

118TH CONGRESS  
2D SESSION

# S. 4459

To amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are not nationals or citizens of the United States at birth.

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## IN THE SENATE OF THE UNITED STATES

JUNE 5, 2024

Mr. COTTON (for himself, Mr. VANCE, Mrs. BLACKBURN, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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 not nationals or 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 “Constitutional Citizen-  
5 ship Clarification Act of 2024”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1           (1) the right of birthright citizenship, estab-  
2           lished by section 1 of the 14th Amendment to the  
3           Constitution of the United States, is rooted in the  
4           common law doctrine of jus soli and limited by the  
5           principle that it is not “the soil, but ligeantia and  
6           obedientia that make the subject born” a citizen;

7           (2) the Supreme Court of the United States has  
8           long recognized that, under the principle of alle-  
9           giance and obedience, the children of foreign dip-  
10          lomats or enemy troops born on United States soil  
11          are not entitled to birthright citizenship; and

12          (3) under that same principle, the children of  
13          foreign spies, saboteurs, terrorists, or other hostile  
14          actors, as well as the children of illegal aliens,  
15          should not be entitled to birthright citizenship.

16 **SEC. 3. PURPOSE.**

17          The purposes of this Act are—

18               (1) to codify the common law exception to  
19               birthright citizenship for ambassadors and invaders;  
20               and

21               (2) to clarify that other categories of disloyal or  
22               disobedient aliens are also subject to such exception.

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

3 Section 301(a) of the Immigration and Nationality  
4 Act (8 U.S.C. 1401(a)) is amended by striking the semi-  
5 colon at the end and inserting the following: “: *Provided*,  
6 That a person born in the United States shall not be con-  
7 sidered subject to the jurisdiction of the United States if  
8 the person is born of alien parents who are—  
9 (1) unlawfully present in the United States;  
10 (2) present in the United States for diplomatic  
11 purposes; or  
12 (3) engaged in a hostile occupation of, or a hos-  
13 tile operation in, the United States;”.

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