



H.R. 4038 — American Security Against Foreign Enemies Act of 2015 (Rep. McCaul, R-TX)

CONTACT: [Nicholas Rodman](#), 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on November 19, 2015 subject to a rule.

TOPLINE SUMMARY:

[H.R. 4038](#) would require supplemental certifications and background investigations to be completed prior to the admission of certain aliens as refugees.

COST:

No Congressional Budget Office (CBO) estimate is available.

CONSERVATIVE:

There are no substantive concerns regarding this bill.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 4038 would require the Director of the Federal Bureau of Investigation (FBI) to take all actions necessary to ensure that each covered alien (including an alien who is a national of Syria or Iraq or who originates from those countries) receives a thorough background investigation prior to admission as a refugee. Under the bill, a covered alien would not be admitted as a refugee until the FBI Director certifies to the Secretary of Homeland Security and the Director of National Intelligence that each covered alien has received a background investigation that is sufficient to determine whether the covered alien is a threat to the security of the United States.

A covered alien would only be admitted to the United States after the Secretary of Homeland Security, with the unanimous concurrence of the FBI Director and the Director of National Intelligence, certifies to Congress that the covered alien would not be a threat to the security of the United States.

The bill would additionally require the Inspector General of the Department of Homeland Security to conduct a risk-based review of all certifications each year and to provide an annual report detailing the findings to Congress. This review would likely be of a significant, but sample of the certifications or

factors. The Secretary of Homeland Security would be mandated to submit to Congress a monthly report on the total number of applications for admission made including the number of covered aliens who were not certified to enter.

A summary provided by the bill's sponsors can be found [here](#).

COMMITTEE ACTION:

H.R. 4038 was introduced by Chairman McCaul (R-TX) and Rep. Hudson (R-NC) on November 17, 2015 and was referred to the House Committee on the Judiciary.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1 Section 8 Clause 4 of the United States Constitution."

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

###