

**TESTIMONY OF MAYOR MICHAEL R. BLOOMBERG
HOMELAND SECURITY AND GOVERNMENT AFFAIRS COMMITTEE
WEDSDAY, MAY 5th, 2010, 10AM**

Good morning, Chairman Lieberman, ranking member Collins, and members of the Homeland Security and Government Affairs Committee. Thank you for the opportunity to testify today.

Today, the Government Accountability Office has released new data showing that suspects on the terrorism watch lists were able to buy guns and explosives from licensed U.S. dealers 1,119 times between 2004 and 2010. That is a serious and dangerous breach of national security – and it raises a very basic question:

When gun dealers run background checks, should FBI agents have the authority to block sales of guns and explosives to those on the terror watch lists – and deemed to dangerous to fly? I believe strongly that they should. And so do the 500 mayors who are part of our bi-partisan coalition of Mayors Against Illegal Guns. But right now, they don't. As Senator Lautenberg and Congressman King have just said, it is time to close this "terror gap" in our gun laws.

At a time when the threat of terrorism is still very real, as we in New York City know all too well, it is imperative that Congress close this terror gap in our gun laws – and close it quickly. The car bomb the NYPD found in Times Square on Saturday night was not the only attempted terrorist attack on our city since 9/11 – far from it. And sadly, it won't be the last.

Since 1990, there have been more than 20 terrorist plots – or actual attacks – against our City. That's why it's so critical for Congress to fully fund homeland security programs like the "Securing the Cities" initiative – and to take other steps that will help us fight terrorists and make it harder for them to attack us.

In the last year alone, the NYPD – working closely with federal authorities – prevented two major planned attacks on our City. The first was last May, when terrorists purchased guns and explosives as part of a planned attack on a Temple and Jewish Center in the Bronx. The second was in September, when the City and federal authorities broke up a plot to detonate explosives in the New York City subway system. And, of course, attacks and planned attacks have not been limited to New York.

In 2007, six men were arrested for plotting to attack Fort Dix in New Jersey, about sixty miles outside of New York City, with an arsenal of high-powered firearms. Last June in Little Rock, Arkansas, a man opened fire at a military recruiting station, killing one private and wounding another. At the time of the shooting, the FBI was already investigating the man after his arrest in Yemen with a fake Somali passport. He was charged with murder and 16 counts of terrorist acts.

And on November 5, 2009, Major Nidal Hasan shot 43 people at Fort Hood – killing 13. We know Hasan was able to buy a handgun despite having been under investigation by the FBI for links to terrorism. After the Fort Hood shooting, I wrote an op-ed with Governor Tom Kean, Chair of the 9/11 Commission, urging Congress to close the Terror Gap. Our message was that we can't wait for another Fort Hood to happen before we take action.

The Bush Administration first proposed closing the gap in 2007. But because nothing has happened, people who may want to do our country harm have had no trouble buying guns and explosives, as the GAO report clearly shows.

It's important to note that the legislation before you today would give FBI agents the ability to make exceptions when they determine that blocking a sale might tip off a suspect who is under investigation. And the bill also allows those on the list to appeal their status to the Justice Department – and challenge the determination in court.

Attorney General Eric Holder supported closing the Terror Gap in testimony before the Senate Judiciary Committee last year. And so does the vast majority of Americans. A December poll by Republican pollster Frank Luntz found that 82% of NRA members support closing the Terror Gap.

Of course, even if the Terror Gap in our background check system were to be fixed, terror suspects and other dangerous people would still be able to go to gun shows to buy guns without any background check at all, which is why our coalition of mayors is also urging Congress to close the Gun Show Loophole.

In New York City, we are doing everything humanly possible to prevent another terrorist attack. Under Commissioner Kelly's leadership, the New York City Police Department has developed one of the world's most advanced counter-terrorism programs. One thousand of our best officers work on counter-terrorism and intelligence efforts every day.

A key element of any smart counter-terrorism strategy is to make it harder for terrorists to strike. That's why air passengers walk through metal detectors. That's why our police officers randomly check bags in the subway. That's why our police officers patrol sensitive locations. And that's why it's just common sense to give the FBI the authority to keep terror suspects from buying guns and explosives.

Let me close by saying: this is not about the Second Amendment. Our founding fathers did not write the Second Amendment to empower people who wanted to terrorize a free state; they wrote it to protect people who could defend "the security of a free state." Today, the security of our free state is being tested by terrorists.

I urge you to take common sense steps to strengthen law enforcement – including closing the terror gap – and to protect the American people from more attacks.

Thank you.

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