

119TH CONGRESS
1ST SESSION

S. 646

To prohibit the use of funds to carry out Executive Order 14160.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 20, 2025

Ms. ROSEN (for herself, Mr. DURBIN, Mr. SCHATZ, Mr. PADILLA, Mr. VAN HOLLEN, Mr. BLUMENTHAL, Ms. CORTEZ MASTO, Mrs. SHAHEEN, Mr. BOOKER, Mr. WELCH, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit the use of funds to carry out Executive Order
14160.

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 “Born in the USA Act”.

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

7 (1) On January 20, 2025, President Trump
8 issued the flagrantly and clearly unconstitutional
9 Executive Order 14160 (90 Fed. Reg. 8449), enti-
10 tled “Protecting the Meaning and Value of American

1 Citizenship’’, to prohibit the departments and agen-
2 cies of the United States Government from recog-
3 nizing the citizenship of certain children born in the
4 United States.

5 (2) The 14th Amendment to the Constitution of
6 the United States unambiguously states: “All per-
7 sons born or naturalized in the United States, and
8 subject to the jurisdiction thereof, are citizens of the
9 United States and of the State wherein they re-
10 side.”.

11 (3) In 1898, the Supreme Court of the United
12 States issued a decision *United States v. Wong Kim*
13 *Ark*, 169 U.S. 649 (1898) interpreting the birth-
14 right citizenship clause of the 14th Amendment to
15 the Constitution of the United States.

16 (4) In *United States v. Wong Kim Ark*, 169
17 U.S. 649 (1898), the Supreme Court of the United
18 States concludes that—

19 (A) “[t]he Fourteenth Amendment affirms
20 the ancient and fundamental rule of citizenship
21 by birth within the territory, in the allegiance
22 and under the protection of the country, includ-
23 ing all children here born of resident aliens”;
24 and

1 (B) “[i]t can hardly be denied that an
 2 alien is completely subject to the political juris-
 3 diction of the country in which he resides. . .it
 4 is well known that, by the public law, an alien,
 5 or a stranger born, for so long a time as he
 6 continues within the dominions of a foreign gov-
 7 ernment, owes obedience to the laws of that
 8 government”.

9 (5) Federal courts around the country have
 10 weighed in against the constitutionality of Executive
 11 Order 14160 (90 Fed. Reg. 8449).

12 (6) Birthright citizenship is a right guaranteed
 13 by the Constitution of the United States and further
 14 enshrined in Federal law in title III of the Immigra-
 15 tion and Nationality Act (8 U.S.C. 1401 et seq.);
 16 therefore, birthright citizenship cannot be rescinded
 17 by executive order or by an Act of Congress.

18 **SEC. 3. PROHIBITION ON USE OF FUNDS.**

19 No funds may be appropriated or otherwise made
 20 available to carry out Executive Order 14160 (90 Fed.
 21 Reg. 8449; relating to protecting the meaning and value
 22 of American citizenship) (or any successor executive order,
 23 regulation, or policy).

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