

112TH CONGRESS
1ST SESSION

S. 819

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 aliens lawfully admitted for permanent residence.

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2011

Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. MENENDEZ) 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 aliens 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 2011”.

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

3 (a) ADJUSTMENT OF STATUS.—The Secretary of
4 Homeland Security may adjust the status of any alien de-
5 scribed in subsection (b) to that of an alien lawfully admit-
6 ted 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—

10 (A) inadmissible to the United States
11 under paragraph (2) or (3) of section 212(a) of
12 the Immigration and Nationality Act (8 U.S.C.
13 1182(a)); or

14 (B) deportable under paragraph (2) or (4)
15 of section 237(a) of such Act (8 U.S.C.
16 1227(a)); and

17 (3) satisfies any applicable Federal tax liability,
18 not later than the date on which the alien submits
19 an application under paragraph (1), by establishing
20 that—

21 (A) no such tax liability exists; or

22 (B) all outstanding liabilities have been
23 paid.

24 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
25 TUS.—

1 (1) IN GENERAL.—An alien shall be eligible for
2 adjustment of status under subsection (a) if the
3 alien—

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

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

12 (C) made a proffer of information to the
13 Secretary of Homeland Security between April
14 24, 2008, and August 15, 2008, in connection
15 with a request for immigration relief.

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

22 (c) WORK AUTHORIZATION.—The Secretary of
23 Homeland Security may authorize an alien who has ap-
24 plied for adjustment of status under subsection (a) to en-

1 gage in employment in the United States during the pend-
2 ency of such application.

3 (d) CONSTRUCTION.—Nothing in this section may be
4 construed to limit the existing authority of the Secretary
5 of Homeland Security, on the date of the enactment of
6 this Act—

7 (1) to require any form or other submission of
8 information from the alien; or

9 (2) to perform any background or security
10 check for the purpose of determining the admissi-
11 bility, or eligibility under this section, of any alien.

12 (e) WAIVER OF REGULATIONS.—Not later than 6
13 months after the date of the enactment of this Act, the
14 Secretary of Homeland Security shall issue guidance to
15 carry out this section. The Secretary is not required to
16 promulgate regulations before implementing this section.

17 (f) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—
18 After an alien is granted the status of having been lawfully
19 admitted for permanent residence under this section, the
20 Secretary of State shall not be required to reduce the
21 number of immigrant visas authorized to be issued under
22 the Immigration and Nationality Act (8 U.S.C. 1101 et
23 seq.).

24 (g) DEFINITIONS.—In this section:

1 (1) APPLICABLE FEDERAL TAX LIABILITY.—
2 The term “applicable Federal tax liability” means li-
3 ability for Federal taxes, including penalties and in-
4 terest, owed for any year for which the statutory pe-
5 riod for assessment of any deficiency for such taxes
6 has not expired.

7 (2) OTHER DEFINITIONS.—Except as otherwise
8 specifically provided in this section, the definitions
9 used in the Immigration and Nationality Act (8
10 U.S.C. 1101 et seq.), except for the definitions ap-
11 plicable exclusively to title III of such Act, shall
12 apply in the administration of this section.

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