

111TH CONGRESS
1ST SESSION

H. R. 1868

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 HOUSE OF REPRESENTATIVES

APRIL 2, 2009

Mr. DEAL of Georgia (for himself, Mr. BILBRAY, Mr. DANIEL E. LUNGREN of California, Mr. WESTMORELAND, Mr. JONES, Mr. HENSARLING, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. MARCHANT, Mr. CAMPBELL, Mr. KINGSTON, Mr. HELLER, Mr. NEUGEBAUER, Mr. JORDAN of Ohio, Mr. CONAWAY, Mr. WHITFIELD, Mr. LINDER, Mr. CULBERSON, Mr. McCOTTER, Mr. HERGER, Mr. AKIN, Mr. GOHMERT, Mr. BOOZMAN, Mr. LAMBORN, Mr. CALVERT, Mr. SAM JOHNSON of Texas, Mr. ROYCE, Mr. SMITH of Nebraska, Mr. TAYLOR, Mr. GARY G. MILLER of California, Mr. COFFMAN of Colorado, Mrs. MYRICK, Mr. BARTLETT, Mr. ROHRABACHER, Ms. FOXX, Mr. KING of New York, Mr. DUNCAN, Mr. POE of Texas, and Mr. PRICE of Georgia) introduced the following bill; which was 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Birthright Citizenship
3 Act of 2009”.

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

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

8 (1) by inserting “(a) IN GENERAL.—” before
9 “The following”;

10 (2) by redesignating paragraphs (a) through (h)
11 as paragraphs (1) through (8); and

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

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

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

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

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

1 (b) APPLICABILITY.—The amendment made by sub-
2 section (a)(3) shall 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.

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