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LAUTENBERG STATEMENT AT HOMELAND SECURITY AND GOVERNMENT AFFAIRS HEARING ON TERROR GAP LEGISLATION

Mr. Chairman and Ranking Member Collins,

I want to thank you for holding this critical hearing, and I'd like to thank my fellow witnesses for joining us here today.

This past Saturday we were reminded yet again that terrorists are determined to kill Americans on American soil. An empty SUV packed with explosives and a timing device was discovered in Times Square, one of the busiest places in America.

The terrorist behind this plot planned to set off an explosion and murder as many innocent Americans as possible. We were fortunate that this makeshift car bomb did not explode this time.

But as officials claim they will do everything they can to stop a future terror attack, a loophole in our guns and explosives laws gives terrorists the upper hand. This loophole—known as the “Terror Gap”—allows known and suspected terrorists to purchase military-grade explosives and firearms legally in our country.

As GAO will testify today—just last year, a person on the terror watch list was cleared to buy explosives by the ATF. How can that be? To put it simply: right now, the Federal Government cannot block the sale of explosives or firearms to someone because they are on the terrorist watch list.

It defies common sense, but it is the law of the land.

In fact, some of the very same explosive agents used to make roadside bombs in Iraq and Afghanistan are available for sale legally to known and suspected terrorists here in the U.S.

But we know that terrorists don't only use explosives—firearms are also a weapon of choice. In fact, the U.S. citizen who was arrested at JFK Airport Monday night in connection with the Times Square car bomb had a loaded handgun in the car he drove to the airport. And if you look at Mumbai and other recent terrorist attacks, we see that assault weapons and small explosives are being used more and more.

That's why we need to change the law.

Convicted felons, domestic abusers and the mentally ill are forbidden from buying guns and explosives, but nothing in our laws keeps fanatics on the terror watch list from purchasing guns and explosives. That is hard to believe—yet, unfortunately, it is true. Now this Terror Gap in our laws is not some theoretical concept. Not only can documented terrorists buy firearms legally in our country—they do.

I've requested reports from the GAO about the number of times the Terror Gap has been exploited—and here's what we have learned to date: From 2004 to February of this year, terrorists tried to buy guns and explosives 1,228 times. In 91 percent of those cases, they were given the OK to buy the guns.

Because of this Terror Gap, America is effectively hanging out the “Welcome Sign” for terrorists to arm themselves. I have introduced legislation in the Senate to close the Terror Gap—and Representative King has offered a nearly identical proposal in the House.

Our legislation would give the U.S. Attorney General the power to deny guns and explosives to known and suspected terrorists. This commonsense legislation is not anti-gun—it's anti-terrorist.

In fact, a gun owner who objects to the Attorney General's finding has the power under my legislation to challenge the ruling. That's why support for my legislation is widespread.

The Bush Administration, which fiercely defended gun rights, asked Congress to pass our legislation. Attorney General Eric Holder has indicated his support for our legislation. Tom Kean, the chairman of the 9-11 Commission, has urged Congress to close this dangerous loophole.

And police chiefs across the country have endorsed our legislation. Now the gun lobby tries to argue that gun owners oppose our bill.

But that's simply not true.

Republican pollster Frank Luntz recently found that 82 percent of National Rifle Association members want Congress to close the Terror Gap.

Mr. Chairman, everyone talks about making our country safer from terrorism—this is our chance to actually do it.

Thank you again for holding this hearing.

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