

from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. PAUL), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Arizona (Mr. MCCAIN) would have voted "nay."

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

The yeas and nays resulted—yeas 57, nays 37, as follows:

[Rollcall Vote No. 275 Ex.]

YEAS—57

Baldwin	Hagan	Murphy
Baucus	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Pryor
Blumenthal	Hirono	Reed
Booker	Johnson (SD)	Reid
Boxer	Kaine	Rockefeller
Brown	King	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Landrieu	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Collins	Manchin	Tester
Coons	Markey	Udall (CO)
Donnelly	McCaskey	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gillibrand	Murkowski	Wyden

NAYS—37

Alexander	Enzi	Moran
Ayotte	Fischer	Portman
Barrasso	Flake	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rubio
Chambliss	Heller	Scott
Coats	Hoeven	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Corker	Johanns	Toomey
Cornyn	Johnson (WI)	Wicker
Crapo	Lee	
Cruz	McConnell	

NOT VOTING—6

Blunt	Kirk	Paul
Graham	McCain	Vitter

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 37.

The motion is agreed to.

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the remaining votes this evening be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NOMINATION OF JEH CHARLES JOHNSON TO BE SECRETARY OF HOMELAND SECURITY

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Jeh Charles Johnson, of New Jersey, to be Secretary of Homeland Security.

The PRESIDING OFFICER. Cloture having been invoked, under the previous order all postcloture time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Jeh Charles Johnson, of New Jersey, to be Secretary of Homeland Security.

Mr. COATS. I ask for the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. PAUL), and the Senator from Louisiana (Mr. VITTER).

The result was announced—yeas 78, nays 16, as follows:

[Rollcall Vote No. 276 Ex.]

YEAS—78

Alexander	Feinstein	Mikulski
Ayotte	Flake	Moran
Baldwin	Franken	Murkowski
Barrasso	Gillibrand	Murphy
Baucus	Hagan	Murray
Begich	Harkin	Nelson
Bennet	Hatch	Pryor
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Reid
Boxer	Heller	Roberts
Brown	Hirono	Rockefeller
Burr	Isakson	Sanders
Cantwell	Johanns	Schatz
Cardin	Johnson (SD)	Schumer
Carper	Johnson (WI)	Shaheen
Casey	Kaine	Stabenow
Chambliss	King	Tester
Coats	Klobuchar	Thune
Coburn	Landrieu	Toomey
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Coons	Manchin	Warner
Corker	Markey	Warren
Donnelly	McCaskey	Whitehouse
Durbin	Menendez	Wicker
Enzi	Merkley	Wyden

NAYS—16

Boozman	Hoeven	Rubio
Cornyn	Inhofe	Scott
Crapo	Lee	Sessions
Cruz	McConnell	Shelby
Fischer	Portman	
Grassley	Risch	

NOT VOTING—6

Blunt	Kirk	Paul
Graham	McCain	Vitter

The nomination was confirmed.

Mr. LEAHY. Mr. President, I am pleased to support the confirmation of Jeh Johnson to be the Secretary of Homeland Security. Mr. Johnson's distinguished career in public service, including his service as a Federal prosecutor and as general counsel of the Department of Defense, will suit him well as he takes on this new and very challenging responsibility. I look forward to inviting Mr. Johnson to testify before the Senate Judiciary Committee for an oversight hearing in the new year, which he has committed to do. Mr. Johnson will oversee many issues within the Judiciary Committee's jurisdiction, not the least of which is Federal immigration policy.

I had the opportunity to meet with Mr. Johnson recently and discuss some of the issues that have been of interest to me over the last several years. I encouraged him to continue to support the exceptional work U.S. Citizenship and Immigration Services Director Alejandro Mayorkas has done to make

USCIS a better, stronger agency. In particular, I encouraged Mr. Johnson to build upon Director Mayorkas' work to strengthen and improve the EB-5 Regional Center Program, which is a successful, job-creating immigration program that has transformed parts of Vermont and other communities across the country. I look forward to working with Mr. Johnson and Director Mayorkas following his confirmation as Deputy Secretary for Homeland Security to continue the partnership the Senate Judiciary Committee developed with USCIS to make the improvements necessary to maintain the highest standards of integrity in this important program, and to sustain it as a significant economic engine for the United States.

I relayed to Mr. Johnson my concerns about Border Patrol checkpoints in the interior of the country, such as the one that the previous administration implemented and operated nearly 100 miles south of the Canadian border on Interstate 91 in Vermont. Over the past several years, I have heard from many Vermonters who find the idea of a Federal checkpoint 100 miles from the Canadian border, deep into the State of Vermont, entirely inconsistent with Vermont values and an overbearing Federal presence that creates an environment susceptible to racial profiling and the needless harassment of law abiding citizens. I continue to have serious questions about the effectiveness of checkpoints such as these, especially when weighed against the significant intrusion into the privacy of Americans.

I also discussed with Mr. Johnson my concerns related to the treatment of Americans returning to the United States, in particular the practice of CBP officials conducting warrantless searches of Americans' persons and belongings, including conducting forensic searches of electronic devices. These searches within the border zone are not subject to the usual protections provided by the Fourth Amendment to Americans. Recent CBP activities have raised serious questions about whether Federal officials are circumventing the protections of the Fourth Amendment by conducting opportunistic searches on individuals when those officials know they will be reentering the United States. As I wrote in a letter to the current acting secretary, such authority must be used with great restraint. I look forward to continuing my discussions about these important issues with Mr. Johnson.

Finally, I will seek to work with Mr. Johnson to address the overbroad material support bar in our immigration law. It has resulted in people, including vulnerable refugees, being unfairly barred from the United States based solely on de minimus commercial or social conduct that has negligible connection to the support of terrorism. One example involves an individual who sold flowers to members of a terrorist group, and is now considered to

have provided “material support” to terrorism. That simply does not make sense and must be changed. As I have with his predecessors, I will urge Mr. Johnson to address this unjust situation as soon as possible after he takes office.

I congratulate Jeh Johnson on his confirmation and look forward to working with him as Secretary of Homeland Security.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ALEJANDRO NICHOLAS MAYORKAS TO BE DEPUTY SECRETARY OF HOMELAND SECURITY

Mr. REID. I now move to proceed to executive session to consider Calendar No. 456.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. PAUL), and the Senator from Louisiana (Mr. VITTER).

The result was announced—yeas 53, nays 38, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—53

Baldwin	Franken	Merkley
Baucus	Gillibrand	Mikulski
Begich	Hagan	Murphy
Bennet	Harkin	Murray
Blumenthal	Heinrich	Nelson
Booker	Heitkamp	Pryor
Boxer	Hirono	Reed
Brown	Johnson (SD)	Reid
Cantwell	Kaine	Rockefeller
Cardin	King	Sanders
Carper	Klobuchar	Schatz
Casey	Leahy	Schumer
Coons	Manchin	Shaheen
Donnelly	Markey	Stabenow
Durbin	McCaskill	Tester
Feinstein	Menendez	

Udall (CO)	Warner	Whitehouse
Udall (NM)	Warren	Wyden

NAYS—38

Alexander	Enzi	Moran
Barrasso	Fischer	Murkowski
Boozman	Flake	Portman
Burr	Grassley	Risch
Chambliss	Hatch	Roberts
Coats	Heller	Rubio
Coburn	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Johnson (WI)	Toomey
Crapo	Lee	Wicker
Cruz	McConnell	

NOT VOTING—9

Ayotte	Kirk	McCain
Blunt	Landrieu	Paul
Graham	Levin	Vitter

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Alejandro Nicholas Mayorkas, of the District of Columbia, to be Deputy Secretary of Homeland Security.

CLOTURE MOTION

Mr. REID. Mr. President, I would ask the clerk to report a cloture motion under the direction of the Chair.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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, hereby move to bring to a close debate on the nomination of Alejandro Nicholas Mayorkas, of the District of Columbia, to be Deputy Secretary of Homeland Security.

Harry Reid, Thomas R. Carper, Barbara Boxer, Mark Begich, Richard Blumenthal, Benjamin L. Cardin, Tom Udall, Debbie Stabenow, Sheldon Whitehouse, Bernard Sanders, Mazie Hirono, Christopher A. Coons, Jon Tester, Brian Schatz, Martin Heinrich, Claire McCaskill, Heidi Heitkamp, Kirsten E. Gillibrand.

The PRESIDING OFFICER. The majority leader.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I move to proceed to legislative session.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. Mr. President, I got ahead of myself. I ask unanimous consent that the Senate move to legislative session.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF JOHN ANDREW KOSKINEN, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF INTERNAL REVENUE

Mr. REID. Mr. President, I now move to proceed to executive session to consider Calendar No. 459.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Mr. MCCONNELL. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. PAUL), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 55, nays 37, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—55

Baldwin	Hagan	Nelson
Baucus	Harkin	Pryor
Begich	Hatch	Reed
Bennet	Heinrich	Reid
Blumenthal	Heitkamp	Rockefeller
Booker	Hirono	Sanders
Boxer	Johnson (SD)	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Manchin	Udall (CO)
Collins	Markey	Udall (NM)
Coons	McCaskill	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murphy	
Gillibrand	Murray	

NAYS—37

Alexander	Enzi	Murkowski
Ayotte	Fischer	Portman
Barrasso	Flake	Risch
Boozman	Grassley	Roberts
Burr	Heller	Rubio
Chambliss	Hoeven	Scott
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Lee	Wicker
Crapo	McConnell	
Cruz	Moran	

NOT VOTING—8

Blunt	Landrieu	Paul
Graham	Levin	Vitter
Kirk	McCain	

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of John Andrew