

May 5, 2010

Testimony of Representative Peter King
Senate Committee on Homeland Security and Governmental Affairs

I'd like to start by thanking Chairman Lieberman, Ranking Member Collins, and members of the committee for holding this hearing and inviting me to testify on this important issue of guns and terrorism.

As Ranking Member of the House Homeland Security Committee, I know that the threat of terrorism is real, whether it is international or domestic, or carried out with firearms or weapons of mass destruction. The reality is that there are people who wish to do us harm. This is why we must pass legislation that tightens our nation's security, closes existing loopholes and eliminates any opportunities for terrorists to attack.

In order to address the issue in regards to accessing firearms, I have introduced the *Denying Firearms and Explosives to Dangerous Terrorists Act of 2009* (H.R. 2159). This legislation closes a loophole that allows those individuals on the terror watch list to legally purchase firearms in this country.

In the United States, an individual seeking to purchase a firearm must pass the National Instant Criminal Background Check System (NICS). If the background check reveals that the individual matches any of the prohibitive criteria, a firearm transfer may not occur.

Under current law, being a known or suspected terrorist is not a disqualifying criterion from legally purchasing a firearm or explosive. Absent of any other prohibitive criteria, a firearm transfer is permitted to occur, even if the individual is on a terror watch list.

Our legislation closes this terror loophole by giving the Attorney General the authority to deny the sale, delivery, or transfer of firearms or issuance of permits to individuals believed to be terrorists. It also grants the Attorney General the authority to revoke any firearm licenses of known or suspected terrorists. Finally, it establishes guidelines for individuals who wish to challenge the Attorney General's determination.

This need for this legislation is exemplified by the figures released today by the Government Accountability Office (GAO) on NICS checks and the terror watch list. According to the study, since 2004, FBI data showed that 1,225 NICS checks were a match with terror watch list records. Of those matched, 91 percent of the transfers were permitted to go through due to a lack of other prohibiting criteria. This means that over 1,100 legal purchases of weapons or explosives were made over a six-year period by individuals on a terror watch list.

We must do all we can to keep our cities and communities safe from terror and violence. Closing the terror loophole will add another layer of protection to ensure that guns are only accessible to responsible Americans and not to known or suspected terrorists.

In closing this gap, we also provide a valuable tool to law enforcement agents, which is why this bill has the support of New York City Police Commissioner Ray Kelly and has been endorsed by the International Association of Chiefs of Police.

In addition, the House bill has bipartisan co-sponsorship and has also been endorsed by both the Bush administration and by Attorney General Eric Holder under the current administration. Finally, it has been endorsed by Mayors Against Illegal Guns, a coalition of over 500 mayors from across the country who see the value in this legislation in keeping their residents safe.

We cannot afford another incident like those in Fort Dix or Fort Hood, where individuals suspected of terrorist activity legally obtained weapons that were used to kill innocent Americans. We cannot allow anymore acts of violence on account of weapons legally falling into the hands of those who wish to commit acts of terror. We must do all that is possible to put tighter rules in place to assist law enforcement in their brave efforts to keep our cities and neighborhoods safe and secure.

The war on terror must be fought from all directions if we're going to stay a step ahead of our enemies. Passing this legislation and closing the terror gap is one very important part of the process. Again, I thank the members of the committee for inviting me here to testify and thank them for recognizing the importance of holding a hearing on this important issue.