

United States Senate

August 6, 2026

The Honorable Robert F. Kennedy, Jr.
Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

The Honorable Erica Schwartz, M.D.
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329

Dear Secretary Kennedy and Dr. Schwartz,

Thank you for your work protecting our nation's health. I write regarding gaps in our nation's birth-registration systems that allow foreign diplomats to unlawfully claim birthright citizenship for their children born in the United States during their diplomatic missions.

Neither the Constitution nor federal statutory law grants foreign diplomats' children birthright citizenship. Yet public reporting indicates that potentially thousands of foreign diplomats' children have illegally claimed American citizenship by using state-issued birth certificates.

Foreign diplomats' children who illegally claim citizenship by using standard state-issued birth certificates perpetrate a fraud against the American people that degrades the meaning of American citizenship, undermines our sovereignty, and threatens our national security.

I therefore urge the Department of Health and Human Services and the Centers for Disease Control and Prevention to implement birth-certificate regulations that ensure federal government agencies do not allow foreign diplomats' children to illegally claim citizenship. We cannot allow our medical records system to become a vector for national security threats.

The Fourteenth Amendment confers American citizenship upon persons born in the United States while "subject to the jurisdiction thereof."¹ For more than a century, statutory law, judicial precedent, and executive-branch policy have recognized that foreign diplomats' children born in the United States are not "subject to [its] jurisdiction" and therefore do not acquire citizenship at birth.² Indeed, even though the majority in *Trump v. Barbara* wrongfully expanded birthright citizenship to cover the children of illegal aliens and temporarily present aliens, it too recognized that the children of diplomats do not acquire birthright citizenship.³

¹ U.S. CONST. amend. XIV, § 1.

² See, e.g., *Elk v. Wilkins*, 112 U.S. 94, 102 (1884) (explaining that "children born within the United States" to "ambassadors or other public ministers of foreign nations" do not acquire birthright citizenship); 8 U.S.C. § 1401 (listing children who obtain birthright citizenship at birth yet not mentioning diplomats' children); 7 U.S. Dep't of State Foreign Affairs Manual § 1116.2-2 (1995) ("[C]hildren born in the United States to diplomats to the United States are not subject to U.S. jurisdiction and do not acquire U.S. citizenship under the 14th Amendment or the laws derived from it."); 7 U.S. Citizenship & Immigr. Servs., Policy Manual pt. O, ch. 3, § B (2026) (similar); 8 C.F.R. § 1101.3(a)(1) (similar).

³ E.g., *Trump v. Barbara*, No. 25-365, slip op. at 10, 22 (U.S. June 30, 2026).

Despite the law's clarity, federal and state governments have not maintained sufficient procedures to ensure foreign diplomats' children do not usurp birthright citizenship. For example, the standard birth certificate does not ask whether a parent is a foreign diplomat.⁴ And neither the Department nor the Centers have addressed the subject of births to diplomats in the federal guidelines they issue for states to use when designing their birth certificates.⁵ Nor does the Social Security Administration inquire into parents' potential diplomatic status before issuing the child a Social Security number.⁶

Consequently, the "children of foreign diplomats who are born in the United States are routinely given U.S. birth certificates upon birth, and shortly afterwards apply for and are provided Social Security numbers," meaning they have "all the requisite documents for proof of U.S. citizenship" despite not legally being a citizen.⁷

Public reporting from foreign nations indicates that thousands of diplomats' children may have illegally procured citizenship documentation due to these gaps. For example, recent reporting found that more than 100 children of diplomats from the Republic of Korea alone procured United States citizenship, seemingly in violation of our laws.⁸

Congress has already given the Department and Centers the regulatory authority to end this birth-certificate fraud. Congress enacted the Intelligence Reform and Terrorism Prevention Act of 2004 to implement the recommendations of the 9/11 Commission.⁹ In that law, Congress mandated that "no Federal agency may accept a birth certificate for any official purpose unless the certificate conforms to such standards" as established by Secretary of Health and Human Services in accordance with the statute's other requirements.¹⁰ The law instructs that the Secretary "shall by regulation establish minimum standards for birth certificates for use by Federal agencies for official purposes" that "establish standards for the processing of birth certificate applications to prevent fraud" and "establish requirements for proof and verification of identity as a condition of issuance of a birth certificate."¹¹

⁴ See Jon Feere, *Birthright Citizenship for Children of Foreign Diplomats?*, CTR. FOR IMMIGR. STUD. at 2–4 (Jul. 11, 2011), <https://cis.org/Report/Birthright-Citizenship-Children-Foreign-Diplomats>.

⁵ *Id.*

⁶ *Id.* at 3–4.

⁷ Daniel Pines, *Violating the Constitution and Risking National Security: How the Children of Foreign Diplomats Born in the United States Become U.S. Citizens in Contravention of the Fourteenth Amendment*, 3 NAT'L SEC. L.J. 232, 251–56 (2015).

⁸ See, e.g., Yi Whan-woo, *145 children of diplomats hold dual citizenship*, KOREA TIMES, (Sep. 25, 2017) <https://www.koreatimes.co.kr/foreignaffairs/20170925/145-children-of-diplomats-hold-dual-citizenship>

⁹ Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, 118 Stat. 3638 (2004) (IRTPA) (codified at 5 U.S.C. § 301 note: "Minimum Standards for Birth Certificates").

¹⁰ See IRTPA § 7211(b)(1), (3).

¹¹ *Id.* § 7211(b)(3)(B)–(C). The IRTPA was enacted in 2004 and instructed the Secretary to promulgate such minimum standards "[n]ot later than 1 year after" its enactment. *Id.* § 7211(b)(3). The Secretary previously delegated the authority for issuing these minimum standards to the CDC Director. Dep't of Health and Human Services, *Intelligence Reform and Terrorism Prevention Act of 2004 Delegation of Authority*, 70 Fed. Reg. 75821 (Dec. 21, 2005). But it appears CDC never issued the minimum standards. See National Center for Health Statistics,

For purposes of this federal minimum-standards regime, Congress defined a “birth certificate” to mean a certificate of birth for an individual “(regardless of where born)” who “is a citizen or national of the United States at birth” and “whose birth is registered in the United States.”¹² Because “birth certificates” are supposed to be limited to only “citizen[s] or national[s] of the United States at birth,”¹³ and diplomats’ children are not citizens at birth,¹⁴ they should not receive standard birth certificates.

To prevent citizenship fraud via birth certificate, the federal government’s minimum standards should ensure federal agencies only accept birth certificates that delineate between individuals the law currently recognizes as citizens or nationals of the United States at birth and the children of foreign diplomats, whom the law does not grant—and never has granted—citizenship at birth.

Allowing diplomats’ children to claim birthright citizenship violates the Constitution, statutory law, and decades of judicial and administrative practice. And it degrades the value and integrity of American citizenship, presents serious national security risks, and undermines our nation’s sovereignty.¹⁵ American citizenship is the sacred bond between the sovereign “We the People” and our government. We cannot allow it to be cheapened into a mere bureaucratic status to be usurped by diplomats and foreign functionaries who owe their allegiance to other countries.

Accordingly, I respectfully request that the Department of Health and Human Services and the Centers for Disease Control and Prevention promulgate regulations to prevent foreign diplomats’ children from using birth certificates to illegally claim birthright citizenship and improperly procure other citizenship documentation.

Sincerely,



Eric S. Schmitt
United States Senator

The U.S. National Vital Statistics System: Transitioning Into the 21st Century, 1990–2017 at 26 (March 2018) (explaining that CDC prepared a draft Notice of Proposed Rulemaking to implement minimum standards but never published it or implemented it).

¹² IRTPA § 7211(a).

¹³ *Id.*

¹⁴ See *supra* notes 1–3 and accompanying text.

¹⁵ Pines, *supra* note 7, at 256–77.