

119TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Ms. ROSEN introduced the following bill; which was read twice and referred to the Committee on _____

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
11 Citizenship”, to prohibit the departments and agen-

1 cies of the United States Government from recog-
2 nizing the citizenship of certain children born in the
3 United States.

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

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

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

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

24 (B) “[i]t can hardly be denied that an
25 alien is completely subject to the political juris-

1 diction of the country in which he resides. . .it
2 is well known that, by the public law, an alien,
3 or a stranger born, for so long a time as he
4 continues within the dominions of a foreign gov-
5 ernment, owes obedience to the laws of that
6 government”.

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

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14 therefore, birthright citizenship cannot be rescinded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

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

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