

Committee Print

(Providing for reconciliation pursuant to S. Con. Res. 14, the
Concurrent Resolution on the Budget for Fiscal Year 2022)

1 **TITLE VI—COMMITTEE ON THE**
2 **JUDICIARY**

3 **Subtitle A—Immigration**
4 **Provisions**

5 **SECTION 60001. LAWFUL PERMANENT RESIDENCE FOR**
6 **CERTAIN ENTRANTS.**

7 (a) IN GENERAL.—Chapter 5 of title II of the Immi-
8 gration and Nationality Act (8 U.S.C. 1255 et seq.) is
9 amended by inserting after section 245A the following:

10 **“SEC. 245B. ADJUSTMENT OF STATUS OF CERTAIN EN-**
11 **TRANTS.**

12 “(a) IN GENERAL.—Notwithstanding sections 201,
13 202, 203, and 245(c), and subject to subsection (c), the
14 Secretary of Homeland Security shall adjust to the status
15 of an alien lawfully admitted for permanent residence, an
16 alien described in subsection (b), if such alien—

17 “(1) submits an application for adjustment of
18 status in accordance with procedures established by
19 the Secretary;

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

3 “(3) completes, to the satisfaction of the Sec-
4 retary—

5 “(A) security and law enforcement back-
6 ground checks; and

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

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

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

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

17 “(C) demonstrates—

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

20 “(ii) attainment of, or completion of at
21 least 2 years, in good standing, of a program
22 leading to—

23 “(I) a degree from a United States in-
24 stitution of higher education; or

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

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

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

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

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

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

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

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

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

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

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

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

21 “(ii) has not engaged in conduct since that date
22 that would render the alien ineligible for deferred
23 enforced departure.

24 “(c) GROUNDS OF INELIGIBILITY.—

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

4 “(A) is not inadmissible under paragraph
5 (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C),
6 or (10)(D) of section 212(a);

7 “(B) has not ordered, incited, assisted, or
8 otherwise participated in the persecution of any
9 person on account of race, religion, nationality,
10 membership in a particular social group, or po-
11 litical opinion;

12 “(C) has not been convicted of—

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

19 “(ii) 3 or more offenses under Federal
20 or State law, other than State offenses for
21 which an essential element is the alien’s
22 immigration status, for which the alien was
23 convicted on different dates for each of the
24 3 offenses and imprisoned for an aggregate
25 of 90 days or more; and

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

5 “(2) WAIVER.—With respect to any benefit
6 under this section, the Secretary of Homeland Secu-
7 rity may waive the grounds of inadmissibility under
8 paragraph (2), (6)(E), (6)(G), or (10)(D) of section
9 212(a)—

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

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

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

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

19 “(B) shall evaluate expunged convictions
20 on a case-by-case basis according to the nature
21 and severity of the underlying offense to deter-
22 mine whether, under the circumstances, the
23 alien should be eligible for adjustment of status.

24 “(d) LIMITATION ON REMOVAL.—

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

7 “(A) requests an opportunity to so apply;

8 or

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

11 “(2) STAY OF REMOVAL FOR CERTAIN CHIL-
12 DREN.—The Secretary of Homeland Security shall
13 stay the removal of an alien who—

14 “(A) meets the requirements of subpara-
15 graphs (A) and (B) of subsection (b)(1);

16 “(B) subject to paragraphs (2) and (3) of
17 subsection (c), is not subject to a ground of in-
18 eligibility under paragraph (1) of such sub-
19 section; and

20 “(C) is enrolled in—

21 “(i) an early childhood education pro-
22 gram;

23 “(ii) an elementary school;

24 “(iii) a secondary school; or

1 “(iv) an education program assisting
2 students in obtaining a high school di-
3 ploma or its equivalent.

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

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

8 “(2) May 1, 2022.”.

9 (b) CONFORMING AMENDMENT.—The table of con-
10 tents for the Immigration and Nationality Act (8 U.S.C.
11 1101 et seq.) is amended by inserting after the item relat-
12 ing to 245A the following:

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

13 **SEC. 60002. RECAPTURE OF UNUSED IMMIGRANT VISA**
14 **NUMBERS.**

15 (a) RECAPTURE OF UNUSED IMMIGRANT VISA NUM-
16 BERS.—

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

21 “(ii) In no case shall the number com-
22 puted under subparagraph (A) be less than
23 the sum of—

24 “(I) 226,000; and

1 “(II) the number computed
2 under paragraph (3).”.

3 (2) RECAPTURING UNUSED VISAS.—Section 201
4 of the Immigration and Nationality Act (8 U.S.C.
5 1151) is amended by adding at the end the fol-
6 lowing:

7 “(g) RECAPTURING UNUSED VISAS.—

8 “(1) FAMILY-SPONSORED VISAS.—

9 “(A) IN GENERAL.—Notwithstanding the
10 numerical limitations set forth in this section or
11 in sections 202 or 203, beginning in fiscal year
12 2022, the number of family-sponsored immi-
13 grant visas that may be issued under section
14 203(a) shall be increased by the number com-
15 puted under subparagraph (B).

16 “(B) UNUSED VISAS.—The number com-
17 puted under this subparagraph is the dif-
18 ference, if any, between—

19 “(i) the difference, if any, between—

20 “(I) the sum of the worldwide
21 levels established under section
22 201(c)(1) for fiscal years 1992
23 through 2021; and

1 “(II) the number of visas issued
2 under section 203(a) during such fis-
3 cal years; and

4 “(ii) the number of visas resulting
5 from the calculation under clause (i) issued
6 under section 203(a) after fiscal year
7 2021.

8 “(2) EMPLOYMENT-BASED VISAS.—

9 “(A) IN GENERAL.—Notwithstanding the
10 numerical limitations set forth in this section or
11 in sections 202 or 203, beginning in fiscal year
12 2022, the number of employment-based immi-
13 grant visas that may be issued under section
14 203(b) shall be increased by the number com-
15 puted under subparagraph (B).

16 “(B) UNUSED VISAS.—The number com-
17 puted under this paragraph is the difference, if
18 any, between—

19 “(i) the difference, if any, between—

20 “(I) the sum of the worldwide
21 levels established under section
22 201(d)(1) for fiscal years 1992
23 through 2021; and

1 “(II) the number of visas issued
2 under section 203(b) during such fis-
3 cal years; and

4 “(ii) the number of visas resulting
5 from the calculation under clause (i) issued
6 under section 203(b) after fiscal year
7 2021.

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

14 “(A) the alien was refused a visa, pre-
15 vented from seeking admission, or denied ad-
16 mission to the United States solely because of
17 Executive Order 13769, Executive Order
18 13780, Presidential Proclamation 9645, or
19 Presidential Proclamation 9983; or

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

24 “(i) the alien was unable to receive a
25 visa interview despite submitting an Online

1 Immigrant Visa and Alien Registration
2 Application (Form DS-260) to the Sec-
3 retary of State; or

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

8 **SEC. 60003. ADJUSTMENT OF STATUS.**

9 Section 245 of the Immigration and Nationality Act
10 (8 U.S.C. 1255) is amended by adding at the end the fol-
11 lowing:

12 “(n) VISA AVAILABILITY.—

13 “(1) IN GENERAL.—Notwithstanding section
14 (a)(3), the Secretary of Homeland Security may ac-
15 cept for filing, an application for adjustment of sta-
16 tus from an alien (and the spouse and children of
17 such alien) if such alien—

18 “(A) is the beneficiary of an approved peti-
19 tion under section 204(a)(1);

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

22 “(C) is otherwise eligible for such adjust-
23 ment.

24 “(2) EXEMPTION.—The Secretary of State shall
25 exempt an alien (and the spouse and children of

1 such alien) from the numerical limitations described
2 in sections 201, 202, and 203 and the Secretary of
3 Homeland Security may adjust the status of such
4 alien (and the spouse and children of such alien) to
5 lawful permanent resident if such alien submits or
6 has submitted an application for adjustment of sta-
7 tus and—

8 “(A) such alien—

9 “(i) is the beneficiary of an approved
10 petition under subparagraph (A)(i) or
11 (B)(i)(I) of section 204(a)(1) that bears a
12 priority date that is more than 2 years be-
13 fore the date the alien requests a waiver of
14 the numerical limitations; and

15 “(ii) pays a supplemental fee of
16 \$2,500;

17 “(B) such alien—

18 “(i) is the beneficiary of an approved
19 petition under subparagraph (E) or (F) of
20 section 204(a)(1) that bears a priority date
21 that is more than 2 years before the date
22 the alien requests a waiver of the numer-
23 ical limitations; and

24 “(ii) pays a supplemental fee of
25 \$5,000; or

1 “(C) such alien—

2 “(i) is the beneficiary of an approved
3 petition under subparagraph (H) of section
4 204(a)(1) that bears a priority date that is
5 more than 2 years before the date the alien
6 requests a waiver of the numerical limita-
7 tions; and

8 “(ii) pays a supplemental fee of
9 \$50,000.

10 “(3) EFFECTIVE DATE.—

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

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

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

17 “(II) May 1, 2022; and

18 “(ii) except as provided in subpara-
19 graph (B), shall cease to have effect on
20 September 30, 2031.

21 “(B) CONTINUATION.—Paragraph (2)
22 shall continue in effect with respect to an alien
23 who requested a waiver of the numerical limita-
24 tions and paid the requisite fee prior to the
25 date described in subparagraph (A)(ii), until

1 the Secretary of Homeland Security renders a
2 final administrative decision on such applica-
3 tion.”.

4 **SEC. 60004. ADDITIONAL SUPPLEMENTAL FEES.**

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

10 (b) **SUPPLEMENTAL PETITION FEE.**—Section
11 204(a)(1) of the Immigration and Nationality Act (8
12 U.S.C. 1154(a)(1)) is amended—

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

18 (2) in subparagraph (B)(i)(I), by adding at the
19 end the following: “Such petition shall be accom-
20 panied by a supplemental fee in the amount of
21 \$100.”;

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

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

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

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

8 In addition to amounts otherwise available, there is
9 appropriated to U.S. Citizenship and Immigration Serv-
10 ices for fiscal year 2022, out of any money in the Treasury
11 not otherwise appropriated, \$2,800,000,000, to remain
12 available until expended, for the purpose of increasing the
13 capacity of U.S. Citizenship and Immigration Services to
14 efficiently adjudicate applications described in sections
15 245B and 245(n) of the Immigration and Nationality Act,
16 as added by sections 60001 and 60003 of this Act, respec-
17 tively, and to reduce case processing backlogs.

18 **Subtitle B—Community Violence**
19 **Prevention**

20 **SEC. 61001. FUNDING FOR COMMUNITY-BASED VIOLENCE**
21 **INTERVENTION INITIATIVES.**

22 (a) IN GENERAL.—In addition to amounts otherwise
23 available, there is appropriated to the Attorney General
24 for fiscal year 2022, out of any money in the Treasury
25 not otherwise appropriated, \$2,500,000,000, to remain

1 available until September 30, 2031, for the purposes de-
2 scribed in subsection (b).

3 (b) USE OF FUNDING.—The Attorney General, act-
4 ing through the Assistant Attorney General of the Office
5 of Justice Programs, the Director of the Office of Commu-
6 nity Oriented Policing Services, and the Director of the
7 Office on Violence Against Women, shall use amounts ap-
8 propriated by subsection (a)—

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

15 (2) to support training, technical assistance, re-
16 search, evaluation, and data collection on strategies
17 to effectively reduce community violence and ensure
18 public safety; and

19 (3) to support research, evaluation, and data
20 collection on the differing impact of community vio-
21 lence on demographic categories.

22 (c) EXPENDITURE REQUIREMENT.—All expenditures
23 made pursuant to subsection (a) shall be made on or be-
24 fore September 30, 2031.