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Purpose and Summary

H.R. 6679, the No Immigration Benefits for Hamas Terrorists Act, introduced by Rep. Tom McClintock (R-CA), would create a ground of inadmissibility and a ground of removability for aliens who participated in the October 7, 2023, terror attacks on Israel and members and officials of Hamas and Palestinian Islamic Jihad. The bill would also make such aliens ineligible for immigration relief.

Background and Need for the Legislation

Hamas terror attack and the threat of copycat attacks

Beginning in the early hours of October 7, 2023, Hamas initiated a brutal terror attack against Israel.¹ One thousand, two hundred people, primarily innocent Israeli civilians—including small children, women, and the elderly—were brutally assaulted, tortured, and murdered at the hands of Hamas terrorists.² According to press reports, Hamas also kidnapped at least 240 hostages,³ including 10 Americans.⁴ Thus far, Hamas has released a total of 110 hostages, including four Americans, while Israel has, in exchange, released more than 200 Palestinians, including convicted criminals⁵ and terrorists.⁶ Israel estimates that 33 hostages have died in captivity and roughly 107 are believed to still be alive.⁷

Following the attacks, Hamas leaders called for a Global Day of Jihad, which led to pro-Hamas demonstrations across the globe.⁸ FBI Director Christopher Wray warned of increasing threats to the nation in the aftermath: “Here in the U.S., we cannot and do not discount the possibility that Hamas or other foreign terrorist organizations could exploit the conflict to call on

¹ Bari Weiss, *ISRAEL AT WAR*, THE FREE PRESS (Oct. 7, 2023), <https://www.thefp.com/p/today-is-israels-911-db6>.

² *Id.* Peter Hirschberg & Daniel Wallis, *Israeli forensic teams describe signs of torture, abuse*, REUTERS (Oct. 15, 2023), <https://www.reuters.com/world/middle-east/israeli-forensic-teams-describe-signs-torture-abuse-2023-10-15/>.

³ Peter Sidel & Summer Said, *Hamas Took More than 200 Hostages From Israel. Here’s What We Know*, WALL STREET JOURNAL (Jan. 9, 2024), <https://www.wsj.com/world/middle-east/hamas-hostages-israel-gaza-41432124>.

⁴ Misty Severi, *Israel war: Blinken says death toll for Americans in Israel has risen to 33*, WASH. EXAMINER (Oct. 24, 2023), <https://www.washingtonexaminer.com/policy/foreign/israel-war-blinken-american-death-toll-33>.

⁵ The Editorial Board, *Who the Israelis Are Releasing in Return for Hamas’s Hostages*, WALL ST. J. (Nov. 29, 2023), https://www.wsj.com/articles/israel-releasing-palestinian-prisoners-hamas-gaza-4d21a9b4?mod=Searchresults_pos3&page=1.

⁶ Carrie Keller-Lynn, *Attempted murder, shootings, bombings: Most freed Palestinians were held for attacks*, THE TIMES OF ISRAEL (Nov. 28, 2023), <https://www.timesofisrael.com/attempted-murder-shootings-bombings-most-freed-palestinians-were-held-for-attacks/>.

⁷ Sammy Westfall & Helier Cheung, *Here are the hostages released by Hamas and those remaining in Gaza*, WASH. POST (Jan. 9, 2024), <https://www.washingtonpost.com/world/2023/11/30/hamas-hostages-list-names-tracker-israel-gaza/>.

⁸ Chris Nesi, *‘Day of jihad’ protests draw tens of thousands around world as demonstrators clash with cops, burn US, Israel flags*, N.Y. POST (Oct. 13, 2023), <https://nypost.com/2023/10/13/anti-israel-protesters-burn-flags-fight-police-in-global-day-of-jihad/>.

their supporters to conduct attacks on our own soil.”⁹ In its 2024 Homeland Threat Assessment, DHS acknowledged that “[t]errorists and criminal actors may exploit the elevated flow and increasingly complex security environment to enter the United States.”¹⁰ The report also highlighted that “[i]ndividuals with terrorism connections are interested in using established travel routes and permissive environments to facilitate access to the United States.”¹¹ As the threat environment in the United States becomes increasingly precarious, it is imperative that the Biden Administration take immediate action to secure the U.S. border, enforce the immigration laws, and ensure no American lives are lost as a result of yet another “failure of imagination.”¹²

In Europe, these threats have already materialized. On October 16, 2023, the city of Brussels, Belgium, “raised its terror threat level to 4, the maximum on the scale,” after a Tunisian national “staying illegally” in Belgium shot three people, killing two, in an Islamic extremist terrorist attack.¹³ According to authorities, the terrorist previously applied for asylum but was denied in 2019 and later ordered to be removed from Belgium.¹⁴ The perpetrator—who filmed himself admitting to the killings saying he was a “fighter for Allah”—was reportedly motivated by a desire to “avenge the death” of a 6-year-old Palestinian boy shot in the United States.¹⁵ In Berlin, Germany, a synagogue that houses a community center, kindergarten, and a school was firebombed with “two Molotov cocktails.”¹⁶ At least one suspect was arrested; a man who, according to police, “resisted and shouted anti-Israeli slogans,” when police arrested him.¹⁷

On December 3, 2023, a 26-year-old French national born to Iranian parents, stabbed three people at the base of the Eiffel Tower, killing one and critically injuring two others.¹⁸ Prior

⁹ Danielle Wallace, *FBI Director Chris Wray warns of spike in reported domestic threats linked to Israel's war against Hamas*, FOX NEWS (Oct. 15, 2023), <https://www.foxnews.com/politics/fbi-director-chris-wray-warns-spike-reported-domestic-threats-linked-israel-war-against-hamas>.

¹⁰ OFF. OF INTEL. & ANALYSIS, U.S. DEP’T OF HOMELAND SEC., *HOMELAND THREAT ASSESSMENT 2024*, at 12 (Sept. 13, 2023), https://www.dhs.gov/sites/default/files/2023-09/23_0913_ia_23-333-ia_u_homeland-threat-assessment-2024_508C_V6_13Sep23.pdf.

¹¹ *Id.* at 3.

¹² See The 9/11 Comm’n Rep., Final Rep. of the Nat’l Comm’n on Terrorist Attacks upon the U.S., at 336 (July 22, 2004), available at <https://govinfo.library.unt.edu/911/report/911Report.pdf>.

¹³ Ali Walker et al., *Brussels terror attack suspect killed by police*, POLITICO (Oct. 17, 2023), <https://www.politico.eu/article/brussels-terror-attack-suspect-caught-police/>.

¹⁴ Sofia Bettiza, Gem O’Reilly, & Kathryn Armstrong, *Brussels shooting: Police shoot dead attacker who killed Swedes*, BBC (Oct. 17, 2023), <https://www.bbc.com/news/world-europe-67131128>.

¹⁵ *Id.*; Matthew Lodge, Peter Allen, & Stewart Carr, *Huge manhunt underway after two shot dead in Brussels gun rampage: Dramatic video shows attacker fleeing on motorbike after opening fire on taxi killing group wearing Swedish football shirts to 'avenge' death of US-Palestinian boy*, DAILY MAIL (Oct. 16, 2023), <https://www.dailymail.co.uk/news/article-12637825/Manhunt-two-shot-dead-Brussels-gun-rampage-video-attacker-fleeing-motorbike.html>.

¹⁶ Kirsten Grieshaber, *The German chancellor condemns a firebomb attack on a Berlin synagogue and vows protection for Jews*, ASSOC. PRESS (Oct. 18, 2023), <https://apnews.com/article/germany-berlin-synagogue-antisemitism-fdd10f32f7d5efc6da973f00c9a8b030>.

¹⁷ *Id.*

¹⁸ Angelique Chrisafis, *Alleged killer of tourist in Paris attack had pledged allegiance to Islamic State*, THE GUARDIAN (Dec. 3, 2023), <https://www.theguardian.com/world/2023/dec/02/one-person-killed-and-another-injured-in-central-paris-attack>.

to the attack, the assailant posted a video on social media in which he “swore allegiance to [the] Islamic State and supported its jihadists in different areas from Africa to Iraq, Syria and Pakistan.”¹⁹ In 2016, he was “sentenced to four years in prison for planning another attack.”²⁰ According to the French Interior Minister, there have been more than 800 antisemitic attacks in France since Hamas’s October 7, 2023, attacks in Israel.²¹

These attacks have led some European leaders to call for stronger borders and increased immigration enforcement. The Prime Minister of Sweden, for example, called on Sweden and the European Union to “better protect their borders and ensure that dangerous individuals could not stay illegally,” stating, “This is a time for more security, we can’t be naïve.”²² France announced it would “double the number of security agents at the [French-Belgian] border” following an attack in Brussels,²³ while Denmark confirmed it would “extend[] border controls” on the Danish-German border for six additional months citing, in part, “Islamist terrorist threat[s].”²⁴

Those threats have spread to the United States. In November 2023, for instance, a threat assessment by the New York State Intelligence Center warned of “an increasing terror threat to [New York State].”²⁵ The assessment outlined how “[t]he expansion of Israeli operations against Hamas in the Gaza Strip and increase in civilian casualties raises the likelihood that violent extremist threat actors will seek to conduct attacks against targets in the West, with New York State being a focus.”²⁶ In addition, in early December, authorities arrested a 16-year-old in Las Vegas for threatening a “lone wolf” terrorist attack and proclaiming his support for the Islamic State.²⁷ In a subsequent search of his home, police found “components to build an explosive device,” “bomb-making recipes and instructions,” and “terrorist propaganda.”²⁸ In Houston, a

¹⁹ *Id.*

²⁰ Dominique Vidalon & Gilles Guillaume, *Knifeman kills German tourist, wounds others near France’s Eiffel Tower*, REUTERS (Dec. 3, 2023), <https://www.reuters.com/world/europe/one-dead-one-injured-after-assailant-attacks-passersby-paris-minister-2023-12-02/>.

²¹ Isabel Vincent, *French Jewish woman stabbed in her home, has swastika painted on door in antisemitic attack: authorities*, N.Y. POST (Nov. 4, 2023), <https://nypost.com/2023/11/04/news/french-woman-stabbed-in-her-home-in-antisemitic-crime/>.

²² Niklas Pollard, Tom Little, & Louise Breusch Rasmussen, *Swedish PM urges EU to boost security after gunman in Brussels kills two Swedes*, REUTERS (Oct. 17, 2023, 7:32 AM), <https://www.reuters.com/world/europe/sweden-needs-increase-its-security-prime-minister-says-2023-10-17/>.

²³ Tassilo Hummel & Ingrid Melander, *France stepping up border security after Brussels attack – minister*, REUTERS (Oct. 17, 2023, 2:00 AM), <https://www.reuters.com/world/europe/france-stepping-up-border-security-after-brussels-attack-minister-2023-10-17/>.

²⁴ Emma Wallis, *Denmark extends temporary border controls*, INFO MIGRANTS (Oct. 16, 2023), <https://www.infomigrants.net/en/post/52585/denmark-extends-temporary-border-controls>.

²⁵ Marcia Kramer, *Escalating violence in Gaza increasing chatter of possible terror attack in New York, intelligence report says*, CBS NEWS (Nov. 20, 2023, 5:15 PM), <https://www.cbsnews.com/newyork/news/possible-terror-attack-in-new-york-israel-hamas-war-intelligence-report-chatter/>.

²⁶ *Id.*

²⁷ Chris Eberhart, *Las Vegas ‘lone wolf’ terror attack foiled by FBI, police*, FOX NEWS (Dec. 4, 2023), <https://www.foxnews.com/us/las-vegas-lone-wolf-terror-attack-foiled-fbi-police>.

²⁸ *Id.*

Jordanian man was arrested for plotting a terrorist attack against the local Jewish community.²⁹ According to reports, the man had been radicalized, “stud[ied] how to build bombs,” and “posted about his support for killing Jews.”³⁰ Although his non-immigrant visa expired in 2019, he had “applied for asylum and obtained work authorization in the United States until 2025.”³¹

Inadmissibility grounds in the Immigration and Nationality Act

Currently, the Immigration and Nationality Act (INA) provides inadmissibility grounds relating to security concerns, including participation in terrorist activities.³² While being an officer, official, representative, or spokesman for the Palestine Liberation Organization currently constitutes being engaged in terrorist activity for the purpose of inadmissibility, U.S. immigration law does not similarly classify participation in an official capacity in Hamas or Palestinian Islamic Jihad as engaging in terrorist activity.³³ H.R. 6679 changes that by ensuring that aliens who are officers, officials, representatives, spokesmen, or members of Hamas or Palestinian Islamic Jihad are considered to have engaged in terrorist activity.

In addition, H.R. 6679 creates a new ground of both removability and inadmissibility for aliens who carried out, participated in, planned, financed, afforded material support to, or otherwise facilitated any of the attacks against Israel beginning on October 7, 2023. In doing so, the bill treats the atrocities of October 7 on par with the immigration laws’ treatment of Nazi persecution, genocide, torture, and extrajudicial killings.³⁴ Finally, the bill ensures that no Hamas terrorist can receive any immigration relief, including asylum, under U.S. immigration law.

While the INA already contains grounds to ensure terrorists are inadmissible to and removable from the U.S., the analysis to determine whether an alien has engaged in terrorist activities is often time-consuming and inefficient. H.R. 6679 simplifies that process by explicitly adding Hamas and Palestinian Islamic Jihad to the list of groups whose officers, officials, representatives, spokespeople, or members are deemed to have engaged in terrorist activities. This legislation underscores that the U.S. has zero tolerance for terrorism around the world and that America will not provide a safe harbor to aliens who were part of the attacks against Israel initiated by Hamas beginning on October 7, 2023.

Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the following hearing was used to develop H.R. 6679: “Terrorist Entry Through the Southwest Border,” a hearing held on

²⁹ Melissa Koenig, *Jordanian national arrested in Houston allegedly planned attack on Jews*, N.Y. POST (Nov. 3, 2023, 9:24 AM), <https://nypost.com/2023/11/03/news/jordanian-national-allegedly-planned-attack-on-jews-in-texas/>.

³⁰ *Id.*

³¹ *Id.*

³² See INA §§ 212(a)(3).

³³ INA §§ 212(a)(3)(B)(i).

³⁴ See INA § 212(a)(3)(E).

September 14, 2023, before the Subcommittee on Immigration Integrity, Security, and Enforcement, of the Committee on the Judiciary. The Subcommittee heard testimony from the following witnesses:

- Todd Bensman, Senior National Security Fellow, Center for Immigration Studies;
- Charles Marino, Former Senior Law Enforcement Advisor to DHS Secretary;
- Rodney Scott, Former Chief of the United States Border Patrol; and
- Alex Nowrasteh, Vice President for Economic and Social Policy, Cato Institute.

The hearing addressed how terrorists exploit U.S. immigration law and policy to enter the United States, including through the southwest border.

Committee Consideration

On January 18, 2024, the Committee met in open session and ordered the bill, H.R. 6679, favorably reported with an amendment in the nature of a substitute, by a roll call vote of 24-0, a quorum being present.

Committee Votes

In compliance with clause 3(b) of House rule XIII, the following roll call votes occurred during the Committee's consideration of H.R. 6679:

1. Vote on favorably reporting H.R. 6679, as amended—passed 24 ayes to 0 nays.

COMMITTEE ON THE JUDICIARY

Date:

1/18/29

118th CONGRESS

25-19

ROLL CALL

Vote on:

Final Passage of HR 6679, as amended

Roll Call #: 12

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. NADLER (NY) <i>Ranking Member</i>	✓		
MR. ISSA (CA)				MS. LOFGREN (CA)			
MR. BUCK (CO)				MS. JACKSON LEE (TX)	✓		
MR. GAETZ (FL)				MR. COHEN (TN)			
MR. BIGGS (AZ)	✓			MR. JOHNSON (GA)	✓		
MR. McCLINTOCK (CA)	✓			MR. SCHIFF (CA)	✓		
MR. TIFFANY (WI)	✓			MR. SWALWELL (CA)			
MR. MASSIE (KY)				MR. LIEU (CA)	✓		
MR. ROY (TX)				MS. JAYAPAL (WA)			
MR. BISHOP (NC)				MR. CORREA (CA)	✓		
MS. SPARTZ (IN)				MS. SCANLON (PA)			
MR. FITZGERALD (WI)	✓			MR. NEGUSE (CO)			
MR. BENTZ (OR)	✓			MS. McBATH (GA)	✓		
MR. CLINE (VA)	✓			MS. DEAN (PA)			
MR. ARMSTRONG (ND)				MS. ESCOBAR (TX)			
MR. GOODEN (TX)				MS. ROSS (NC)	✓		
MR. VAN DREW (NJ)	✓			MS. BUSH (MO)			
MR. NEHLS (TX)	✓			MR. IVEY (MD)	✓		
MR. MOORE (AL)	✓			MS. BALINT (VT)	✓		
MR. KILEY (CA)	✓						
MS. HAGEMAN (WY)							
MR. MORAN (TX)	✓						
MS. LEE (FL)	✓						
MR. HUNT (TX)							
MR. FRY (SC)	✓						

Roll Call Totals:

Ayes:

24

Nays:

0

Present:

Passed:

X

Failed:

Committee Oversight Findings

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974* and with respect to the requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

Congressional Budget Office Cost Estimate

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

Committee Estimate of Budgetary Effects

With respect to the requirements of clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974*.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 6679 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 6679

creates a ground of inadmissibility and a ground of removability for aliens who participated in the October 7, 2023, terror attacks on Israel and members and officials of Hamas and Palestinian Islamic Jihad, and also makes such aliens ineligible for immigration relief.

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H.R. 6679 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House Rule XXI.

Federal Mandates Statement

An estimate of federal mandates prepared by the Director of the Congressional Budget office pursuant to section 423 of the *Unfunded Mandates Reform Act* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

Advisory Committee Statement

No advisory committees within the meaning of section 5(b) of the *Federal Advisory Committee Act* were created by this legislation.

Applicability to Legislative Branch

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Pub. L. 104-1).

Section-by-Section Analysis

Sec. 1. Short Title: The “No Immigration Benefits for Hamas Terrorists Act.”

Sec. 2. Aliens Who Carried Out, Participated In, Planned, Financed, Supported, or Otherwise Facilitated Attacks Against Israel: This section ensures that members, officers, officials, representatives, and spokespeople for Hamas and Palestinian Islamic Jihad are found to be “engaged in terrorist activity” for purposes of inadmissibility. It also creates a new ground of inadmissibility and removability specifically for aliens who carried out, participated in, planned, financed, afforded material support to, or otherwise facilitated the Hamas-led attacks against Israel. The section makes such aliens ineligible for all immigration relief, including asylum, withholding of removal, and protection under the Convention Against Torture.

Changes in Existing Law Made by the Bill, as Reported

[INSERT “C” – PREPARED BY LEG. COUNSEL]

Minority Views

[INSERT “D” – MINORITY VIEWS]