

114TH CONGRESS  
1ST SESSION

# H. R. 4038

To require that supplemental certifications and background investigations be completed prior to the admission of certain aliens as refugees, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2015

Mr. McCAUL (for himself and Mr. HUDSON) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

To require that supplemental certifications and background investigations be completed prior to the admission of certain aliens as refugees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Security  
5 Against Foreign Enemies Act of 2015” or as the “Amer-  
6 ican SAFE Act of 2015”.

1 **SEC. 2. REVIEW OF REFUGEES TO IDENTIFY SECURITY**  
2 **THREATS TO THE UNITED STATES.**

3 (a) **BACKGROUND INVESTIGATION.**—In addition to  
4 the screening conducted by the Secretary of Homeland Se-  
5 curity, the Director of the Federal Bureau of Investigation  
6 shall take all actions necessary to ensure that each covered  
7 alien receives a thorough background investigation prior  
8 to admission as a refugee. A covered alien may not be ad-  
9 mitted as a refugee until the Director of the Federal Bu-  
10 reau of Investigation certifies to the Secretary of Home-  
11 land Security and the Director of National Intelligence  
12 that each covered alien has received a background inves-  
13 tigation that is sufficient to determine whether the covered  
14 alien is a threat to the security of the United States.

15 (b) **CERTIFICATION BY UNANIMOUS CONCUR-**  
16 **RENCE.**—A covered alien may only be admitted to the  
17 United States after the Secretary of Homeland Security,  
18 with the unanimous concurrence of the Director of the  
19 Federal Bureau of Investigation and the Director of Na-  
20 tional Intelligence, certifies to the appropriate Congres-  
21 sional Committees that the covered alien is not a threat  
22 to the security of the United States.

23 (c) **INSPECTOR GENERAL REVIEW OF CERTIFI-**  
24 **CATIONS.**—The Inspector General of the Department of  
25 Homeland Security shall conduct a risk-based review of  
26 all certifications made under subsection (b) each year and

1 shall provide an annual report detailing the findings to  
2 the appropriate Congressional Committees.

3 (d) MONTHLY REPORT.—The Secretary of Homeland  
4 Security shall submit to the appropriate Congressional  
5 Committees a monthly report on the total number of appli-  
6 cations for admission with regard to which a certification  
7 under subsection (b) was made and the number of covered  
8 aliens with regard to whom such a certification was not  
9 made for the month preceding the date of the report. The  
10 report shall include, for each covered alien with regard to  
11 whom a certification was not made, the concurrence or  
12 nonconcurrence of each person whose concurrence was re-  
13 quired by subsection (b).

14 (e) DEFINITIONS.—In this Act:

15 (1) COVERED ALIEN.—The term “covered  
16 alien” means any alien applying for admission to the  
17 United States as a refugee who—

18 (A) is a national or resident of Iraq or  
19 Syria;

20 (B) has no nationality and whose last ha-  
21 bitual residence was in Iraq or Syria; or

22 (C) has been present in Iraq or Syria at  
23 any time on or after March 1, 2011.

1           (2) APPROPRIATE CONGRESSIONAL COM-  
2           MITTEE.—The term “appropriate Congressional  
3           Committees” means—

4                   (A) the Committee on Armed Services of  
5                   the Senate;

6                   (B) the Select Committee on Intelligence  
7                   of the Senate;

8                   (C) the Committee on the Judiciary of the  
9                   Senate;

10                  (D) the Committee on Homeland Security  
11                  and Governmental Affairs of the Senate;

12                  (E) the Committee on Foreign Relations of  
13                  the Senate;

14                  (F) the Committee on Appropriations of  
15                  the Senate;

16                  (G) the Committee on Armed Services of  
17                  the House of Representatives;

18                  (H) the Permanent Select Committee on  
19                  Intelligence of the House of Representatives;

20                  (I) the Committee on the Judiciary of the  
21                  House of Representatives;

22                  (J) the Committee on Homeland Security  
23                  of the House of Representatives;

24                  (K) the Committee on Appropriations of  
25                  the House of Representatives; and

1                   (L) the Committee on Foreign Affairs of  
2                   the House of Representatives.

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