

111TH CONGRESS
1ST SESSION

S. 1736

To provide the spouses and children of aliens who perished in the September 11 terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence.

IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2009

Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. MENENDEZ, Mr. FEINGOLD, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide the spouses and children of aliens who perished in the September 11 terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “September 11 Family
5 Humanitarian Relief and Patriotism Act of 2009”.

1 **SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN VICTIMS OF**
2 **TERRORISM.**

3 (a) ADJUSTMENT OF STATUS.—The status of any
4 alien described in subsection (b) may be adjusted by the
5 Secretary of Homeland Security to that of an alien law-
6 fully admitted for permanent residence, if the alien—

7 (1) applies for such adjustment not later than
8 1 year after the date of the enactment of this Act;

9 (2) is not inadmissible to the United States
10 under paragraph (2) or (3) of section 212(a) of the
11 Immigration and Nationality Act (8 U.S.C.
12 1182(a)), or deportable under paragraph (2) or (4)
13 of section 237(a) of such Act (8 U.S.C. 1227(a));
14 and

15 (3) not later than the date on which the appli-
16 cation under paragraph (1) is submitted, satisfies
17 any applicable Federal tax liability by establishing
18 that—

19 (A) no such tax liability exists; or

20 (B) all outstanding liabilities have been
21 paid.

22 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
23 TUS.—

24 (1) IN GENERAL.—The benefit provided under
25 subsection (a) shall apply to any alien who—

1 (A) was, on September 10, 2001, the
2 spouse, child, unmarried son, or unmarried
3 daughter of an alien who died as a direct result
4 of the terrorist activity conducted against the
5 United States on September 11, 2001;

6 (B) was deemed to be a beneficiary of, and
7 by, the September 11th Victim Compensation
8 Fund of 2001 (49 U.S.C. 40101); and

9 (C) made a proffer of information to the
10 Secretary of Homeland Security between April
11 24, 2008, and August 15, 2008, in connection
12 with a request for immigration relief.

13 (2) EXCEPTION.—An alien shall not be pro-
14 vided any benefit under this section if the Secretary
15 of Homeland Security determines that the alien has
16 willfully made a material misrepresentation or mate-
17 rial omission in the proffer of information described
18 in paragraph (1)(C).

19 (c) WORK AUTHORIZATION.—The Secretary of
20 Homeland Security may authorize an alien who has ap-
21 plied for adjustment of status under subsection (a) to en-
22 gage in employment in the United States during the pend-
23 ency of such application.

24 (d) CONSTRUCTION.—Nothing in this section shall be
25 construed to limit the existing authority of the Secretary

1 of Homeland Security on the date of the enactment of this
2 Act to require any form or other submission of informa-
3 tion or to perform any background or security check for
4 the purpose of determining the admissibility, or eligibility
5 under this section, of any alien.

6 (e) WAIVER OF REGULATIONS.—Not later than 6
7 months after the date of the enactment of this Act, the
8 Secretary of Homeland Security shall issue guidance to
9 carry out this section. The Secretary shall not be required
10 to promulgate regulations before implementing this sec-
11 tion.

12 (f) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—
13 At the time an alien is granted the status of having been
14 lawfully admitted for permanent residence under this sec-
15 tion, the Secretary of State shall not be required to reduce
16 the number of immigrant visas authorized to be issued
17 under title II of the Immigration and Nationality Act (8
18 U.S.C. 1151 et seq.).

19 (g) DEFINITIONS.—

20 (1) APPLICABLE FEDERAL TAX LIABILITY DE-
21 FINED.—In this section, the term “applicable Fed-
22 eral tax liability” means liability for Federal taxes,
23 including penalties and interest, owed for any year
24 for which the statutory period for assessment of any
25 deficiency for such taxes has not expired.

1 (2) INCORPORATION BY REFERENCE.—Except
2 as otherwise specifically provided in this section, the
3 definitions used in the Immigration and Nationality
4 Act (8 U.S.C. 1101 et seq.) (excluding the defini-
5 tions applicable exclusively to title III of such Act)
6 shall apply in the administration of this section.

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