

114TH CONGRESS
1ST SESSION

H. R. 4038

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

1 (c) INSPECTOR GENERAL REVIEW OF CERTIFI-
2 CATIONS.—The Inspector General of the Department of
3 Homeland Security shall conduct a risk-based review of
4 all certifications made under subsection (b) each year and
5 shall provide an annual report detailing the findings to
6 the appropriate Congressional Committees.

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

18 (e) DEFINITIONS.—In this Act:

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

22 (A) is a national or resident of Iraq or
23 Syria;

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

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

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

6 (A) the Committee on Armed Services of
7 the Senate;

8 (B) the Select Committee on Intelligence
9 of the Senate;

10 (C) the Committee on the Judiciary of the
11 Senate;

12 (D) the Committee on Homeland Security
13 and Governmental Affairs of the Senate;

14 (E) the Committee on Foreign Relations of
15 the Senate;

16 (F) the Committee on Appropriations of
17 the Senate;

18 (G) the Committee on Armed Services of
19 the House of Representatives;

20 (H) the Permanent Select Committee on
21 Intelligence of the House of Representatives;

22 (I) the Committee on the Judiciary of the
23 House of Representatives;

24 (J) the Committee on Homeland Security
25 of the House of Representatives;

1 (K) the Committee on Appropriations of
2 the House of Representatives; and

3 (L) the Committee on Foreign Affairs of
4 the House of Representatives.

Passed the House of Representatives November 19,
2015.

Attest:

Clerk.

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