) demonstrates—

“(i) a record of honorable service in the Uniformed Services of the United States;

“(ii) attainment of, or completion of not less than 2 years, in good standing, of a program leading to—
“(I) a degree from a United States institution of higher education; or

“(II) a postsecondary credential from an area career and technical education school in the United States;

“(iii) during the 3-year period immediately preceding the date on which the alien submits an application for adjustment of status under this section, a consistent record of earned income in the United States; or

“(iv)(I) enrollment in a program described in clause (ii); and

“(II) current employment or participation in an internship, apprenticeship, or similar training program;

“(2)(A) has been continuously physically present in the United States since January 1, 2021; and

“(B) has demonstrated a consistent record of earned income in the United States in an occupation described in the guidance of the Department of Homeland Security entitled ‘Advisory Memorandum on Ensuring Essential Critical Infrastructure Workers’ Ability to Work During the COVID–19 Response’, issued on August 10, 2021, during the pe-
period beginning on January 31, 2020, and ending on
August 24, 2021;

“(3)(A) has been continuously physically
present in the United States for not less than 3
years; and

“(B)(i) is a national of a foreign state (or a
part of a foreign state) (or in the case of an alien
having no nationality, is a person who last habitually
resided in such state) with a designation under sub-
section (b) of section 244 on January 1, 2017;

“(ii) notwithstanding paragraphs (1)(A)(iv) and
(3)(C) of subsection (c) of section 244, had or was
otherwise eligible for temporary protected status
under section 244 on that date; and

“(iii) has not engaged in conduct since that
date that would render the alien ineligible for tem-
porary protected status under section 244(c)(2); or

“(4)(A) has been continuously physically
present in the United States for not less than 3
years; and

“(B)(i) was eligible for deferred enforced depart-
ture as of January 20, 2021; and

“(ii) has not engaged in conduct since that date
that would render the alien ineligible for deferred
enforced departure.
“(c) GROUNDS OF INELIGIBILITY.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), an alien seeking adjustment of status under this section shall demonstrate that the alien—

“(A) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a);

“(B) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

“(C) has not been convicted of—

“(i) any offense under Federal or State law, other than a State offense for which an essential element is the alien’s immigration status, that is punishable by a maximum term of imprisonment of more than 1 year; or

“(ii) 3 or more offenses under Federal or State law, other than State offenses for which an essential element is the alien’s immigration status, for which the alien was convicted on different dates for each of the
3 offenses and imprisoned for an aggregate
of 90 days or more; and

“(D) has registered under the Military Se-
lective Service Act (50 U.S.C. 3801 et seq.), if
the alien is subject to registration under that
Act.

“(2) WAIVER.—With respect to any benefit
under this section, the Secretary of Homeland Secu-
rity may waive the grounds of inadmissibility under
paragraph (2), (6)(E), (6)(G), or (10)(D) of section
212(a)—

“(A) for humanitarian purposes or family
unity; or

“(B) if a waiver is otherwise in the public
interest.

“(3) TREATMENT OF EXPUNGED CONVIC-
TIONS.—For purposes of paragraph (1), the Sec-
retary—

“(A) may not automatically treat an ex-
punged conviction as a conviction; and

“(B) shall evaluate expunged convictions
on a case-by-case basis according to the nature
and severity of the underlying offense to deter-
mine whether, under the circumstances, the
alien should be eligible for adjustment of status.
“(d) LIMITATION ON REMOVAL.—

“(1) IN GENERAL.—With respect to an alien who is in removal proceedings or subject to a final order of removal or an order of voluntary departure, the Secretary of Homeland Security shall provide the alien with a reasonable opportunity to apply for relief under this section if the alien—

“(A) requests an opportunity to so apply;

or

“(B) appears to be prima facie eligible for such relief.

“(2) STAY OF REMOVAL FOR CERTAIN CHILDREN.—The Secretary of Homeland Security shall stay the removal of an alien who—

“(A) meets the requirements of subparagraphs (A) and (B) of subsection (b)(1);

“(B) subject to paragraphs (2) and (3) of subsection (c), is not subject to a ground of ineligibility under paragraph (1) of such subsection; and

“(C) is enrolled in—

“(i) an early childhood education program;

“(ii) an elementary school;

“(iii) a secondary school; or
“(iv) an education program assisting students in obtaining a high school diploma or its equivalent.

“(e) EFFECTIVE DATE.—The section shall take effect on the earlier of—

“(1) the date that is 180 days after the date of the enactment of this section; or

“(2) May 1, 2022.”.

(b) CONFORMING AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to 245A the following:

“Sec. 245B. Adjustment of status of certain entrants.”.

SEC. 60002. RECAPTURE OF UNUSED IMMIGRANT VISA NUMBERS.

(a) RECAPTURE OF UNUSED IMMIGRANT VISA NUMBERS.—

(1) ENSURING FUTURE USE OF ALL IMMIGRANT VISAS.—Section 201(c)(1)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(1)(B)(ii)) is amended to read as follows:

“(ii) In no case shall the number computed under subparagraph (A) be less than the sum of—

“(I) 226,000; and
“(II) the number computed under paragraph (3).”.

(2) RECAPTURING UNUSED VISAS.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by adding at the end the following:

“(g) RECAPTURING UNUSED VISAS.—

“(1) FAMILY-SPONSORED VISAS.—

“(A) IN GENERAL.—Notwithstanding the numerical limitations set forth in this section or in sections 202 or 203, beginning in fiscal year 2022, the number of family-sponsored immigrant visas that may be issued under section 203(a) shall be increased by the number computed under subparagraph (B).

“(B) UNUSED VISAS.—The number computed under this subparagraph is the difference, if any, between—

“(i) the difference, if any, between—

“(I) the number of visas that were originally made available to family-sponsored immigrants under section 201(c)(1) for fiscal years 1992 through 2021, setting aside any unused visas made available to such im-
migrants in such fiscal years under section 201(e)(3); and

“(II) the number of visas described in subclause (I) that were issued under section 203(a), or, in accordance with section 201(d)(2)(C), under section 203(b); and

“(ii) the number of visas resulting from the calculation under clause (i) issued under section 203(a) after fiscal year 2021.

“(2) EMPLOYMENT-BASED VISAS.—

“(A) IN GENERAL.—Notwithstanding the numerical limitations set forth in this section or in sections 202 or 203, beginning in fiscal year 2022, the number of employment-based immigrant visas that may be issued under section 203(b) shall be increased by the number computed under subparagraph (B).

“(B) UNUSED VISAS.—The number computed under this paragraph is the difference, if any, between—

“(i) the difference, if any, between—

“(I) the number of visas that were originally made available to em-
ployment-based immigrants under section 201(d)(1) for fiscal years 1992 through 2021, setting aside any unused visas made available to such immigrants in such fiscal years under section 201(d)(2); and

“(II) the number of visas described in subclause (I) that were issued under section 203(b), or, in accordance with section 201(c)(3)(C), under section 203(a); and

“(ii) the number of visas resulting from the calculation under clause (i) issued under section 203(b) after fiscal year 2021.

“(3) DIVERSITY VISAS.—Notwithstanding section 204(a)(1)(I)(ii)(II), an immigrant visa for an alien selected in accordance with section 203(e)(2) in fiscal year 2017, 2018, 2019, 2020, or 2021 shall remain available to such alien (and the spouse and children of such alien) if—

“(A) the alien was refused a visa, prevented from seeking admission, or denied admission to the United States solely because of Executive Order 13769, Executive Order
13780, Presidential Proclamation 9645, or
Presidential Proclamation 9983; or

“(B) because of restrictions or limitations
on visa processing, visa issuance, travel, or
other effects associated with the COVID–19
public health emergency—

“(i) the alien was unable to receive a
visa interview despite submitting an Online
Immigrant Visa and Alien Registration
Application (Form DS–260) to the Sec-
retary of State; or

“(ii) the alien was unable to seek ad-
mission or was denied admission to the
United States despite being approved for a
visa under section 203(c).”.

SEC. 60003. ADJUSTMENT OF STATUS.

Section 245 of the Immigration and Nationality Act
(8 U.S.C. 1255) is amended by adding at the end the fol-
lowing:

“(n) VISA AVAILABILITY.—

“(1) IN GENERAL.—Notwithstanding section
(a)(3), the Secretary of Homeland Security may ac-
cept for filing, an application for adjustment of sta-
tus from an alien (and the spouse and children of
such alien) if such alien—
“(A) is the beneficiary of an approved petition under section 204(a)(1); 

“(B) pays a supplemental fee of $1,500, plus $250 for each derivative beneficiary; and 

“(C) is otherwise eligible for such adjustment.

“(2) EXEMPTION.—The Secretary of State shall exempt an alien (and the spouse and children of such alien) from the numerical limitations described in sections 201, 202, and 203 and the Secretary of Homeland Security may adjust the status of such alien (and the spouse and children of such alien) to lawful permanent resident if such alien submits or has submitted an application for adjustment of status and—

“(A) such alien—

“(i) is the beneficiary of an approved petition under subparagraph (A)(i) or (B)(i)(I) of section 204(a)(1) that bears a priority date that is more than 2 years before the date the alien requests a waiver of the numerical limitations; and 

“(ii) pays a supplemental fee of $2,500;

“(B) such alien—
“(i) is the beneficiary of an approved petition under subparagraph (E) or (F) of section 204(a)(1) that bears a priority date that is more than 2 years before the date the alien requests a waiver of the numerical limitations; and

“(ii) pays a supplemental fee of $5,000; or

“(C) such alien—

“(i) is the beneficiary of an approved petition under subparagraph (H) of section 204(a)(1) that bears a priority date that is more than 2 years before the date the alien requests a waiver of the numerical limitations; and

“(ii) pays a supplemental fee of $50,000.

“(3) EFFECTIVE DATE.—

“(A) IN GENERAL.—The provisions of this subsection—

“(i) shall take effect on the earlier of the date that is—

“(I) 180 days after the date of the enactment of this subsection; or

“(II) May 1, 2022; and
“(ii) except as provided in subparagraph (B), shall cease to have effect on September 30, 2031.

“(B) CONTINUATION.—Paragraph (2) shall continue in effect with respect to an alien who requested a waiver of the numerical limitations and paid the requisite fee prior to the date described in subparagraph (A)(ii), until the Secretary of Homeland Security renders a final administrative decision on such application.”.

SEC. 60004. ADDITIONAL SUPPLEMENTAL FEES.

(a) TREASURY.—The supplemental fees described in subsection (b) of this section, and in sections 245B(a)(2) and 245(n) of the Immigration and Nationality Act, as added by this subtitle, shall be deposited in the general fund of the Treasury of the United States.

(b) SUPPLEMENTAL PETITION FEE.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)(i), by adding at the end the following: “A petition for classification by reason of a relationship described in paragraph (1), (3), or (4) of section 203(a) shall be accompanied by a supplemental fee in the amount of $100.”;
(2) in subparagraph (B)(i)(I), by adding at the end the following: “Such petition shall be accompanied by a supplemental fee in the amount of $100.”;

(3) in subparagraph (E), by adding at the end the following: “Such petition shall be accompanied by a supplemental fee in the amount of $800.”;

(4) in subparagraph (F), by adding at the end the following: “Such petition shall be accompanied by a supplemental fee in the amount of $800.”; and

(5) in subparagraph (H), by adding at the end the following: “Such petition shall be accompanied by a supplemental fee in the amount of $15,000.”.

SEC. 60005. U.S. CITIZENSHIP AND IMMIGRATION SERVICES.

In addition to amounts otherwise available, there is appropriated to U.S. Citizenship and Immigration Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,800,000,000, to remain available until expended, for the purpose of increasing the capacity of U.S. Citizenship and Immigration Services to efficiently adjudicate applications described in sections 245B and 245(n) of the Immigration and Nationality Act, as added by sections 60001 and 60003 of this Act, respectively, and to reduce case processing backlogs.
Subtitle B—Community Violence Prevention

SEC. 61001. FUNDING FOR COMMUNITY-BASED VIOLENCE INTERVENTION INITIATIVES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Attorney General for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,500,000,000, to remain available until September 30, 2031, for the purposes described in subsection (b).

(b) USE OF FUNDING.—The Attorney General, acting through the Assistant Attorney General of the Office of Justice Programs, the Director of the Office of Community Oriented Policing Services, and the Director of the Office on Violence Against Women, shall use amounts appropriated by subsection (a)—

(1) to award competitive grants or contracts to units of local government, States, Indian Tribes, nonprofit community-based organizations, victim services providers, or other entities as determined by the Attorney General, to support evidence-informed intervention strategies to reduce community violence;

(2) to support training, technical assistance, research, evaluation, and data collection on strategies
to effectively reduce community violence and ensure public safety; and

(3) to support research, evaluation, and data collection on the differing impact of community violence on demographic categories.

(c) EXPENDITURE REQUIREMENT.—All expenditures made pursuant to subsection (a) shall be made on or before September 30, 2031.