

118TH CONGRESS
2D SESSION

S. 5223

To amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United States at birth, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. GRAHAM (for himself and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United States at birth, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Birthright Citizenship
5 Act of 2024”.

1 **SEC. 2. CITIZENSHIP AT BIRTH FOR CERTAIN PERSONS**
2 **BORN IN THE UNITED STATES.**

3 (a) IN GENERAL.—Section 301 of the Immigration
4 and Nationality Act (8 U.S.C. 1401) is amended—

5 (1) by redesignating subsections (a) through (h)
6 as paragraphs (1) through (8), respectively;

7 (2) in the matter preceding paragraph (1), as
8 so redesignated, by striking “The following” and in-
9 serting the following:

10 “(a) IN GENERAL.—The following”; and

11 (3) by adding at the end the following:

12 “(b) DEFINITION.—Acknowledging the Citizenship
13 Clause in section 1 of the 14th Amendment to the Con-
14 stitution of the United States, a person born in the United
15 States shall be considered ‘subject to the jurisdiction’ of
16 the United States for purposes of subsection (a)(1) if the
17 person is born in the United States of parents, one of
18 whom is—

19 “(1) a citizen or national of the United States;

20 “(2) an alien lawfully admitted for permanent
21 residence in the United States whose residence is in
22 the United States; or

23 “(3) an alien performing active service in the
24 Armed Forces (as defined in section 101 of title 10,
25 United States Code).”.

1 (b) APPLICABILITY.—The amendment made by sub-
 2 section (a)(3) may not be construed to affect the citizen-
 3 ship or nationality status of any person born before the
 4 date of the enactment of this Act.

5 (c) CONFORMING AMENDMENTS.—

6 (1) The Immigration and Nationality Act (8
 7 U.S.C. 1101 et seq.) is amended—

8 (A) in the undesignated matter following
 9 section 308(4)(B) (8 U.S.C. 1408(4)(B)), by
 10 striking “301(g)” and inserting “301(a)(7)”;

11 (B) in section 309(a) (8 U.S.C.
 12 1409(a))—

13 (i) in the matter preceding paragraph
 14 (1), by striking “(c), (d), (e), and (g) of
 15 section 301” and inserting “(3), (4), (5),
 16 and (7) of section 301(a)”;

17 (ii) in subsection (b), by striking
 18 “301(g)” and inserting “301(a)(7)”;

19 (C) in section 341(a) (8 U.S.C. 1452(a)),
 20 by striking “(c), (d), (e), or (g) of section 301”
 21 and inserting “(3), (4), (5), or (7) of section
 22 301(a)”.

1 (2) The Act of March 16, 1956 (70 Stat. 50,
2 chapter 85; 8 U.S.C. 1401a), is amended by striking
3 “301(g)” and inserting “301(a)(7)”.

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