

I appreciate you very much. For many of you, I know you will return to the great Hoosier State and keep working in some sort of service capacity, and I will look forward to working together.

MIKE, I have to say, the Senate's loss is Indiana's gain. You have certainly served with distinction here, but I know you have always prided yourself, appropriately so, on your executive responsibilities and achievements over the years. Now, the people of Indiana will benefit from a different type of service, and we are all very much looking forward to seeing what is next. It has already started, I know.

I have to say, the hunting is better. The hunting is a heck of a lot better, whether you are a hunter hunting things with faces or mushrooms, and there is no better place to do that kind of thing than southern Indiana, Dubois County, preferably.

You know, this is Indiana's win, this moment right here—remembering the great service and achievements—but when you reflect on the experience you bring to this next step, building and running a large organization, and yet you still have exposure to and experience in government between the local school board levels, State legislature for a brief period of time, and then the U.S. Senate, what better perspective could an incoming chief executive of a State have?

So I am really excited about this step. Your commitment, I know, will be enduring to fiscal responsibility and economic freedom. Those have been hallmarks of your service here. They are, frankly, expectations that people have of you and of our State. Carrying on that tradition of fiscal responsibility and effective management is, I think, one of the reasons you were elected, despite some strong and talented opponents you faced in that recent election.

So here we are. Here we are parting ways in the U.S. Senate. But as we leave this Chamber, I will have an opportunity to call you Governor-elect, and then we can keep working together on veterans' issues, on budgetary issues, on expanding healthcare access to more people, on ensuring that Hoosiers and others across the country have access to affordable, quality housing near where the jobs are. All of these issues that make normal life possible in this country. Government can be maddening; government can be inefficient; government can be unresponsive; but government is necessary. And if it is necessary, let's make it good government. Let's do what we can to instill some measure of confidence in this system, as imperfect as it may be.

I think that this is something in this new capacity that you can help deliver at a time when so many people are pessimistic about the state of affairs. Again, you are the guy to make this happen.

So Godspeed, Senator BRAUN. Godspeed to members of your team and to your beautiful family. I am looking

forward to helping make you successful in this next step because if you are successful, Senator, then the State of Indiana is successful.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

BIRTHRIGHT CITIZENSHIP

Mr. KAINE. Madam President, I rise today to discuss a fundamental question: Who is a citizen of the United States?

My comments are inspired by an interview given recently by the President-elect in which he announced that he would try to end birthright citizenship on day one of his Presidency.

In the same interview, he claimed that the United States was the only nation on Earth offering birthright citizenship. What is birthright citizenship? Is the United States the only nation that has it?

Let's start with the Constitution. The 14th Amendment enacted by Congress in 1866 and ratified by the States in 1868 contains a clear definition of citizen.

Section 1 states:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

A very straightforward definition. If you are born in the United States or naturalized by law—and that is covered in article I of the Constitution that Congress may set up a process for naturalizing—you are a U.S. citizen so long as you are subject to the jurisdiction of this country. And there is no equivocation, “all persons” in either category are U.S. citizens.

The Constitution was first adopted, as we all know, in 1787. Why was this definition of citizen added to the Constitution in 1868—90 years later?

Surprisingly, there was no definition of citizen in the Constitution as originally issued. The word “citizen” was used once without definition. Article II defines the qualifications to be President as follows:

No person except a natural born Citizen, or a Citizen of the United States . . . shall be eligible to the Office of President.

But the word “citizen” was not defined. The records of the Constitutional Convention show that the Framers considered defining the term “citizen,” but they had disagreements. And they couldn't reach a definition that satisfied them, and so they left the term “citizen” undefined in the Constitution as originally promulgated.

This definition was added in the 14th Amendment in 1868 to fix a problem, a grievous problem: America's embrace of slavery.

Dred Scott was born enslaved in Virginia in 1799. His parents were also enslaved, and his family had likely resided in this country for generations. Scott's owner took him first to Alabama and then to St. Louis and finally sold him to Army surgeon John Emerson when he was about 31 years old in 1830.

Dr. Emerson then took Dred Scott first to Illinois, a free State, and then to the Wisconsin Territory, where slavery was prohibited. Dred Scott worked as an enslaved laborer for the Emerson family for 16 years after they had purchased him. And he had attempted, over the course of those years, to purchase his own freedom and also the freedom of his wife Harriet. But the Emerson family refused to allow him to purchase his own freedom.

So he eventually filed a freedom suit in St. Louis, seeking to be released from slavery on the grounds that when he resided in Illinois, a free State, and then in the Wisconsin Territory, a free territory, that residence extinguished his slavery and rendered him a freedman.

The trial court in St. Louis ruled in his favor, granting him his freedom. But the Missouri Supreme Court reversed the decision. The matter was then appealed to the U.S. Supreme Court: Was Dred Scott free or enslaved?

The U.S. Supreme Court rendered one of its most notorious decisions, *Dred Scott v. Sandford*, in 1857. Under the guidance of Chief Justice Roger Taney, the Court didn't simply confront the lower court issue, whether an enslaved person traveling to a free State or territory thereby gains freedom; instead the Court went much further, finding that no person of African descent, free or enslaved, no matter how long they or their family had lived here, could ever be considered a citizen of the United States.

And without being a citizen, Dred Scott did not even have the right to seek relief in an American court. The heart of the *Dred Scott* opinion is very, very chilling. Justice Taney, in writing about African descendants living in the United States, said this:

We think . . . that they are not included, and were not intended to be included, under the word “citizens” in the Constitution, and can therefore claim none [none] of the rights and privileges which that instrument provides for and secures to citizens of the United States.

Even though the Constitution contained no definition of citizen, the Court declared broadly that no one of African descent could ever—could ever—attain that status.

The *Dred Scott v. Sandford* decision was immensely controversial. It went far beyond Dred Scott's situation and held that all 4 million enslaved Black Americans in 1857, as well as hundreds of thousands of free men and women, were not and could not nor ever be citizens of the only country they had ever known.

Two of the Justices of the Court dissented from the ruling, and one resigned partially to protest it. The backlash over *Dred Scott v. Sandford* was so severe that it became one of the precipitating causes of the Civil War a few years later.

As the Civil War came to a close, with hundreds of thousands dead, with

much of the South in ruins, with President Lincoln assassinated, and with slavery abolished by the 13th Amendment, the reunited Nation realized it needed to fix the damage done by the Dred Scott case, and to do so, it needed to finally add a definition of citizen to the American Constitution. And that is what Congress and the States did in adopting section 1 of the 14th Amendment.

All persons—all persons—either born in the United States or naturalized by law are citizens so long as they are subject to U.S. jurisdiction.

This sentence, this one sentence, turned the formerly enslaved and all free African-Americans born here into citizens.

The 13th Amendment rendered them not slaves, and yet they were not yet citizens so long as Dred Scott was the law of the land. This sentence was what turned liberated slaves and free African-Americans into U.S. citizens: If you are born in America, citizenship is your birthright.

In the 1890s, the notion of birthright citizenship was tested in the Supreme Court. A man by the name of Wong Kim Ark was born in San Francisco to Chinese parents who were not U.S. citizens. He traveled to China, and then, in traveling back to the United States, his birthplace and home, he was denied reentry into this country based on the Chinese Exclusion Act, an egregious law of the time attempting to bar Chinese immigration. He sued to overturn the congressional ban, and the Court ruled in 1898 that he was a U.S. citizen based on the plain language of the 14th Amendment, and the Chinese Exclusion Act could therefore not apply to bar him entry into this country.

Lawyers in the case attempted to argue, as some do today, that Wong Kim Ark, although born in the United States, was not subject to the jurisdiction of this country, but the Court dispatched this argument quickly by finding that Wong Kim Ark was clearly subject to the laws of the land of his birth.

This ruling from 1898 has been the clear understanding of American law ever since. Birthright citizenship means that you are a U.S. citizen if you are born in America. Your right to citizenship does not depend upon the status of your parents. Dred Scott, Wong Kim Ark, and Donald Trump all meet that test.

This birthright was only guaranteed following incalculable bloodshed, the centuries-long depravity of slavery, and the mass slaughter of the Civil War. The citizenship clause in the 14th Amendment was meant as an atonement for and a repair of that suffering.

Anyone who wants to reverse or curtail birthright citizenship is acting directly contrary to the plain meaning of the Constitution, and they are attempting to move the United States back to a pre-Civil War mentality where certain kinds of people, although born in and long residing in the United

States, are viewed as subordinate and unequal because of their parents' status or their ancestry.

One additional point is important: The President-elect's claim that only the United States recognizes birthright citizenship. This statement is either ignorant or willfully deceptive. Thirty-three nations—many in the Americas, including Canada and Mexico—grant full birthright citizenship to all born within their borders. The United States is not alone in embracing birthright citizenship. In fact, I would argue that the United States has been the leader of a global movement to embrace birthright citizenship.

I have described the painful history of how America reached the conclusion that all born here are entitled to citizenship so long as they are subject to the jurisdiction of this country. In future weeks, I will return to the Senate floor to describe the many benefits that birthright citizenship has bestowed on our Nation, and I will do so by telling the stories of Americans born to immigrant parents, whose contributions have enriched this country and even enriched the place we stand today—the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from Florida.

TRIBUTE TO MIKE BRAUN

Mr. SCOTT of Florida. Madam President, it is my distinct opportunity to talk about my good friend Senator MIKE BRAUN from Indiana.

Senator BRAUN and I came up here at the exact same time. He was 99th in seniority and I was 100th in seniority 6 years ago. We both have very similar backgrounds. Both of us had built businesses. Both of us have very similar backgrounds in how we got started. Neither of us started with any money. We got to build successful businesses. We had to figure out how to control our costs because, you know, you are not going to succeed if you don't figure out how to control your costs. He had a very similar experience as I did on how you control healthcare costs: You make your employees consumers of healthcare. You make them be the ones that make the decision on how they are going to spend healthcare dollars.

He also is very focused on the problems of Federal debt, the problems of Federal spending. From the time he got up here, he was a champion of fiscal sanity.

With our wives, we had the opportunity to travel to Israel—I think our first summer here; I think it was our first summer—and spend a week there just learning everything we could about Israel. Senator BRAUN has a wonderful family, a wonderful wife—also an entrepreneur like he is. So I am going to miss him a lot.

He talked about the fact that we were so naive when we first came up here. They were supposed to have lunch from 12:30 to 2 o'clock, and the business guys would show up on time, and there were only two of us there. The food

wasn't out. So we were told that it doesn't really—they say it starts on time, but it never did.

We both saw the difficulty in trying to get things accomplished here and the difficulty in trying to control spending here. But his voice has been very important on the fight for fiscal sanity here, and his voice has been very important on the ability to try to figure out how we get our healthcare costs in line so people can afford it—not just government affording it but individuals can afford it.

So I am going to miss him. We both have—we had the worst times together. I think he had the 3 to 6 and I had the 6 to whenever we finished on Thursday. Every Thursday, we were here. So he was very—he was smart. He put it together so that at least every Thursday, one of us could go home a little bit earlier, which was smart.

He did talk to DAN SULLIVAN, who does a great job with—if you haven't had the opportunity to listen to DAN's Alaskan of the Week, talking about an Alaskan, he does a great job with that. He got him to move it up so we could get out of here earlier.

He is just a great person. We served on the Aging Committee together and the Budget Committee. He is just a wonderful person to serve with.

He is going to love being Governor. I had the opportunity to be Governor from 2011 to 2019. It is a great job. If you care about families, if you want to help people get a job, if you want to help people get a better education, if you want to keep people safe, that is exactly what you get to do.

I think Senator BRAUN is going to be the best Governor in the country soon. He is going to make sure that Indiana is a State where people can get a great-paying job, their kids get a great education, and people feel safe. It is still a little cold for me. Florida is a little bit warmer than Indiana.

I just want to say I am very appreciative of MIKE's friendship. I am very appreciative of his hard work. I appreciate his tenacity.

I can tell you that they are always going to live within their means because MIKE will not waste a dime. Indiana will have probably the best budget in the country, and all their debt, if they have any, will be paid off quickly.

I just wanted to say to MIKE, thank you for your friendship. I look forward to working with you, and I am going to miss you up here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I just wanted to note first that I really appreciate Senator MIKE BRAUN's support on our effort to protect American's privacy and take on the rapid expansion of TSA use of facial surveillance. Stopping the establishment of a national surveillance system is very important to freedom and privacy in America, and I much appreciate his partnership in undertaking this topic