

them to commit even more crimes against Americans. For example, a Vietnamese immigrant, Binh Thai Luc, was ordered deported after serving time in prison for armed robbery and assault. Due to the Supreme Court decision in *Zadvydas v. Davis*, Luc was released from U.S. Immigration and Customs Enforcement, ICE, custody when Vietnam refused to admit him. He is now facing charges for the murder of 5 people in San Francisco in March of 2012. Five people would be alive today if our law enforcement officials had not been handcuffed by the Supreme Court.

From 2008–2012, nearly 17,000 immigrants with orders of removal were released back into our communities. Just last month, we learned that this number has more than doubled in one year. In 2013 alone, more than 36,000 criminally convicted aliens were released by ICE because their home countries had yet to take them back.

That is an astonishing number, especially when you look at what crimes these offenders have committed. These 36,000 criminals have been convicted of more than 87,000 crimes, including: 193 homicide convictions; 426 sexual assault convictions; 1,075 aggravated assault convictions; and 16,070 DUI convictions.

These are convictions, not allegations. Convicted murderers, sex offenders, and other violent felons that have been ordered removed from our country are now free to live among us.

Today, in light of these revelations, I am reintroducing my amendment as a standalone bill along with Senators GRASSLEY, VITTER, CRUZ, and SESSIONS. S. 2463, the Keep Our Communities Safe Act of 2014, amends the Immigration and Naturalization Act to allow the Department of Homeland Security to detain non-removable immigrants beyond 6 months in specific situations. These situations include circumstances when an alien's release would threaten national security, have serious adverse foreign policy consequences, or would threaten the safety of the community and the alien either is an aggravated felon or has committed a crime of violence.

Some organizations, such as the ACLU, believe this bill amounts to indefinite detention in violation of a criminal's due process rights. However, in addition to the specified circumstances of continued detention mentioned earlier, this bill requires the Secretary of the Department of Homeland Security to recertify that a person is a threat every 6 months. Furthermore, an alien can submit evidence for a review of his detention and aliens will still have access to our federal courts, giving judges a say in the process.

I would like to commend my friend, Congressman LAMAR SMITH from Texas, for his good work on this in the House and I ask that both the Senate and the House take up consideration of the Keep Our Communities Safe Act to pro-

tect our fellow Americans from these violent offenders.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 469—EX-PRESSING THE SENSE OF THE SENATE ON THE MAY 31, 2014, TRANSFER OF FIVE DETAINEES FROM THE DETENTION FACILITY AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA

Mr. PORTMAN (for himself, Ms. AYOTTE, Mr. CHAMBLISS, Mr. COCHRAN, Mr. CORNYN, Mr. GRASSLEY, Mr. HATCH, Mr. HOEVEN, Mr. INHOFE, Mr. KIRK, Mr. PAUL, Mr. ROBERTS, Mr. SESSIONS, and Mr. THUNE) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 469

Whereas in enacting the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66), Congress provided the executive branch with clear guidance and requirements for transferring or releasing individuals from the detention facility at United States Naval Station, Guantanamo Bay, Cuba;

Whereas the National Defense Authorization Act for Fiscal Year 2014 states the Secretary of Defense may transfer an individual detained at United States Naval Station, Guantanamo Bay, Cuba, if the Secretary determines, following a review conducted in accordance with the requirements of section 1023 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 801 note) and Executive Order No. 13567, that the individual is no longer a threat to the United States, or the individual is ordered released by a United States court, or such an individual can be transferred if the Secretary determines that actions have been or are planned to be taken which will substantially mitigate the risk of the individual engaging or re-engaging in any terrorist activity or other hostile activity that threatens the United States or United States persons or interests and the transfer is in the national security interest of the United States;

Whereas the National Defense Authorization Act for Fiscal Year 2014 states that the Secretary of Defense must notify the appropriate committees of Congress of such a determination not later than 30 days before the transfer or release of the individual concerned from United States Naval Station, Guantanamo Bay, Cuba;

Whereas the National Defense Authorization Act for Fiscal Year 2014 states that such a notification must include a detailed statement of the basis for the transfer or release, an explanation of why the transfer or release is in the national security interests of the United States, a description of any actions taken to mitigate the risks of reengagement by the individual to be transferred or released, a copy of any Periodic Review Board findings relating to the individual, and a description of the evaluation conducted pursuant to factors that must be considered prior to such a transfer or release;

Whereas the Consolidated Appropriations Act, 2014 (Public Law 113-76) states that none of the funds appropriated or otherwise made available in that Act may be used to transfer covered individuals detained at United States Naval Station Guantanamo Bay, Cuba, except in accordance with the National Defense Authorization Act for Fiscal Year 2014;

Whereas on May 31, 2014, detainees Khairullah Khairkhwa, Abdul Haq Wasiq, Mohammed Fazl, Noorullah Noori, and Mohammed Nabi Omari were transferred from United States Naval Station, Guantanamo Bay, Cuba, to Qatar; and

Whereas the appropriate committees of Congress were not notified of the transfers as required by the National Defense Authorization Act for Fiscal Year 2014 prior to the transfers: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the transfers of detainees Khairullah Khairkhwa, Abdul Haq Wasiq, Mohammed Fazl, Noorullah Noori, and Mohammed Nabi Omari from United States Naval Station, Guantanamo Bay, Cuba, to Qatar on May 31, 2014, violated the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) and the Consolidated Appropriations Act, 2014 (Public Law 113-76); and

(2) Congress should—

(A) investigate the actions taken by President Obama and his administration that led to the unlawful transfer of such detainees, including an evaluation of other options considered to reach the desired common defense policy outcome of the President; and

(B) determine the impact of the transfer of such detainees on the common defense of the United States and measures that should be taken to mitigate any negative consequences.

SENATE RESOLUTION 470—AMENDING SENATE RESOLUTION 400 (94TH CONGRESS) TO CLARIFY THE RESPONSIBILITY OF COMMITTEES OF THE SENATE IN THE PROVISION OF THE ADVICE AND CONSENT OF THE SENATE TO NOMINATIONS TO POSITIONS IN THE INTELLIGENCE COMMUNITY

Mrs. FEINSTEIN submitted the following resolution; which was placed on the calendar:

S. RES. 470

Resolved,

SECTION 1. RESPONSIBILITY OF COMMITTEES IN ADVICE AND CONSENT OF SENATE TO INTELLIGENCE APPOINTMENTS.

Section 17 of Senate Resolution 400 agreed to May 19, 1976 (94th Congress) is amended to read as follows:

“SEC. 17. (a)(1) Except as provided in subsections (b) and (c), the Select Committee shall have jurisdiction to review, hold hearings, and report the nominations of civilian individuals for positions in the intelligence community for which appointments are made by the President, by and with the advice and consent of the Senate.

“(2) Except as provided in subsections (b) and (c), other committees with jurisdiction over the department or agency of the Executive Branch which contain a position referred to in paragraph (1) may hold hearings and interviews with individuals nominated for such position, but only the Select Committee shall report such nomination.

“(3) In this subsection, the term ‘intelligence community’ means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

“(b)(1) With respect to the confirmation of the Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Committee on the Judiciary and, if and when reported, to the Select Committee for not to