

let Americans know when and how they consent to having their devices searched.

In my judgment, this is just common sense, particularly because the U.S. Supreme Court has already ruled that digital is fundamentally different. They did that when they ruled that law enforcement needs a warrant to search a phone after an arrest.

We are going to keep pushing for our bipartisan legislation. In the meantime, we need to work with this agency on this critical issue that ensures, once again, that this country recognizes that security and liberty are not mutually exclusive and that you can have policies that do both.

I want to continue to engage with him, if confirmed, to make sure that the constitutional rights of law-abiding Americans do not disappear at the border.

As I indicated, he is a public servant with many, many years of experience. I support his nomination.

I yield the floor.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Kevin K. McAleenan, of Hawaii, to be Commissioner of U.S. Customs and Border Protection, Department of Homeland Security.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the McAleenan nomination?

Mr. PORTMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Pennsylvania (Mr. TOOMEY).

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 19, as follows:

[Rollcall Vote No. 56 Ex.]

## YEAS—77

Alexander	Cantwell	Coons
Baldwin	Capito	Corker
Barrasso	Carper	Cornyn
Bennet	Casey	Cortez Masto
Blunt	Cassidy	Cotton
Boozman	Cochran	Crapo
Brown	Collins	Cruz

Daines	Kennedy	Risch
Donnelly	King	Rounds
Enzi	Klobuchar	Rubio
Ernst	Lankford	Sasse
Fischer	Leahy	Scott
Flake	Lee	Shaheen
Gardner	Manchin	Shelby
Graham	McCaskill	Smith
Grassley	McConnell	Stabenow
Hassan	Moran	Sullivan
Hatch	Murkowski	Tester
Heitkamp	Murphy	Thune
Heller	Murray	Tillis
Hirono	Nelson	Warner
Hoeven	Paul	Whitehouse
Inhofe	Perdue	Wicker
Isakson	Peters	Wyden
Johnson	Portman	Young
Jones	Reed	

## NAYS—19

Blumenthal	Harris	Schatz
Booker	Heinrich	Schumer
Cardin	Kaine	Udall
Duckworth	Markey	Van Hollen
Durbin	Menendez	Warren
Feinstein	Merkley	
Gillibrand	Sanders	

## NOT VOTING—4

Burr	Roberts
McCain	Toomey

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 339, H.R. 1865, an act to amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes.

Mitch McConnell, John Kennedy, John Cornyn, Dan Sullivan, Joni Ernst, James Lankford, Richard Burr, Johnny Isakson, Thom Tillis, Mike Crapo, Steve Daines, John Hoeven, Tom Cotton, Roger F. Wicker, Patrick J. Toomey, Mike Rounds, Rob Portman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 1865, an act to amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Pennsylvania (Mr. TOOMEY).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 94, nays 2, as follows:

[Rollcall Vote No. 57 Leg.]

## YEAS—94

Alexander	Flake	Murphy
Baldwin	Gardner	Murray
Barrasso	Gillibrand	Nelson
Bennet	Graham	Perdue
Blumenthal	Grassley	Peters
Blunt	Harris	Portman
Booker	Hassan	Reed
Boozman	Hatch	Risch
Brown	Heinrich	Rounds
Cantwell	Heitkamp	Rubio
Capito	Heller	Sanders
Cardin	Hirono	Sasse
Carper	Hoeven	Schatz
Casey	Inhofe	Schumer
Cassidy	Isakson	Scott
Cochran	Johnson	Shaheen
Collins	Jones	Shelby
Coons	Kaine	Smith
Corker	Kennedy	Stabenow
Cornyn	King	Sullivan
Cortez Masto	Klobuchar	Tester
Cotton	Lankford	Thune
Crapo	Leahy	Tillis
Cruz	Lee	Udall
Daines	Manchin	Van Hollen
Donnelly	Markey	Warner
Duckworth	McCaskill	Warren
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Ernst	Merkley	Young
Feinstein	Moran	
Fischer	Murkowski	

## NAYS—2

Paul	Wyden
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## NOT VOTING—4

Burr	Roberts
McCain	Toomey

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 2.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

## LEGISLATIVE SESSION

ALLOW STATES AND VICTIMS TO FIGHT ONLINE SEX TRAFFICKING ACT OF 2017—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Cloture having been invoked on the motion to proceed to H.R. 1865, the Senate will resume legislative session and consideration of the motion to proceed.

The Senator from Ohio.

Mr. PORTMAN. Mr. President, we just had a vote in this Chamber on a very significant piece of legislation. It was the motion to proceed to it. It was agreed to with good Republican and Democratic majorities, with both sides of the aisle supporting moving to this debate.

Because we have cosponsors from both sides of the aisle, I feel confident that we will get to an end point, and we