

119TH CONGRESS
1ST SESSION

S. 304

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

JANUARY 29, 2025

Mr. GRAHAM (for himself, Mr. CRUZ, and Mrs. BRITT) 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 2025”.

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 if the person is born in the United States of parents, one
 16 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 in lawful status performing active
 22 service in the armed forces (as defined in section
 23 101 of title 10, 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.

