

CLOSING THE TERROR GAP IN GUN BACKGROUND CHECKS

- ❑ **WHAT IS THE TERROR GAP?** The FBI currently has no authority to block firearm sales to terror suspects. After 9/11, it makes no sense that the federal government can't stop gun sales to some of the same people it thinks are too dangerous to get on a plane.
 - **A glaring gap in federal background checks:** Right now federal law prohibits nine categories of dangerous persons from purchasing or possessing firearms. Remarkably, individuals on the terror watch lists are not among these prohibited purchasers.
- ❑ **EXAMPLES OF THE TERROR GAP:**
 - **Purchases documented by GAO report:** A 2011 Government Accountability Office (GAO) report shows that individuals on terror watch lists tried to buy guns and explosives 1,453 times during a nearly seven-year period (February 2004 – December 2010). On 1,321 occasions – 91 percent of attempts – the FBI was unable to block gun and explosive sales to suspected terrorists.
 - **Use of guns in terrorist incidents:**
 - *Fort Hood shooting.* On November 5, 2009, 13 people were shot and killed and 30 others were wounded by Major Nidal Hasan. Hasan was able to pass a background check and buy a handgun even though he was under investigation by the FBI for links to terrorism. FBI agents investigating Hasan were never informed that he was trying to purchase a weapon.
 - *Little Rock shooting.* On June 1, 2009, Abdulhakim Mujahid Muhammad opened fire at a military recruiting station in Little Rock, killing one private and wounding another. At the time of the shooting, the FBI was investigating Muhammad after his arrest in Yemen with a fake Somali passport. He was charged with murder and 16 counts of terrorist acts.
 - *Fort Dix plot.* In 2007, six terror suspects were arrested for plotting to attack Fort Dix after trying to buy M-16s, AK-47s, and handguns from a government informant. One suspect pleaded guilty to providing firearms to illegal aliens. The other five were convicted of conspiracy to kill U.S. military personnel.
 - *Empire State Building murders.* On February 23, 1997, Ali Abu Kamal opened fire on the observation deck of the Empire State Building with a handgun purchased from a licensed dealer in Florida, killing one tourist and wounding six before killing himself. A note in his pocket expressed hatred for the United States, Great Britain, Israel, and France.
 - *Halberstam murder.* On March 1, 1994, Rashid Baz shot and killed 16-year old Ari Halberstam on an on-ramp to the Brooklyn Bridge. Baz was armed with a machine gun, a 9 mm pistol, and a “street sweeper” shotgun.
 - *CIA Headquarters attack.* On January 25, 1993, Mir Aimal Kasi walked into traffic stopped at a red light near CIA Headquarters in Langley, Virginia. Shooting from point blank with an assault rifle he bought earlier in the month from a Chantilly, VA gun dealer, Kasi killed two CIA employees and wounded three others. Kasi then fled to Pakistan, where he remained at large until his arrest in 1997.
- ❑ **SOLUTIONS: Bills to close the terror gap are pending in Congress.**
 - Senator Frank Lautenberg (D-NJ) and Rep. Peter King (R-NY) introduced **S.34/H.R.1506**, which gives DOJ discretion, subject to judicial review, to block sales to terror suspects.
 - Once DOJ made such a determination, the terror suspect would fail background checks, meaning they could not purchase guns or explosives or hold a license to sell them.
 - If the terror suspect knew about the determination, it would be a crime to possess guns.
 - DOJ could allow particular gun purchases to proceed to avoid tipping off the suspect.
 - Obama Administration Department of Justice endorsed identical legislation in the 111th Congress. The legislation was originally drafted and endorsed by the Bush Administration in 2007.