

Number	Description
6 .....	Memorandum of Activity, Review of ECD Policy dated August 12, 2010.
7 .....	Memorandum of Activity, Interview of (b) (6), (b) (7)(C), dated September 13, 2010.
8 .....	Memorandum of Activity, Diagnostic test of Taser, dated October 18, 2010.
9 .....	Memorandum of Activity, Records Review, dated June 3, 2010.
10 .....	Memorandum of Activity, ICE Interim Use of Force Policy, August 19, 2010.
11 .....	Memorandum of Activity, Review of Autopsy Report, dated August 20, 2010.
12 .....	Memorandum of Activity, Interview of (b) (6), (b) (7)(C), dated August 23, 2010.
13 .....	Memorandum of Activity, U.S. Attorney Coordination, dated May 3, 2011.

**CRITICAL INCIDENT INVESTIGATIVE TEAM  
SAN DIEGO SECTOR**

On Friday May 28, 2010, at approximately 1:00 a.m., the Critical Incident Investigative Team responded to an assault on a Federal Agent resulting in a civilian death. The following report is the product of the Critical Incident Investigative Team's investigation into this matter and is based solely on the results of said investigation.

This report is available upon approval of the Chief Patrol Agent of the San Diego Border Patrol Sector. Requests for copies of this report shall be submitted in writing to the Chief Patrol Agent at the address shown on the following page.

Subpoenas for documents and/or investigating agents of the Critical Incident Investigative Team should be directed to the Chief Patrol Agent, attention Office of the Assistant Chief Counsel.

Case Agent: Senior Patrol Agent, Critical Incident Investigative Team.

Date Submitted:

Reviewing Supervisor: Supervisory Border Patrol Agent, Critical Incident Investigative Team.

Date Approved:

**CRITICAL INCIDENT INVESTIGATIVE TEAM  
SAN DIEGO SECTOR**

Reviewed: Assistant Chief Patrol Agent, Critical Incident Investigative Team Program Coordinator.

Date Approved:

Critical Incident Investigative Team

San Diego Sector:

Office: 3752 Beyer Blvd, San Ysidro, California 92173-1952.

Mail: United States Border Patrol, San Diego Sector, Critical Investigative Team, 2411 Boswell Road, Chula Vista, California 91914-3519.

Phone:

Fax:

Approved: Paul A. Beeson, Chief Patrol Agent, San Diego Sector.

Date Approved:

Chief Patrol Agent:

Office: 2411 Boswell Road, Chula Vista, California 91914-3519.

Mail: Chief Patrol Agent, United States Border Patrol, 2411 Boswell Road, Chula Vista, California 91914-3519.

Phone:

Fax:

Office of Assistant Chief Counsel

San Diego Sector:

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Mail: United States Border Patrol, San Diego Sector Counsel, 2411 Boswell Road, Chula Vista, California 91914-3519.

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Mr. WYDEN. Mr. President, Mr. Scott admitted before the Finance Committee that he signed the illegal subpoena and expressed no remorse for his actions. He appears so unfazed by these allegations of brazen lawlessness that it seems inevitable he will sanc-

tion similar abuses of power if he is confirmed to lead Customs and Border Protection.

Since Donald Trump took office, on far too many occasions, CBP has shown contempt for the constitutional rights of Americans. For example, in Texas, a 10-year-old U.S. citizen was left in Mexico with her family after being stopped by CBP on her way to a doctor's appointment for brain cancer treatment.

In Washington, CBP detained a family of six, including a pregnant mother who was still breastfeeding her baby, a U.S. citizen. CBP held them in a windowless cell for 24 days. They had no access to due process or ability to contest their detention.

In Arizona, a 19-year-old U.S. citizen with intellectual disabilities, who has difficulty speaking, writing, and reading, was arrested by CBP and charged with illegal entry, despite being an American. CBP kept him detained for 10 days.

There are countless gut-wrenching stories like this. Courts have already raised concerns about CBP's inability to uphold the Constitution.

I am of the view that America needs strong enforcement at the border to protect our people against criminals and drug traffickers, but that does not have to come at the expense of violating Americans' constitutional rights.

Our country does not need a border Agency that indiscriminately violates the rights of Americans or one that feels like it is above due process and above the law. That doesn't make our country safer. It only leads to corruption, more wrongful arrests, and more wrongful deaths.

Americans do not need to choose between security and our rights. We can have both, just as Ben Franklin said many years ago. I fear that confirming Mr. Scott would make our country less secure and less free. For that reason, I strongly oppose this nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant executive clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the next vote be called.

The PRESIDING OFFICER. Without objection, it is so ordered.

**VOTE ON SCOTT NOMINATION**

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

Mr. HOEVEN. 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. BARRASSO. The following Senators are necessarily absent: the Senator from Mississippi (Mrs. HYDE-SMITH) and the Senator from Alabama (Mr. TUBERVILLE).

Mr. DURBIN. I announce that the Senator from Georgia (Mr. OSSOFF) is necessarily absent.

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 321 Ex.]

**YEAS—51**

Banks	Fischer	Moran
Barrasso	Graham	Moreno
Blackburn	Grassley	Mullin
Boozman	Hagerty	Murkowski
Britt	Hawley	Paul
Budd	Hoeven	Ricketts
Capito	Husted	Risch
Cassidy	Johnson	Rounds
Collins	Justice	Schmitt
Cornyn	Kennedy	Scott (FL)
Cotton	Lankford	Scott (SC)
Cramer	Lee	Sheehy
Crapo	Lummis	Sullivan
Cruz	Marshall	Thune
Curtis	McConnell	Tillis
Daines	McCormick	Wicker
Ernst	Moody	Young

**NAYS—46**

Alsobrooks	Hickenlooper	Sanders
Baldwin	Hirono	Schatz
Bennet	Kaine	Schiff
Blumenthal	Kelly	Schumer
Blunt Rochester	Kim	Shaheen
Booker	King	Slotkin
Cantwell	Klobuchar	Smith
Coons	Lujan	Van Hollen
Cortez Masto	Markey	Warner
Duckworth	Merkley	Warnock
Durbin	Murphy	Warren
Fetterman	Murray	Welch
Gallego	Padilla	Whitehouse
Gillibrand	Peters	Wyden
Hassan	Reed	
Heinrich	Rosen	

**NOT VOTING—3**

Hyde-Smith	Ossoff	Tuberville
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The nomination was confirmed.

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

The majority leader.

**LEGISLATIVE SESSION**

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

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

The motion was agreed to.

**EXECUTIVE SESSION**

**EXECUTIVE CALENDAR**

Mr. THUNE. Mr. President, I move to proceed to executive session to consider Calendar No. 138.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Daniel Zimmerman, of North Carolina, to be an Assistant Secretary of Defense.

## CLOTURE MOTION

Mr. THUNE. Mr. President, I send a cloture motion to the desk.

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, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 138, Daniel Zimmerman, of North Carolina, to be an Assistant Secretary of Defense.

John Thune, Thom Tillis, Markwayne Mullin, John Barrasso, John R. Curtis, Joni Ernst, Deb Fischer, Pete Ricketts, Roger Marshall, Chuck Grassley, Tommy Tuberville, Bill Cassidy, Jon A. Husted, Mike Rounds, John Kennedy, Katie Boyd Britt, Roger F. Wicker.

## LEGISLATIVE SESSION

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

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. THUNE. Mr. President, I move to proceed to executive session to consider Calendar No. 140.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Paul Dabbar, of New York, to be Deputy Secretary of Commerce.

## CLOTURE MOTION

Mr. THUNE. Mr. President, I send a cloture motion to the desk.

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, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 140, Paul Dabbar, of New York, to be Deputy Secretary of Commerce.

John Thune, Eric Schmitt, Bernie Moreno, John Boozman, Jim Justice, Dan Sullivan, Pete Ricketts, Mike Rounds, Chuck Grassley, Jon A. Husted, Ted Cruz, Rick Scott of Florida, John Hoeven, Mike Crapo, Ashley B. Moody, Marsha Blackburn, Katie Boyd Britt.

## LEGISLATIVE SESSION

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

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

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. THUNE. Mr. President, I move to proceed to executive session to consider Calendar No. 93.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Kenneth Kies, of Virginia, to be an Assistant Secretary of the Treasury.

## CLOTURE MOTION

Mr. THUNE. Mr. President, I send a cloture motion to the desk.

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, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 93, Kenneth Kies, of Virginia, to be an Assistant Secretary of the Treasury.

John Thune, Pete Ricketts, Bill Hagerty, Tim Scott of South Carolina, Roger F. Wicker, John R. Curtis, Cindy Hyde-Smith, Bernie Moreno, Katie Boyd Britt, Mike Lee, Mike Rounds, Deb Fischer, Steve Daines, Rick Scott of Florida, James Lankford, Jon A. Husted, Ted Cruz.

Mr. THUNE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BLACKBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LOS ANGELES PROTESTS

Mrs. BLACKBURN. Mr. President, recently, the American people have witnessed something that is truly disturbing to them. While President Trump is making America safe by getting criminal illegal aliens off the streets, what they have seen is some on the left are trying to stop the removal of criminal illegal aliens.

This is an issue where about 90 percent of the American people agree they do not want gangs—Tren de Aragua, MS-13—violent gangs—criminals that have committed rape, murder, child sexual abuse, drug traffickers, sex traffickers. They don't want them in their communities.

But when you look at L.A., what you are seeing is that ICE apprehended illegal aliens with these appalling criminal histories. And these are not just charges that have been filed, they are actual convictions that these people have had. I will say this, L.A. and all these other communities where you

have removed these criminal illegal aliens, the streets are going to be safer, communities are going to be safer. Yet you have some pro-illegal leftists in California who have lined up to actually condemn the arrests.

Gov. Gavin Newsom has called them reckless and cruel, and the L.A. mayor, Mayor Bass, claimed that arresting criminals actually sows terror—her words. Representative MAXINE WATERS said President Trump is targeting—her words—the “most vulnerable people.”

These statements are truly at odds with reality, and they make absolutely no sense. How does it sow terror when you are actually apprehending the criminals and taking them off the streets? But when you look at reality and then look at these statements, you see that—whether it is Governor Newsom or Mayor Bass—they did nothing as these violent rioters took over L.A. County streets to protest lawful arrests.

Following the operations, thousands of far-left activists set vehicles on fire; they looted businesses, many owned by those that had immigrated to our country; they shot fireworks at police officers; they blocked off freeways; they burned American flags; and they unleashed chaos across the city. According to Democrats, these riots were, in their word, “peaceful.”

Anyone else could see that the violence that was transpiring was out of control. Even L.A.'s police chief said that his troops were overwhelmed. That is why President Trump deployed 4,000 National Guardsmen and 700 Marines to L.A. to help restore law and order.

Instead of saying thank you to the President for this much needed support as the officers were “overwhelmed,” Democrats started attacking him. In fact, Governor Newsom is suing the Trump administration to remove National Guardsmen from L.A. Once again, the Democrats are siding with criminals over law-abiding citizens.

The images you see of barricaded streets, burning vehicles, looted store fronts, that is what the leftists want. We saw this in 2020, and we saw then that you had elected officials standing on the side of criminals. They are on the side of violent rioters, lawlessness, and chaos.

The American people are tired of crime. They have had enough. As I said earlier, they do not want violent gangs—MS-13 or Tren de Aragua—in their neighborhoods. They want them apprehended, and they want them deported. It is a big reason voters returned President Trump to the Oval Office, and he is going to do everything he can to bring this violence in these cities to an end.

In the Senate, Republicans are working hard to make certain that not only the President but also the administration have the tools that they need to get the job done. My CLEAR Act would ensure that State and local law enforcement officials have the explicit