

112TH CONGRESS
1ST SESSION

S. 723

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.

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2011

Mr. VITTER (for himself, Mr. PAUL, Mr. LEE, and Mr. MORAN) 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.

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 2011”.

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 inserting “(a) IN GENERAL.—” before
6 “The following”;

7 (2) by redesignating subsections (a) through (h)
8 as paragraphs (1) through (8), respectively; and

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

10 “(b) DEFINITION.—Acknowledging the right of birth-
11 right citizenship established by section 1 of the 14th
12 amendment to the Constitution, a person born in the
13 United States shall be considered ‘subject to the jurisdic-
14 tion’ of the United States for purposes of subsection (a)(1)
15 only if the person is born in the United States of parents,
16 one of whom is—

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

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

21 “(3) an alien performing active service in the
22 armed forces (as defined in section 101 of title 10,
23 United States Code).”.

24 (b) APPLICABILITY.—The amendment made by sub-
25 section (a)(3) shall not be construed to affect the citizen-

- 1 ship or nationality status of any person born before the
- 2 date of the enactment of this Act.

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