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H. R. 5700

To provide individuals who performed rescue, recovery, demolition, debris cleanup, or other related services after the September 11 terrorist attacks an opportunity to adjust their status to that of lawful permanent residents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 2021

Ms. OCASIO-CORTEZ (for herself, Mr. ESPAILLAT, Ms. MENG, Mr. JONES, Ms. NORTON, Mrs. CAROLYN B. MALONEY of New York, Mr. TONKO, Mr. TORRES of New York, Mr. NADLER, Mr. BOWMAN, Ms. VELÁZQUEZ, Ms. JACKSON LEE, Mrs. WATSON COLEMAN, Mr. GARCÍA of Illinois, Ms. SCHAKOWSKY, Mr. MCGOVERN, Ms. JAYAPAL, Ms. CLARKE of New York, Mr. PAYNE, Mr. CARSON, Mr. BLUMENAUER, and Mr. COHEN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide individuals who performed rescue, recovery, demolition, debris cleanup, or other related services after the September 11 terrorist attacks an opportunity to adjust their status to that of lawful permanent residents, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “9/11 Immigrant Work-
3 er Freedom Act”.

4 **SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN WORKERS**
5 **AFTER TERRORIST ATTACKS.**

6 (a) **ADJUSTMENT OF STATUS.**—Notwithstanding any
7 other provision of law, the Secretary of Homeland Security
8 or the Attorney General shall adjust the status of any indi-
9 vidual described in subsection (b) to that of an alien law-
10 fully admitted for permanent residence if such individual
11 applies for such adjustment not later than 18 months
12 after the date of the enactment of this Act, which may
13 be extended at the discretion of the Secretary in cases with
14 compelling circumstances.

15 (b) **ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-**
16 **TUS.**—

17 (1) **IN GENERAL.**—The benefit provided by sub-
18 section (a) shall apply to any alien who—

19 (A) worked or volunteered onsite in rescue,
20 recovery, debris cleanup, or related support
21 services in lower Manhattan (south of Canal
22 St.), the Staten Island Landfill, or the barge
23 loading piers, for at least 4 hours during the
24 period beginning on September 11, 2001, and
25 ending on September 14, 2001, for at least 24
26 hours during the period beginning on Sep-

1 tember 11, 2001, and ending on September 30,
2 2001, or for at least 80 hours during the period
3 beginning on September 11, 2001, and ending
4 on July 31, 2002;

5 (B) was a vehicle-maintenance worker who
6 was exposed to debris from the former World
7 Trade Center while retrieving, driving, cleaning,
8 repairing, and maintaining vehicles contami-
9 nated by airborne toxins from the September
10 11, 2001, terrorist attacks for any time during
11 the period beginning on September 11, 2001,
12 and ending on July 31, 2002;

13 (C) was a member of a fire or police de-
14 partment (whether fire or emergency personnel,
15 active or retired), worked for a recovery or
16 cleanup contractor, or was a volunteer; and per-
17 formed rescue, recovery, demolition, debris
18 cleanup, or other related services at the Pen-
19 tagon site of the terrorist-related aircraft crash
20 of September 11, 2001, during the period be-
21 ginning on September 11, 2001, and ending on
22 November 19, 2001; or

23 (D) was a member of a fire or police de-
24 partment (whether fire or emergency personnel,
25 active or retired), worked for a recovery or

1 cleanup contractor, or was a volunteer; and per-
2 formed rescue, recovery, demolition, debris
3 cleanup, or other related services at the
4 Shanksville, Pennsylvania, site of the terrorist-
5 related aircraft crash of September 11, 2001,
6 during the period beginning on September 11,
7 2001, and ending on October 3, 2001.

8 (2) EXCEPTION.—An alien shall not be pro-
9 vided any benefit under this section if the Secretary
10 of Homeland Security or the Attorney General deter-
11 mines that the alien has willfully made a material
12 misrepresentation or material omission in the proffer
13 of information described in paragraph (1).

14 (c) WORK AUTHORIZATION.—An alien who has ap-
15 plied for adjustment of status under subsection (a) shall
16 be provided authorization to engage in employment in the
17 United States during the pendency of such application.

18 (d) FEE WAIVER BASED ON AN INABILITY TO
19 PAY.—

20 (1) IN GENERAL.—The Secretary of Homeland
21 Security shall waive fees with respect to the filing of
22 an application under this section for an alien who
23 demonstrates to the satisfaction of the Secretary
24 that such alien—

1 (A) is the recipient of a means-tested ben-
2 efit where the Federal, State, or local agency
3 administering such public benefit considers the
4 income and resources of the individual in grant-
5 ing such benefit;

6 (B) has an income is no greater than 250
7 percent of the Federal poverty guidelines; or

8 (C) faces extraordinary financial hardship
9 that prevents them from paying the filing fee.

10 (2) CORRECTIVE FILING.—If the Secretary
11 finds that an applicant is ineligible for a fee waiver
12 under this subsection, the Secretary shall notify ap-
13 plicants of the basis for such ineligibility, and allow
14 applicants 90 days from the date on which the Sec-
15 retary provides such notice to submit additional evi-
16 dence of eligibility. Such applicant shall retain the
17 original filing date of the application or petition as-
18 sociated with the fee waiver.

19 (3) FEDERAL POVERTY GUIDELINES.—The
20 term “Federal poverty guidelines” has the meaning
21 given such term by the Director of the Office of
22 Management and Budget, as revised annually by the
23 Secretary of Health and Human Services in ac-
24 cordance with section 673(2) of the Omnibus Budget
25 Reconciliation Act of 1981 (42 U.S.C. 9902(2)).

1 (4) PUBLIC CHARGE.—

2 (A) FINDING OF PUBLIC CHARGE.—Re-
3 ceipt of an application for a fee waiver under
4 this section shall not be considered in a public
5 charge determination pursuant to section
6 212(a)(4) or section 237(a)(5).

7 (B) SPONSORS.—Receipt of or application
8 for a fee waiver by the sponsor of an immigra-
9 tion petition shall not be considered as a factor
10 in consideration of an affidavit of support filed
11 by the sponsor.

12 (e) CONSTRUCTION.—Nothing in this section may be
13 construed—

14 (1) to limit the existing authority of the Sec-
15 retary of Homeland Security or the Attorney Gen-
16 eral on the date of the enactment of this Act to re-
17 quire any form or other submission of information
18 or to perform any background or security check for
19 the purpose of determining the admissibility, or eli-
20 gibility under this section, of any alien; or

21 (2) to authorize the Secretary or the Attorney
22 General to consider any condition of eligibility not
23 set forth in this Act.

24 (f) WAIVER OF REGULATIONS.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the Secretary
3 shall publish in the Federal Register interim final
4 rules implementing this Act, which shall allow eligi-
5 ble individuals to immediately apply for relief under
6 this Act. Notwithstanding section 553 of title 5,
7 United States Code, the regulation shall be effective,
8 on an interim basis, immediately upon publication,
9 but may be subject to change and revision after pub-
10 lic notice and opportunity for a period of public com-
11 ment. The Secretary shall finalize such rules not
12 later than 180 days after the date of publication.

13 (2) PAPERWORK REDUCTION ACT.—The re-
14 quirements under chapter 35 of title 44, United
15 States Code, (commonly known as the “Paperwork
16 Reduction Act”) shall not apply to any action to im-
17 plement this Act.

18 (g) CONFIDENTIALITY OF INFORMATION.—

19 (1) IN GENERAL.—The Secretary may not dis-
20 close or use information (including information pro-
21 vided during administrative or judicial review) pro-
22 vided in applications filed under this Act for the
23 purpose of immigration enforcement.

24 (2) REFERRALS PROHIBITED.—The Secretary,
25 based solely on information provided in an applica-

1 tion under this Act (including information provided
2 during administrative or judicial review) may not
3 refer an applicant to U.S. Immigration and Customs
4 Enforcement, U.S. Customs and Border Protection,
5 or any designee of either such entity.

6 (3) LIMITED EXCEPTION.—Notwithstanding
7 subsections (a) and (b), information provided in an
8 application under this Act may be shared with Fed-
9 eral security and law enforcement agencies—

10 (A) for assistance in the consideration of
11 an application for adjustment of status under
12 this Act;

13 (B) to identify or prevent fraudulent
14 claims;

15 (C) for national security purposes; or

16 (D) for the investigation or prosecution of
17 any felony offense not related to immigration
18 status.

19 (4) PENALTY.—Any person who knowingly
20 uses, publishes, or permits information to be exam-
21 ined in violation of this section shall be fined not
22 more than \$10,000.

23 (h) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—

24 When an alien is granted the status of having been law-
25 fully admitted for permanent residence under this section,

1 the Secretary of State shall not be required to reduce the
2 number of immigrant visas authorized to be issued under
3 the Immigration and Nationality Act (8 U.S.C. 1101 et
4 seq.).

5 (i) DEFINITIONS.—Except as otherwise specifically
6 provided in this section, the definitions used in the Immi-
7 gration and Nationality Act (8 U.S.C. 1101 et seq.) (ex-
8 cluding the definitions applicable exclusively to title III of
9 such Act) shall apply in the administration of this section.

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