

111TH CONGRESS  
1ST SESSION

# H. R. 3290

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2009

Mrs. MALONEY (for herself, Mr. KING of New York, Mr. NADLER of New York, Mr. WEINER, Mr. ACKERMAN, Mr. ENGEL, Mr. ISRAEL, Ms. CLARKE, Mr. SIRES, Mr. HOLT, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 by sub-  
25 section (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.—The Secretary of  
7 Homeland Security shall issue guidance to carry out this  
8 section not later than 6 months after the date of the enact-  
9 ment of this Act, but is not required to promulgate regula-  
10 tions prior to implementing this section.

11 (f) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—  
12 When an alien is granted the status of having been law-  
13 fully admitted for permanent residence under this section,  
14 the Secretary of State shall not be required to reduce the  
15 number of immigrant visas authorized to be issued under  
16 the Immigration and Nationality Act (8 U.S.C. 1101 et  
17 seq.).

18 (g) DEFINITIONS.—For purposes of this section:

19 (1) The term “applicable Federal tax liability”  
20 means liability for Federal taxes, including penalties  
21 and interest, owed for any year for which the statu-  
22 tory period for assessment of any deficiency for such  
23 taxes has not expired.

24 (2) Except as otherwise specifically provided in  
25 this section, the definitions used in the Immigration

1 and Nationality Act (8 U.S.C. 1101 et seq.) (exclud-  
2 ing the definitions applicable exclusively to title III  
3 of such Act) shall apply in the administration of this  
4 section.

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