No. 25-365

IN THE

Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, *et al.*,

Petitioners,

v.

BARBARA, *et al.*,

Respondents.

ON WRIT OF CERTIORARI BEFORE JUDGMENT TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

BRIEF OF MEMBERS OF CONGRESS AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS

DOUGLAS JENSEN
MICHAEL BASS
SHER TREMONTE LLP
90 Broad Street, 23rd Floor
New York, NY 10004

LINUS CHAN
Clinical Professor of Law
UNIVERSITY OF MINNESOTA
229 19th Avenue South
Minneapolis, MN 55455

JONATHAN WEINBERG
Counsel of Record
Distinguished Professor of Law
WAYNE STATE UNIVERSITY
471 West Palmer Avenue
Detroit, MI 48202
(313) 577-4015
weinberg@wayne.edu

Counsel for Amici Curiae

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Page(s)

Cases

Statutes

Constitutional Provisions

Legislative Materials

Other Authorities

INTEREST OF *AMICI CURIAE*[1]

Proposed *amici* are 216 Members of Congress, whose full names and titles appear in the Appendix. As Members of Congress, including members of the House Committee on the Judiciary, the House Committee on Homeland Security, the Senate Committee on the Judiciary, and the Senate Committee on Homeland Security and Governmental Affairs, *amici* are well acquainted with our country's laws governing immigration and naturalization, in particular the Immigration and Nationality Act of 1952 (the "INA"). *Amici* have a compelling interest in ensuring that the President adheres to the INA and to other congressionally enacted statutes. President Trump's Executive Order fails that test.

SUMMARY OF ARGUMENT

Respondents have demonstrated that the Fourteenth Amendment guarantees citizenship to all persons born in the United States and subject to its laws. We need not repeat that proof here. Instead, we write to emphasize that the Executive Order fails for a separate and independent reason—it violates a Congressional mandate set out in statutory law.

Title 8 U.S.C. § 1401(a) provides that any person

---

[1] No counsel for a party authored this brief in whole or in part, and no entity or person, aside from *amici curiae* and its counsel, made a monetary contribution intended to fund the preparation or submission of this brief.

"born in the United States, and subject to the jurisdiction thereof" is a citizen of the United States at birth. That statutory command is binding on the Executive. Congress first wrote that language into law as § 201(a) of the Nationality Act of 1940, Pub. L. No. 76-853, 54 Stat. 1137 (1940). It re-enacted that language without change in 1952, when it enacted the INA.

The Administration has approached this case as if its only task is to convince the Court that the drafters, enactors, and ratifiers of the Fourteenth Amendment in 1866–68 understood the phrase "subject to the jurisdiction" to incorporate the President's atextual theory that people born in the United States and subject to its laws are not U.S. citizens. But that is incorrect. The Administration must also show that *Congress* in 1940—when it commanded that any person "born in the United States, and subject to the jurisdiction thereof" is a citizen of the United States at birth—also enacted its novel rule.

The Administration cannot make that showing. The text, structure, and context of the 1940 and 1952 statutes establish that those enactments—as a matter of statutory law—mandate citizenship for all persons born in the United States, subject only to the limited exceptions set out in *United States v. Wong Kim Ark*, 169 U.S. 649 (1898). The text, structure, and context of later INA amendments do the same. Indeed, today's INA relies on the *jus soli* rule to such an extent that

its outcomes would be incoherent in that rule's absence.

ARGUMENT

I. THE INA DOOMS THE ADMINISTRATION'S CASE.

The Fourteenth Amendment sets out a constitutional minimum—a floor—for birthright citizenship. At a minimum, birthright citizenship must extend to all "persons born . . . in the United States and subject to the jurisdiction thereof." But the Fourteenth Amendment does not set out a ceiling. Congress is free to confer birthright citizenship more broadly, to people who do not have citizenship by virtue of the constitutional text. *Rogers v. Bellei*, 401 U.S. 815, 830 (1971). Congress has frequently exercised that power, for example granting citizenship at birth to certain persons born *outside* the United States. *See* 8 U.S.C. § 1401(c), (d), (e), (g), (h). As another example, Congress decreed that members of Indian tribes were citizens at birth, *see* Indian Citizenship Act of 1924, Pub. L. No. 68-175, 43 Stat. 253 (1924), even after the Supreme Court ruled in *Elk v. Wilkins*, 112 U.S. 94 (1884), that the Fourteenth Amendment did not make them so.

This means that even if this Court were to drastically narrow the citizenship guarantee provided by the Fourteenth Amendment, which it should not for the reasons stated by Respondents, the broader

citizenship guarantee provided by 8 U.S.C. § 1401(a) would still determine the citizenship of persons who fell within its terms. It is not enough for the Administration to show that the Executive Order is consistent with the Constitution. It must also show that it is consistent with § 1401(a).

The Administration treats 8 U.S.C. § 1401(a) as irrelevant, arguing that that provision should be understood to carry whatever meaning this Court, at any particular point in time, assigns to the first sentence of the Fourteenth Amendment. Petr. Br. at 44–45. After all, the Administration reasons, the statute and the Fourteenth Amendment use the same words ("subject to the jurisdiction thereof"). But that is not how statutory interpretation works.

The words Congress used in the 1940 Act had a settled, well-established meaning at the time that statute was enacted. That meaning is controlling, because the "whole point of having written statutes" is that "every statute's meaning is fixed at the time of enactment." *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 400 (2024) (emphasis omitted) (quoting *Wisconsin Central Ltd.* v. *United States*, 585 U.S. 274, 284 (2018)).

"Written laws are meant to be understood and lived by. If a fog of uncertainty surrounded them, if their meaning could shift with the latest judicial whim, the point of reducing them to writing would be

lost." *Wisconsin Central Ltd.*, 585 U.S. at 284. It is therefore "a 'fundamental canon of statutory construction' that words generally should be 'interpreted as taking their ordinary, contemporary, common meaning . . . *at the time Congress enacted the statute*.'" *Id.* (emphasis added) (quoting *Perrin v. United States*, 444 U.S. 37, 42 (1979)).

The Court has emphasized over and over that statutes should be read according to the meaning attached to their words *at the time of the statute's adoption*. *See Lorillard v. Pons*, 434 U.S. 575, 583 (1978) ("[W]here words are employed in a statute which had *at the time* a well-known meaning at common law or in the law of this country they are presumed to have been used in that sense unless the context compels to the contrary" (emphasis added)); *Yellin v. Confederated Tribes of Chehalis Reservation*, 594 U.S. 338, 354 (2021) (courts should take into account that statutory language carried a specialized meaning, but "only when the language was used in that way at the time of the statute's adoption"); *Neder v. United States*, 527 U.S. 1, 22–23 (1999).

For the same reasons, the Court deems Congress, in incorporating sections of a prior text into a statute, to have incorporated the judicial and administrative interpretations attached to that text *at the time of incorporation*. *Lorillard*, 434 U.S. at 583; *see also George v. McDonough*, 596 U.S. 740, 752 (2022) (asking "what was the 'prevailing understanding' of

this term of art 'under the law that Congress looked to when codifying' it"). And in particular, "where Congress borrows terms of art in which are accumulated the legal tradition and meaning of centuries of practice, it presumably knows and adopts the cluster of ideas that were attached to each borrowed word in the body of learning from which it was taken." *Morrisette v. United States*, 342 U.S. 246, 263 (1952). The Court does not let statutory meaning shift with the wind, by attaching to a statute's language new "clusters of ideas" that the enacting Congress would not have recognized.

The statutory text, in short, does not acquire new meaning by virtue of a later Supreme Court constitutional interpretation that the drafters did not anticipate and could not have anticipated. Nor does it work to speculate that had the Constitution in 1940 and 1952 been understood to incorporate the Administration's preferred rule, perhaps the legislators would have wanted to incorporate that rule instead. The meaning of the Constitution in 1940 and 1952 was settled. The Court does not rewrite statutes "under the banner of speculation about what Congress might have done had it faced a question that, on everyone's account, it never faced." *Henson v. Santander Consumer USA*, 582 U.S. 79, 89 (2017); *see also Wisconsin Central Ltd.*, 585 U.S. at 282. If the Court should issue a new interpretation of the Fourteenth Amendment, it will be Congress's

decision—and no one else's—whether to change the statute accordingly.[2]

---

[2] The Administration's only argument to the contrary is a reference to statutory interstate-commerce jurisdictional elements, along with the word "Constitution" in 42 U.S.C. § 1983. But those instances don't support the Administration's position. Most statutory interstate-commerce jurisdictional elements were enacted after the New Deal, and so are irrelevant here; the enacting Congress had the same understanding of the commerce clause as we do today. When the Court has considered interstate-commerce jurisdictional elements in pre-New Deal statutes, it has most commonly read them as *not* expanding to mirror new constitutional interpretation. *See, e.g.*, *Circuit City v. Adams*, 532 U.S. 105, 117 (2001) (declining to interpret the statute in light of post-enactment constitutional change, because that would deny "objective and consistent significance to the meaning of the words Congress uses when it defines the reach of a statute"); *United States v. Am. Bldg. Maint. Indus.*, 422 U.S. 271, 277–83 (1975); *Gulf Oil Corp. v. Copp Paving Co.*, 419 U.S. 186, 202 (1974) (expanded scope should come via "amendatory legislation" rather than judicial decision); *Kirschbaum v. Walling*, 316 U.S. 517, 523 (1943); *Federal Trade Commission v. Bunte Bros.*, 312 U.S. 349, 351 (1941).

The Court in a small number of cases has read pre-New Deal jurisdictional elements more broadly, on the basis of an explicit finding that Congress intended the statute's scope to expand with new constitutional development. *See NLRB v. Fainblatt*, 306 U.S. 601, 607 (1939) (text and structure of the 1934 NLRA "evidence[] the intention of Congress to exercise whatever power is constitutionally given to it to regulate commerce"); *United States v. South-Eastern Underwriters Ass'n*, 322 U.S. 533, 557–58 (1944) ("[A]ll the acceptable evidence [shows t]hat Congress wanted to go to the utmost extent of its Constitutional power."). Those are cases in which the presumption of fixed statutory meaning was overcome by overwhelming evidence of contrary legislative intent. But the Administration has proffered no such evidence here.

The Administration has not even attempted to show that the drafters of the 1940 Nationality Act somehow intended the meaning of § 1401(a), rather than being "fixed at the time of enactment," *Loper Bright*, 603 U.S. at 400, to vary with the constitutional winds. Nor could it. All available evidence demonstrates that that meaning was simply the *jus soli* rule.

II. CONGRESS, IN MANDATING CITIZENSHIP FOR ALL PERSONS "BORN IN THE UNITED STATES, AND SUBJECT TO THE JURISDICTION THEREOF," LEGISLATED *JUS SOLI*.

A. *Jus soli* was United States law under the Civil Rights Act of 1866.

When Congress enacted the Civil Rights Act of 1866, it began with the words, "[A]ll persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States." § 1, 14 Stat. 27, 27 (1866). As the Supreme Court later explained in *United States v. Wong Kim Ark*, 169 U.S. 649 (1898), this language guaranteed citizenship, as a matter of statutory law, to all "native-born children of foreign . . . parents not in the diplomatic service of their own country, nor in hostile occupation of part of our territory." *Id.* at 688. The statute thus embodied the common-law *jus soli* rule.

When Congressional Members drafted the Fourteenth Amendment, they used different words, guaranteeing citizenship to "[a]ll persons born . . . in the United States, and subject to the jurisdiction thereof." That language too carried forward the common-law rule. *See* Resp. Br. in Opposition to Cert. at 8–9.

The rule was uncontroversial and well-understood. When *United States v. Wong Kim Ark* was argued thirty years later, even the Solicitor General—arguing against Mr. Wong's citizenship—was forced to concede that the *jus soli* rule was reflected in unbroken longstanding precedent. As he put it, "the opinions of the Attorneys-General, the decisions of the Federal and State courts, and, up until 1885, the rulings of the State Department all concurred in the view that birth in the United States conferred citizenship." Brief for the United States at 28, *United States v. Wong Kim Ark*, 169 U.S. 649 (1898).

The Supreme Court in *Wong Kim Ark* upheld that precedent. It held, emphatically, that the Civil Rights Act and the Fourteenth Amendment carried forward the common-law rule. That is, United States citizenship had always (aside from Black persons under *Dred Scott*) encompassed *everyone* born in the United States, excluding only "children of foreign sovereigns or their ministers, or born on foreign public ships, or of enemies within and during a hostile

occupation of part of our territory, [or] children of members of [] Indian tribes." 169 U.S. at 693; *see also id.* at 698.

The 1866 Civil Rights Act language—codified as Rev. Stat. § 1992—remained in force as the statutory definition of United States birthright citizenship for seventy-four years. During that period, the *jus soli* rule continued to be well-settled law. *See, e.g.*, *Morrison v. California*, 291 U.S. 82, 85 (1934) ("A person of the Japanese race is a citizen of the United States if he was born within the United States."); State Department Assistant Solicitor Richard W. Flournoy, Jr., *Dual Nationality and Election (Part I)*, 30 YALE L.J. 545, 552–53 (1921) (explaining that persons born in the United States to noncitizen parents had American citizenship without regard to whether their parents were "alien sojourners" or "domiciled aliens"); Clement L. Bouvé, *Treatise on the Laws Governing the Exclusion and Expulsion of Aliens in the United States* 427 (1912) (a child born in the United States is a citizen even if its parents were present without authorization).

At multiple points during this period, Congress enacted legislation premised on the *jus soli* guarantee. *See, e.g.*, Naturalization Act of 1906, Pub. L. No. 59-338, § 4, 34 Stat. 596, 597 (1906) (requiring an applicant for naturalization to state "the place from which he emigrated, and the date and place of his arrival in the United States," reflecting the

understanding that all noncitizens present in the United States must have been born abroad); Immigration Act of 1917, Pub. L. No. 64-301, § 3, 39 Stat. 874, 877 (1917) (rendering certain noncitizens deportable along with their "wives or foreign-born children"); Brief of *Amici Curiae* Citizenship Law Scholars at 14–15, 16–17.

B. Congress re-enacted the *jus soli* rule in Section 201(a) of the Nationality Act of 1940.

The Nationality Act of 1940 changed the statutory language governing birthright citizenship but did not change its substance. Instead of the language used in the Civil Rights Act—"not subject to any foreign power, excluding Indians not taxed"—the 1940 Act used the language contained in the Fourteenth Amendment—"subject to the jurisdiction thereof." The legislative and drafting history of the Act makes plain that that statutory text embodied the *jus soli* rule. Indeed, there is reason to think that the "subject to the jurisdiction thereof" language was chosen specifically to avoid any misinterpretation of the 1940 Act as falling short of the full scope of *jus soli*.[3]

---

[3] *See* Flournoy, Jr., *supra*, at 552–53 (1921) (in which Flournoy, who would later be the principal drafter of the 1940 Act, explained that the reason a few authors had misinterpreted the 1866 Act as falling short of *jus soli* was that they had misunderstood the phrase "subject to a foreign power").

1. The *Revision and Codification* makes plain that "born . . . subject to the jurisdiction" in § 201(a) meant *jus soli*, without regard to parents' status.

"[W]here words are employed in a statute which had at the time a well-known meaning at common law or in the law of this country they are presumed to have been used in that sense unless the context compels to the contrary." *Lorillard*, 434 U.S. at 583. In this case, we have plain evidence of the contemporary meaning of the words in § 201(a). That evidence is supplied by the *Revision and Codification of the Nationality Laws of the United States*, transmitted to Congress in 1939 by the Departments of State, Justice and Labor. H.R. COMM. ON IMMIGRATION AND NATURALIZATION, 76TH CONG., REPORT PROPOSING A REVISION AND CODIFICATION OF THE NATIONALITY LAWS OF THE UNITED STATES, PART ONE: PROPOSED CODE WITH EXPLANATORY COMMENTS (Comm. Print 1939) (hereinafter, "*Revision and Codification*"). The *Revision and Codification* set out both a comprehensive recodification of U.S. citizenship law and commentary explaining the meaning of its language.

The *Revision and Codification*'s explanatory notes made clear that the draft language in proposed section 201(a)—guaranteeing citizenship to all persons "born in the United States, and subject to the jurisdiction thereof"—was equivalent to "a statement of the

common-law rule, which has been in effect in the United States from the beginning." *Id.* at 7. That rule extended citizenship to all persons born in the United States, with the limited exceptions set out in *Wong Kim Ark*. *See id.*

The *Revision and Codification* took pains to emphasize that the rule embodied in § 201(a)'s text covered "a child born in the United States of parents residing therein temporarily." *Id.* It noted that *Wong Kim Ark* had relied on *Lynch v. Clarke*, 1 Sand. Ch. 583, 663 (1844), under which "by the law of the United States, every person born within the dominions and allegiance of the United States, *whatever were the situation of his parents*, is a natural born citizen" (emphasis added).

The *Revision and Codification* summed up the meaning of "born . . . within the jurisdiction" as follows: "[I]t is the fact of birth within the territory and jurisdiction, and not the domicile of the parents, which determines the nationality of the child." *Revision and Codification*, at 7.

2. The Congressional debates reflected the same settled understanding of "born . . . subject to the jurisdiction."

Congressional Members shared the *Revision and Codification*'s understanding of the law they were codifying. The House and Senate conducted extensive hearings before enacting the proposed bill. During

those hearings, both witnesses and Members made clear that while Congress could vary its rules granting citizenship to children born abroad, the U.S. citizenship of children born here was a given. As one deputy commissioner put it: "In the United States, insofar as the question of citizenship is concerned, the doctrine of *jus soli* applies." *To Revise and Codify the Nationality Laws of the United States into a Comprehensive Nationality Code: Hearings Before the Comm. on Immigr. and Naturalization*, 76th Cong. 49 (Feb. 12, 1940) (hereinafter, "1940 House Hearings"); *see also id.* (Congressman Poage agreed); *id.* at 37 (same).

In particular, Congress understood the principle of *jus soli* to apply to children born of temporary visitors who had minimal ties to the United States. In a meeting of the Immigration and Naturalization Committee, Congressman Curtis posed this hypothetical: "Just one more question. We will suppose a Frenchman and his wife [came] over here from France on a visitor's visa and 2 weeks after they arrive in this country there is to them born a child. What is the nationality of that child?" *Id.* at 246 (May 2, 1940). Both the witness and a second congressman responded that the child would be an American citizen. The committee chairman pointed out the anomaly that "under the French law they can claim him as a Frenchman," but Congressman Curtis stood firm: "And yet that child has been born within the

territory of the United States and is declared by law to be a citizen of the United States." *Id.*

The implications of that rule concerned some Members of Congress and of the Administration. In one hearing, for example, a representative of the State Department testified:

> Another class [of citizens] is composed of those persons who are born in the United States of alien parents and are taken by their parents to the countries from which the parents came and of which they are nationals. . . .
>
> Many of them are taken in early infancy. There are hundreds of thousands of those persons living around different parts of the world who happen to have been born here and acquire citizenship under the fourteenth amendment, but they are brought up in the countries of their parents and they are in no true sense American, and yet they may not only enter this country themselves as citizens, but may marry aliens in those countries and have children and those children are born citizens.

Id. at 37 (Feb. 12, 1940). But the proper response to that concern, he continued, was not a change to the *jus soli* rule. Rather, he explained, "We have control

over citizens born abroad, and we also have control over the question of expatriation." *Id.* That is, Congress could provide a means for these citizens to lose their citizenship after living abroad.[4] Or Congress might provide a means to restrict the ability of U.S. citizens to transmit their citizenship when having children outside of the United States. The witness was emphatic, however, that "no one proposes" to restrict *jus soli* citizenship, *id.* at 38. Indeed, he stated that such a change would be absurd.[5]

---

[4] Congress did just that elsewhere in the Act, describing circumstances in which *jus soli* citizens living in foreign countries would be divested of their citizenship. *See* Nationality Act of 1940 §§ 401–10. That provision was constrained by *Perkins v. Elg*, 307 U.S. 325 (1939), in which the Supreme Court held that the law could not strip away citizenship from a child born here merely because the child's parents had taken it away to another country. Later case law has placed sharper limits on Congress's ability to expatriate U.S. citizens. *See Afroyim v. Rusk*, 387 U.S. 253 (1967).

[5] The Administration suggests that the drafters of the 1940 Act intended to restrict *jus soli* citizenship in order to advance the goal of "put[ting] an end to dual citizenship." Petr. Br. at 45–47 (quoting Rep. Dickstein out of context). But the Administration's brief elides what Rep. Dickstein made plain: The 1940 Act sought to address disloyal dual nationals by means of expatriation, not by restricting *jus soli* citizenship. *See supra* note 4. Rep. Dickstein treated the *jus soli* rule as foundational. He took it as a given that "[those] who, through accident of birth and circumstances have been born in the United States of alien parents," are U.S. citizens. 86 Cong. Rec. at 11,944. His policy

3. The "foundling" provision underlines Congress's indifference to the parentage of children born in the United States.

The irrelevance of parentage to the citizenship of children born in the United States is further demonstrated by the 1940 Nationality Act's "foundling" provision. Section 201(f) of the Act, as enacted, conferred citizenship on a "child of unknown parentage found in the United States, until shown not to have been born in the United States." Nationality Act of 1940 § 201(f). That provision is still in force with minor changes, *see* 8 U.S.C. § 1401(f).

Under this provision, the foundling child was "presumed to have been born in the United States." 1940 House Hearings, at 57 (State Department Assistant Solicitor Flournoy); *Revision and Codification*, at 13. The presumption was rebutted if the child was "shown not to have been born in the United States." Nationality Act of 1940 § 201(f). That was because birth in the United States established U.S. citizenship. Notably, the provision did not say "until shown not to have been born in the United States or to have been born to parents in the United

---

response was that disloyal dual nationals "who reside in foreign lands and only claim citizenship when it serves their purpose" should "be definitely expatriated." *Id.* But birthright citizenship and adult expatriation are two different things.

States only temporarily or without authorization." *Compare, e.g.*, Nationality Act of 22 June 1913 [Germany] § 4 ("A child found in the territory of a federal State (a foundling) shall be deemed to be a *child of a citizen of that State* until the contrary is proved" (emphasis added)).

4. Sections 101(d) and 202 of the Act demonstrate that "born . . . subject to the jurisdiction" meant *jus soli*.

A final, key piece of evidence can be found in Congress's decision in 1940 to resolve the question of Puerto Rican citizenship. The *Revision and Codification* explained that the Constitution was not then understood to extend citizenship, of its own force, to persons born in certain U.S. overseas territories, including Puerto Rico. *Revision and Codification*, at 11–13. Indeed, earlier legislation regarding Puerto Rico had "not appl[ied] the *jus soli*" rule: It had excluded from citizenship "children born in the island of parents who are citizens or subjects of a foreign state." *Id.* at 14.

The *Revision and Codification*'s language changed that. In the context of births *after* the effective date of the Act, it proposed a definition of "United States" in § 102(a) that included Puerto Rico and the Virgin Islands. *Id.* at 4. Going forward, persons born in those territories would be "born in the United States" within

the meaning of § 201(a), and thus guaranteed citizenship under that provision.

In the context of births *before* the Act's effective date, it proposed a new section 202. That section's language extended citizenship to all persons who had been "born . . . subject to the jurisdiction of the United States" in Puerto Rico after it became a U.S. territory, and who were residing there (or elsewhere in the United States) on the Act's effective date. *Id.* at 14. That language, the *Revision and Codification* explained, would extend citizenship to all children who had been born in the territory since 1899, without regard to the status of their parents. *Id.*

The *Revision and Codification* was explicit that its proposed changes would "apply the rule of *jus soli* to Puerto Rico as of the date of its annexation to the United States." *Id.*; *see also id.* at 4. Congress enacted that proposed language without change as §§ 101(d) & 202 of the 1940 Act.

These changes are illuminating for two reasons. First, they again leave no doubt what the words "born . . . subject to the jurisdiction" meant in 1940: They meant the *jus soli* rule, under which children acquired United States citizenship because of the place of their birth, without regard to their parents' citizenship or allegiances. *Id.* at 14.

Second, they make plain that those words, when incorporated in a federal statute, conveyed statutory

citizenship independently of any rights under the Fourteenth Amendment. In both provisions, Congress deliberately adopted a citizenship rule more generous than the constitutional floor: Persons born in Puerto Rico, after all, had no constitutional right to citizenship. When Congress used the words "born . . . subject to the jurisdiction" in sections 201(a) and 202, thus, it was emphatically *not* seeking to mirror constitutional meaning, as the Administration imagines. Rather, it used those words because they were the established term of art for *Wong Kim Ark*'s *jus soli* rule.

C. In the 1952 INA, Congress carried forward the rule embodied in the 1940 Act.

In 1952, Congress recodified the nation's immigration and nationality laws. The new statute re-enacted § 201(a) of the Nationality Act of 1940, without change, at 8 U.S.C. § 1401(a).

The legislative materials leave no doubt about the contemporary meaning of the text Congress was re-enacting: Not only constitutional law, but also the pre-1952 "statutory provision" rendered "all native-born persons, except those born of parents who are in the diplomatic service of foreign states, . . . citizens at birth." Senate Judiciary Comm., *The Immigration and Naturalization Systems of the United States*, S.

Rep. No. 1515, 81st Cong., 2d Sess. 685 (1950); Brief of *Amici Curiae* Citizenship Law Scholars at 23–24.

Once again, the Congressional hearings reflected the same understanding of existing law. As one witness put it, if a child is born to a noncitizen held in detention on U.S. soil after seeking admission at the border, "[t]his child is, of course, a citizen of the United States. There can be no question about that." *See Revision of Immigration, Naturalization, and Nationality Laws*: *Joint Hearings Before the Subcomms. of the Comms. on the Judiciary*, 82nd Cong. 188 (Mar. 9, 1951). Another witness stated that, if a noncitizen arrives in the United States as a temporary visitor, remains here illegally, applies for suspension of deportation, and fathers children while waiting for the application to be adjudicated, those children "are, of course, American citizens." *Id.* at 327 (Mar. 14, 1951).

There is no doubt that Congress was carrying that earlier law forward. *See* H.R. Rep. No. 1365, 82d Cong. 2d Sess. 76 (1952) (the 1952 INA carried forward the birthright citizenship provisions of the Nationality Act of 1940); S. Rep. No. 1137, 82d Cong., 2d Sess. 38 (1952) (same; "[t]he only exceptions are

those persons born in the United States to alien diplomats"); H.R. Rep. No. 1365, *supra*, at 25 (same).[6]

III. LATER-ENACTED PROVISIONS OF THE IMMIGRATION LAW ARE PREMISED ON THE INA'S EXTENSION OF CITIZENSHIP TO ALL PERSONS BORN IN THE UNITED STATES.

Congress has amended the immigration law

---

[6] The immigration title of the 1952 Act includes one provision that bears explanation. In setting out the "national origins" system of immigration quotas, which depended on the country in which a person was born, section 202(a)(3) of the Act provided: "[A]n alien born in the United States shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country then in the last foreign country in which he had his residence." This provision was a rewording and updating of § 12(a) of the Immigration Act of 1924, which read: "An immigrant born in the United States who has lost his United States citizenship shall be considered as having been born in the country of which he is a citizen or subject . . . ." Pub. L. No. 68-139, § 12(a), 43 Stat. 153, 160 (1924). *See* H.R. Rep. No. 1365, *supra*, at 119 (side-by-side comparison of existing and proposed law, setting out the two provisions in opposite columns). The 1952 provision, whose modern counterpart is 8 U.S.C. § 1152(b)(3), has only been applied to birthright United States citizens who later accepted or manifested citizenship in another country and thus lost their U.S. citizenship. *See Matter of Burris*, 15 I&N Dec. 676 (1976); *Matter of Moorman*, 10 I&N Dec. 708 (1964). For the similar application of the older law, *see, e.g.*, *Ex parte Ng Fung Sing*, 6 F.2d 670 (W.D. Wash. 1925) (Ms. Ng was born a U.S. citizen but married a noncitizen, which under then-extant law expatriated her); *see also* Philip C. Jessup, *Some Phases of the Administrative and Judicial Interpretation of the Immigration Act of 1924*, 35 YALE L.J. 705, 723 (1926).

repeatedly since 1952. Those amendments have implemented policies deriving from 8 U.S.C. § 1401(a)'s extension of citizenship to all persons born in the United States. Adopting the Administration's reading of § 1401(a) would render those provisions senseless. *But see FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 133 (2000) (it is a "fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme"; courts must not read statutory language in a way that renders the statute as a whole incoherent or inharmonious).

Begin with the 1965 Immigration and Nationality Act's definition of "immediate relative." Immigrants to the United States had long been subject to a complex set of numerical limitations and quotas. Spouses and minor children of U.S. citizens had been exempt from those quotas, on the theory that citizens should have the companionship of their close family members. In 1965, Congress introduced an amendment: Certain *parents* of U.S. citizens would also be treated as "immediate relatives" and gain the same favorable immigration status.

The 1965 Act thus defined its "immediate relative" category to include "the children, spouses, and parents of a citizen of the United States: *Provided*, That in the case of parents, such citizen must be at least twenty-one years of age." Immigration and

Nationality Act of 1965, Pub. L. No. 89-236, § 1, 79 Stat. 911, 911 (1965). That definition remains the law today. 8 U.S.C. § 1151(b)(2)(A)(i).

Two things are notable about the 1965 Act's "immediate relative" definition. First, Congress's reason for including the proviso—directing that parents of minor U.S. citizen children would *not* be "immediate relatives"—was precisely because all children born in the United States were U.S. citizens. The Congressional drafters were aware of *United States ex rel. Hintopoulos v. Shaughnessy*, 353 U.S. 72 (1957), in which Mr. and Mrs. Hintopoulos had been illegally present in the United States and had a child during their unauthorized stay. They then applied for suspension of deportation, noting the hardship to their infant child if they were to be forced out of the country. Justice Harlan, writing for the Court, noted that "the child is, of course, an American citizen by birth." *Id.* at 73. But the Court upheld the hearing officer's decision to deny relief. *Id.* at 77; *see also, e.g.*, *Mendez v. Major*, 340 F.2d 128, 132 (8th Cir. 1965).

The drafters of the 1965 Act recognized that the children of temporary visitors were U.S. citizens, and for that reason took care to ensure that that fact did not trigger automatic immigration benefits for the visitors themselves. *See Immigration: Hearings Before the Subcomm. on Immigration and Naturalization of the S. Comm. on Judiciary*, 89th Cong., 1st Sess. 270 (Mar. 5, 1965) (statement of

Assistant Attorney General Schlei, explaining that the reason for the proviso was "to preclude an inadvertent grant of nonquota immigrant status to aliens to whom a child is born while in the United States on a tourist visa"); *Faustino v. INS*, 302 F. Supp. 212, 214–215 (S.D.N.Y. 1969) (same), *aff'd*, 432 F.2d 429 (2d Cir. 1970), *cert. denied*, 401 U.S. 921 (1971).

Second, the very fact that Congress saw the need to legislate regarding parents of U.S. citizen minor children, excluding them from the "immediate relative" definition, 8 U.S.C. § 1151(b)(2)(A)(i), demonstrates the statutory *jus soli* rule. People seeking "immediate relative" status under the 1965 Act were not themselves citizens or lawful permanent residents. Immigration and Nationality Act of 1965 § 1. So their minor children would not have been citizens by birth under the Administration's interpretation. Nor could their minor children have acquired citizenship by naturalization, or derivatively after birth, without having citizen parents, *see* 8 U.S.C. §§ 1431, 1433, 1445(b).[7]

---

[7] It's possible to imagine edge cases not implicating *jus soli* in which a noncitizen could become the parent of a minor child for whom the statutory proviso was relevant. After enactment of the Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 4978 (1990), a child refugee could gain permanent resident status in the United States without regard to the status of its parents, but that scenario was not before Congress in 1965. Other

In other words, had the statute incorporated the Administration's approach, there would have been no problem for the proviso to solve. Under that approach, except in rare cases, noncitizens seeking "immediate relative" status could not have been the parents of minor U.S. citizen children. The problem was real because the statute mandated *jus soli*, guaranteeing U.S. citizenship to the children of foreigners present in the United States temporarily or without authorization.

The INA provisions allowing individuals to seek hardship-based waivers of deportation make this even plainer. Those provisions were enacted to address cases like those of Mr. and Mrs. Hintopoulos. While Congress did not want illegally present parents to derive immigration benefits automatically by virtue of their child's birth here, Congress concluded that it *did* want immigration authorities to have the discretion to

---

contemporary scenarios are possible. A noncitizen could have married a U.S. citizen, who later bore his child outside the United States (after having satisfied the law's residency requirements, so that the child was a citizen *jus sanguinis*), and then divorced the citizen spouse, and still later entered illegally with the child. (Note that if a noncitizen were *currently* married to a U.S. citizen, he or she would be an immediate relative by virtue of the marriage, and so would not need to derive that status from a child.) Or a noncitizen couple could have adopted a U.S. citizen child. But as the legislative history quoted above makes clear, those atypical cases are not the ones Congress had in mind.

allow parents to stay in this country, if deportation would pose hardship to their U.S. citizen child.

Thus, in 1940, Congress gave the Attorney General discretion to suspend a noncitizen's deportation if "deportation would result in serious economic detriment" to the noncitizen's minor U.S. citizen child. Alien Registration Act, Pub. L. No. 76-670, § 20, 54 Stat. 670, 672 (1940). The current version of that provision is 8 U.S.C. § 1229b(b), which allows an immigration judge to "cancel" the removal of a noncitizen who is in the United States without status or on a temporary visa, on a showing of sufficient hardship to the noncitizen's United States citizen or lawful permanent resident spouse or unmarried minor child.[8]

From the beginning, the Board of Immigration Appeals and the courts effectuated Congress's intent that discretionary relief would be available for illegally present noncitizens with children who were citizens by virtue of having been born in the United States. *See, e.g.*, *United States ex rel. Accardi v. Shaughnessy*, 206 F.2d 897, 899 (2d Cir. 1953) (Mr. Accardi entered illegally, married a noncitizen, and had a child who was a U.S. citizen by virtue of having been born here; the agency recognized his eligibility

---

[8] The statute references the noncitizen's "child," but by virtue of 8 U.S.C. § 1101(b)(1), the word "child" in this portion of the statute is limited to "an unmarried [child] under twenty-one years of age."

for relief but denied it as a matter of discretion), *rev'd*, 347 U.S. 260 (1954) (remanding for a new determination); Gerald L. Neuman, *Lessons for Birthright Citizenship from Suspension of Deportation* (Dec. 30, 2025), https://ssrn.com/abstract=5991454, at 14–35 (listing numerous instances in the 1940s and 1950s in which foreigners here temporarily, or without authorization, were granted suspension of deportation by virtue of hardship to their U.S.-born, U.S. citizen children).

Once again, the category of applicants with U.S. citizen or lawful permanent resident unmarried minor children would be scant but for Congress's *jus soli* mandate. Persons applying for cancellation of removal under today's 8 U.S.C. § 1229b(b) are present without authorization or here on temporary visas. Their unmarried minor children born outside of the United States have no better status than they. If they have unmarried minor children who are U.S. citizens, it will generally be by virtue of the *jus soli* rule.

IV. THE ADMINISTRATION'S READING OF SECTION 1401(A) WOULD RENDER THE INA INCOHERENT.

Today's INA relies on the statutory *jus soli* rule in other ways, to a degree that its outcomes would be incoherent in that rule's absence. The Administration's reading of § 1401(a) thus contravenes fundamental canons of statutory

interpretation. As this Court has explained, "We do not . . . construe statutory phrases in isolation; we read statutes as a whole." *United States v. Morton*, 467 U.S. 822, 828 (1984). Even statutory language that "may seem ambiguous in isolation is often clarified . . . because only one of the permissible meanings produces a substantive effect that is compatible with the rest of the law." *United Savings Ass'n of Texas v. Timbers of Inwood Forest Assocs., Ltd.*, 484 U.S. 365, 371 (1988). "That a law is the best expositor of itself, that every part of an act is to be taken into view," and "that the details of one part [of a statute] may contain regulations restricting the extent of general expressions used in another part of the same act, are among those plain rules laid down by common sense for the exposition of statutes which have been uniformly acknowledged." *Pennington v. Coxe*, 6 U.S. (2 Cranch) 33, 52–53 (1804).

Consider the following example: A noncitizen arrives in the United States with her husband, fleeing persecution in a foreign country. An immigration judge grants her and her husband asylum. Before they can adjust to lawful permanent resident status, they have a baby girl. Under the rule prescribed by Congress, that girl is a U.S. citizen. Her future here is secure.

Under the statute as the Administration interprets it, on the other hand, the result is a hash. Depending on the laws of the country her parents fled,

the girl is either a citizen of that country or is stateless. Either way, she has no valid immigration status in the United States. She does not partake of her parents' asylee status. *See* 8 U.S.C. § 1158(b)(3)(A) (derivative asylum is available to children "accompanying, or following to join" the asylee, but both of those terms require the derivative asylee to have been admitted to the United States from another country, as the girl was not, and to already have been born when asylum was granted, as the girl was not).[9]

The girl's parents are eligible to become permanent residents under 8 U.S.C. § 1159(b), but the girl isn't, because adjustment under that provision is only available to persons who were "granted asylum"—which, again, she was not. *Id.* § 1159(b)(2).

Even after her parents become lawful permanent residents, they will not be able to petition for her adjustment to lawful permanent resident status under 8 U.S.C. § 1255(a) because that provision is only available if the beneficiary was "admitted or paroled into the United States"—which she was not. So she will lack status, and, absent some form of official

---

[9] The Administration has suggested that it would institute a "practice" under which the girl could "register" to be given her parents' status. *USCIS Implementation Plan of Executive Order 14160* (July 25, 2025). But nothing in the statute would allow that.

mercy, she will have to leave the United States, and presumably her parents with her. Yet the only place the family will be able to go may be the country of persecution that her parents fled, to which they cannot be forced to return under United States and international law.

The point of this example is not that the consequences of the Administration's proposed rule would be nonsensical and harsh—though they would be. The point is that they would be nonsensical and harsh because the immigration statute, in its length and breadth, is built around the 8 U.S.C. § 1401(a) *jus soli* rule. If Congress were to repeal that rule, it would have to rewrite the rest of the statute.

This incoherence is all the more concerning because—should the Administration prevail in this litigation—millions of Americans will suddenly no longer be citizens.[10] The Administration states that it intends to enforce its views only prospectively. But should the Court endorse the Administration's interpretations, millions of Americans will simply no longer meet the constitutional and statutory criteria for citizenship. Statutory law will therefore bar them

---

[10] The figure includes 1.8 million U.S.-citizen children with two unauthorized parents, *see* Matthew Lisiecki et al., *What will deportations mean for the child welfare system*, BROOKINGS (Apr. 22, 2025) https://www.brookings.edu/articles/what-will-deportations-mean-for-the-child-welfare-system/, and an additional number of other children and adults whose parentage also fails the Administration's test.

from voting, securing passports, and more. The Administration cannot change that by announcing that it will (for now) treat those erstwhile Americans *as if* they were citizens, giving them benefits the law forbids them to have.

V. CONGRESS HAS CONSISTENTLY REJECTED BILLS THAT WOULD HAVE AMENDED THE INA TO INCORPORATE THE CITIZENSHIP RULE THE ADMINISTRATION URGES.

Critics of the *jus soli* rule have long recognized that the INA is inconsistent with their preferred result. Thus, for more than three decades, such critics have introduced bills in Congress seeking to amend the statute, to eliminate the provisions guaranteeing *jus soli* citizenship. These efforts demonstrate lawmakers' recognition that the INA—unless and until it is amended—mandates universal birthright citizenship. Congress has rejected every one of those proposed bills.

One such bill was introduced in 1991, as part of a package comprising two pieces of legislation. The first component was H.J. Res. 357, 102d Cong., 1st Sess. (1991), which proposed a constitutional amendment that would eliminate the birthright citizenship guarantee for any person whose mother was not a "legal resident[]" of the United States. The second component was H.R. 3605, 102d Cong., 1st Sess.

(1991). That bill—which provided that it would become effective only after ratification of the above proposed constitutional amendment—proposed a parallel amendment to 8 U.S.C. § 1401(a) to cut back on the statutory citizenship guarantee.

The sponsors of these bills, in other words, understood that they would have to overcome *both* a constitutional provision mandating citizenship for all persons born in the United States *and* a statutory provision doing the same. Congress, however, refused the sponsors' invitation; it declined to enact either bill.

Such bills to amend the INA to eliminate its guarantee of citizenship to all persons born in the United States have been introduced—and rejected—in nearly every Congress since 1997. *See, e.g.*, H.R. 7, 105th Cong., 1st Sess. (1997); H.R. 73, 106th Cong., 1st Sess. (1999); H.R. 1567, 108th Cong., 1st Sess. (2003); H.R. 698, 109th Cong., 1st Sess. (2005); S. 2117, 109th Cong., 1st Sess. (2005); H.R. 133, 110th Cong., 1st Sess. (2007); H.R. 1940, 110th Cong., 1st Sess. (2007); H.R. 6789, 110th Cong., 2d Sess. (2008); H.R. 126, 111th Cong., 1st Sess. (2009); H.R. 994, 111th Cong., 1st Sess. (2009); H.R. 1868, 111th Cong., 1st Sess. (2009); H.R. 5002, 111th Cong., 2d Sess. (2010); H.R. 140, 112th Cong., 1st Sess. (2011); H.R. 1196, 112th Cong., 1st Sess. (2011); S. 723, 112th Cong., 1st Sess. (2011); H.R. 140, 113th Cong., 1st Sess. (2013); S. 301, 113th Cong., 1st Sess. (2013); H.R. 140, 114th Cong., 1st Sess. (2015); S. 45, 114th

Cong., 1st Sess. (2015); H.R. 140, 115th Cong., 1st Sess. (2017); H.R. 140, 116th Cong., 1st Sess. (2019); H.R. 8838, 116th Cong., 2d Sess. (2020); H.R. 9064, 116th Cong., 2d Sess. (2020); H.R. 140, 117th Cong., 1st Sess. (2021); H.R. 4864, 118th Cong., 1st Sess. (2023); H.R. 6612, 118th Cong., 1st Sess. (2023); S. 4459, 118th Cong., 2d Sess. (2024); H.R. 569, 119th Cong., 1st Sess. (2025); S. 304, 119th Cong., 1st Sess. (2025).

This long history makes two things clear. First, legislators on all sides of the debate understood that the INA mandates birthright citizenship for all persons born in the United States. That mandate remains unless and until Congress amends the statute. And second, Congress has refused to amend the statute. It has maintained *jus soli* citizenship as a statutory command.

CONCLUSION

Beginning over thirty years ago, opponents of birthright citizenship have striven to change the law by constitutional means—the democratic process of introducing bills in Congress both to amend the INA, and to begin the process of constitutional amendment. Those efforts having failed, the President now seeks to attain his goals by unilateral executive fiat. Rather than trying to persuade Congress to exercise *its* authority to amend or repeal the INA, he seeks to

evade that process with an unconstitutional power grab.

The Court should affirm the decision below.

Date: February 19, 2026 Respectfully submitted,

Douglas Jensen
Michael Bass
SHER TREMONTE LLP
90 Broad St., 23rd Fl.
New York, NY 10004

Jonathan Weinberg*
Distinguished Professor of Law
WAYNE STATE UNIVERSITY
471 W. Palmer Ave
Detroit, MI 48202
(313) 577-4015
weinberg@wayne.edu

Linus Chan
Clinical Professor of Law
UNIVERSITY OF MINNESOTA
229 19th Ave. South
Minneapolis, MN 55455

**counsel of record*

APPENDIX

TABLE OF APPENDICES

APPENDIX: LIST OF *AMICI CURIAE*

Jamie Raskin
Representative of Maryland

Pramila Jayapal
Representative of Washington

Bennie G. Thompson
Representative of Mississippi

Adriano Espaillat
Representative of New York

Yvette Clarke
Representative of New York

Grace Meng
Representative of New York

Jerrold Nadler
Representative of New York

Bradley Scott Schneider
Representative of Illinois

Hakeem Jeffries
Representative of New York

Katherine Clark
Representative of Massachusetts

Pete Aguilar
Representative of California

Joe Neguse
Representative of Colorado

Rosa L. DeLauro
Representative of Connecticut

Robert Garcia
Representative of California

Alma S. Adams, Ph.D.
Representative of North Carolina

Gabe Amo
Representative of Rhode Island

Yassamin Ansari
Representative of Arizona

Jake Auchincloss
Representative of Massachusetts

Becca Balint
Representative of Vermont

Nanette Barragán
Representative of California

Joyce Beatty
Representative of Ohio

Wesley Bell
Representative of Missouri

Ami Bera, M.D.
Representative of California

Donald S. Beyer Jr.
Representative of Virginia

Sanford D. Bishop, Jr.
Representative of Georgia

Suzanne Bonamici
Representative of Oregon

Brendan F. Boyle
Representative of Pennsylvania

Shontel Brown
Representative of Ohio

Julia Brownley
Representative of California

Nikki Budzinski
Representative of Illinois

Janelle Bynum
Representative of Oregon

Salud O. Carbajal
Representative of California

André Carson
Representative of Indiana

Troy A. Carter, Sr.
Representative of Louisiana

Greg Casar
Representative of Texas

Sean Casten
Representative of Illinois

Kathy Castor
Representative of Florida

Joaquin Castro
Representative of Texas

Sheila Cherfilus-McCormick
Representative of Florida

Judy Chu
Representative of California

Gilbert R. Cisneros, Jr.
Representative of California

Emanuel Cleaver, II
Representative of Missouri

James E. Clyburn
Representative of South Carolina

Steve Cohen
Representative of Tennessee

Herbert C. Conaway, Jr.
Representative of New Jersey

J. Luis Correa
Representative of California

Jim Costa
Representative of California

Joe Courtney
Representative of Connecticut

Angie Craig
Representative of Minnesota

Jasmine Crockett
Representative of Texas

Jason Crow
Representative of Colorado

Danny K. Davis
Representative of Illinois

Madeleine Dean
Representative of Pennsylvania

Diana DeGette
Representative of Colorado

Suzan K. DelBene
Representative of Washington

Chris Deluzio
Representative of Pennsylvania

Mark DeSaulnier
Representative of California

Maxine Dexter
Representative of Oregon

Debbie Dingell
Representative of Michigan

Lloyd Doggett
Representative of Texas

Sarah Elfreth
Representative of Maryland

Veronica Escobar
Representative of Texas

Dwight Evans
Representative of Pennsylvania

Shomari C. Figures
Representative of Alabama

Lizzie Fletcher
Representative of Texas

Bill Foster
Representative of Illinois

Valerie P. Foushee
Representative of North Carolina

Lois Frankel
Representative of Florida

Laura Friedman
Representative of California

Maxwell Alejandro Frost
Representative of Florida

John Garamendi
Representative of California

Jesús G. "Chuy" García
Representative of Illinois

Sylvia Garcia
Representative of Texas

Dan Goldman
Representative of New York

Jimmy Gomez
Representative of California

Vicente Gonzalez
Representative of Texas

Maggie Goodlander
Representative of New Hampshire

Josh Gottheimer
Representative of New Jersey

Al Green
Representative of Texas

Adelita Grijalva
Representative of Arizona

Jahana Hayes
Representative of Connecticut

Jim Himes
Representative of Connecticut

Steven Horsford
Representative of Nevada

Chrissy Houlahan
Representative of Pennsylvania

Steny H. Hoyer
Representative of Maryland

Jared Huffman
Representative of California

Glenn F. Ivey
Representative of Maryland

Jonathan L. Jackson
Representative of Illinois

Henry C. "Hank" Johnson, Jr.
Representative of Georgia

Julie Johnson
Representative of Texas

Sydney Kamlager-Dove
Representative of California

Marcy Kaptur
Representative of Ohio

William Keating
Representative of Massachusetts

Robin L. Kelly
Representative of Illinois

Timothy M. Kennedy
Representative of New York

Ro Khanna
Representative of California

Raja Krishnamoorthi
Representative of Illinois

Greg Landsman
Representative of Ohio

Rick Larsen
Representative of Washington

John B. Larson
Representative of Connecticut

George Latimer
Representative of New York

Summer L. Lee
Representative of Pennsylvania

Susie Lee
Representative of Nevada

Teresa Leger Fernández
Representative of New Mexico

Mike Levin
Representative of California

Sam T. Liccardo
Representative of California

Ted W. Lieu
Representative of California

Zoe Lofgren
Representative of California

Stephen F. Lynch
Representative of Massachusetts

Seth Magaziner
Representative of Rhode Island

John W. Mannion
Representative of New York

Doris Matsui
Representative of California

Lucy McBath
Representative of Georgia

Sarah McBride
Representative of Delaware

April McClain Delaney
Representative of Maryland

Jennifer L. McClellan
Representative of Virginia

Betty McCollum
Representative of Minnesota

James P. McGovern
Representative of Massachusetts

Gregory W. Meeks
Representative of New York

Robert J. Menendez
Representative of New Jersey

Kweisi Mfume
Representative of Maryland

Dave Min
Representative of California

Gwen S. Moore
Representative of Wisconsin

Joseph D. Morelle
Representative of New York

Kelly Morrison
Representative of Minnesota

Jared Moskowitz
Representative of Florida

Seth Moulton
Representative of Massachusetts

Frank J. Mrvan
Representative of Indiana

Kevin Mullin
Representative of California

Richard E. Neal
Representative of Massachusetts

Donald Norcross
Representative of New Jersey

Eleanor Holmes Norton
Representative of the District of Columbia

Alexandria Ocasio-Cortez
Representative of New York

Johnny Olszewski
Representative of Maryland

Ilhan Omar
Representative of Minnesota

Frank Pallone, Jr.
Representative of New Jersey

Chris Pappas
Representative of New Hampshire

Nancy Pelosi
Representative of California

Scott H. Peters
Representative of California

Brittany Pettersen
Representative of Colorado

Chellie Pingree
Representative of Maine

Nellie Pou
Representative of New Jersey

Ayanna Pressley
Representative of Massachusetts

Mike Quigley
Representative of Illinois

Delia C. Ramirez
Representative of Illinois

Emily Randall
Representative of Washington

Luz M. Rivas
Representative of California

Deborah K. Ross
Representative of North Carolina

Raul Ruiz
Representative of California

Andrea Salinas
Representative of Oregon

Linda T. Sánchez
Representative of California

Mary Gay Scanlon
Representative of Pennsylvania

Jan Schakowsky
Representative of Illinois

Hillary J. Scholten
Representative of Michigan

David Scott
Representative of Georgia

Robert C. "Bobby" Scott
Representative of Virginia

Terri A. Sewell
Representative of Alabama

Brad Sherman
Representative of California

Lateefah Simon
Representative of California

Adam Smith
Representative of Washington

Eric Sorensen
Representative of Illinois

Darren Soto
Representative of Florida

Melanie A. Stansbury
Representative of New Mexico

Greg Stanton
Representative of Arizona

Haley Stevens
Representative of Michigan

Marilyn Strickland
Representative of Washington

Suhas Subramanyam
Representative of Virginia

Thomas R. Suozzi
Representative of New York

Eric Swalwell
Representative of California

Mark Takano
Representative of California

Shri Thanedar
Representative of Michigan

Mike Thompson
Representative of California

Dina Titus
Representative of Nevada

Rashida Tlaib
Representative of Michigan

Jill Tokuda
Representative of Hawaii

Paul D. Tonko
Representative of New York

Norma J. Torres
Representative of California

Ritchie Torres
Representative of New York

Lori Trahan
Representative of Massachusetts

Lauren Underwood
Representative of Illinois

Juan Vargas
Representative of California

Nydia M. Velázquez
Representative of New York

James Walkinshaw
Representative of Virginia

Debbie Wasserman Schultz
Representative of Florida

Maxine Waters
Representative of California

Bonnie Watson Coleman
Representative of New Jersey

Nikema Williams
Representative of Georgia

Frederica S. Wilson
Representative of Florida

Jacky Rosen
Senator from Nevada

Richard J. Durbin
Senator from Illinois

Charles E. Schumer
Senator from New York

Michael Bennet
Senator from Colorado

Richard Blumenthal
Senator from Connecticut

Cory A. Booker
Senator from New Jersey

Christopher A. Coons
Senator from Delaware

Catherine Cortez Masto
Senator from Nevada

Tammy Duckworth
Senator from Illinois

John Fetterman
Senator from Pennsylvania

Ruben Gallego
Senator from Arizona

John W. Hickenlooper
Senator from Colorado

Mazie K. Hirono
Senator from Hawaii

Mark Kelly
Senator from Arizona

Amy Klobuchar
Senator from Minnesota

Ben Ray Luján
Senator from New Mexico

Edward J. Markey
Senator from Massachusetts

Jeffrey A. Merkley
Senator from Oregon

Patty Murray
Senator from Washington

Jack Reed
Senator from Rhode Island

Adam B. Schiff
Senator from California

Jeanne Shaheen
Senator from New Hampshire

Tina Smith
Senator from Minnesota

Chris Van Hollen
Senator from Maryland

Elizabeth Warren
Senator from Massachusetts

Peter Welch
Senator from Vermont

Ron Wyden
Senator from Oregon

Sheldon Whitehouse
Senator from Rhode Island