

105TH CONGRESS
1ST SESSION

H. R. 7

To amend the Immigration and Nationality Act to deny citizenship at birth to children born in the United States of parents who are not citizens or permanent resident aliens.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. BILBRAY (for himself, Mr. ARCHER, Mr. BALLENGER, Mr. BEREUTER, Mr. BRYANT, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. GOODLATTE, Mr. HERGER, Mr. HORN, Mr. HUNTER, Mr. INGLIS of South Carolina, Mr. JONES, Mr. MCCOLLUM, Mr. MCINTOSH, Mr. MCKEON, Mr. PACKARD, Mr. RADANOVICH, Mr. RIGGS, Mr. ROHRABACHER, Mr. ROYCE, Mr. SKEEN, Mr. TRAFICANT, Mr. WAMP, Mr. WELDON of Florida, and Mr. WELLER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to deny citizenship at birth to children born in the United States of parents who are not citizens or permanent resident aliens.

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 "Citizenship Reform
5 Act of 1997".

1 **SEC. 2. PURPOSE.**

2 It is the purpose of this Act to deny automatic citi-
3 zenship at birth to children born in the United States to
4 parents who are not citizens or permanent resident aliens.

5 **SEC. 3. CITIZENSHIP AT BIRTH FOR CHILDREN OF NON-CIT-**
6 **IZEN, NON-PERMANENT RESIDENT ALIENS.**

7 (a) IN GENERAL.—Section 101 of the Immigration
8 and Nationality Act (8 U.S.C. 1101) is amended by insert-
9 ing after subsection (c) the following new subsection:

10 “(d) For purposes of section 301(a), a person born
11 in the United States shall be considered as ‘subject to the
12 jurisdiction of the United States’ if—

13 “(1) the child was born in wedlock in the Unit-
14 ed States to a parent either of whom is (A) a citizen
15 or national of the United States, or (B) an alien who
16 is lawfully admitted for permanent residence and
17 maintains his or her residence (as defined in sub-
18 section (a)(33)) in the United States; or

19 “(2) the child was born out of wedlock in the
20 United States to a mother who is (A) a citizen or
21 national of the United States, or (B) an alien who
22 is lawfully admitted for permanent residence and
23 maintains her residence in the United States.

24 For purposes of this subsection, a child is considered to
25 be ‘born in wedlock’ only if both parents are married to

1 each other and parents are not considered to be married
2 if such marriage is only a common law marriage.”.

3 (b) CONFORMING AMENDMENT.—Section 301 of
4 such Act (8 U.S.C. 1401) is amended by inserting “(as
5 defined in section 101(d))” after “subject to the jurisdic-
6 tion thereof”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to aliens born on or after the date
9 of the enactment of this Act.

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To: Irene
From: Jean
re: H.R. 7 hearing

An elaboration of the subcommittee's questions for the witness panel

Chairman Smith seemed partial to HR 7. He questioned Dawn Johnson extensively on the Section 5 provision of the 14th Amendment which gives Congress the authority to define who falls under the jurisdiction of the United States. He emphasized that HR 7 is not a Constitutional amendment, but that it clarifies the provisions in the Immigration and Naturalization Act. He also asked Bhattacharjie to elaborate on how current birthright privileges are a "slap in the face" to legal immigrants.

Representative Watts is strongly opposed to HR 7. He repeated that the act clearly goes against the 14th amendment of the Constitution which states that anyone born in the United States is by birthright a citizen of the United States. Therefore, he does not believe that it is in Congress's place to pass legislation that clearly goes against the Constitution. He emphasized that if birthright privileges are to be abolished, doing so would require that a case be brought in front of the Supreme Court.

Representative ___ seems sympathetic to H.R. 7, especially if it can reduce the number of illegal aliens who enter the United States. He asked why Peters testified that HR 7 would not affect the number of women who would cross the boarder, in light of Pam Slater's testimony that 95% of women from Tjihuana giving birth in San Diego did so because they wanted their children to be U.S. citizens. Peters responded that he had not previously heard of that statistic, and that according to his knowledge, illegal immigration would continue because aliens cross the boarder for primarily economic reasons.