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 receive 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 2, as follows:

(At this point the roll was taken by the Clerk.)

LEGISLATIVE SESSION

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

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.