

United States Attorney General Eric Holder
Testimony Before the United States Senate Judiciary Committee
November 18, 2009

Questions and answers, transcribed from C-Span tape, Morning Session. Emphasis added.

First key exchange begins at counter number 1:11:08

Second key exchange begins at counter number 1:46:22

Section 1, The so-called ‘Terror Gap’

Senator Feinstein:

“In June of 09 the GAO released a report indicating that individuals on terrorist watch lists succeeded in purchasing guns an astonishing 865 times between 2004 and 2009. This dangerous loophole in federal law is known as the ‘Terror Gap’ and its continued to allow the individuals on the FBI’s terrorist watch list to purchase guns despite the fact they are not allowed to fly on an airplane. The Bush administration’s Justice Department drafted and supported federal legislation to close this gap in the 110th Congress; and identical legislation has been introduced in the 111th Congress. Does the Justice Department support closing this gap and will you support that legislation?”

AG Holder:

*“Yes, we will support that legislation. It seems incongruous to me **that we would bar certain people from flying on airplanes because they are on the terrorist watch list and yet we would still allow them to possess weapons**. I think that the legislation that was initially proposed by the Bush administration was well conceived and we will continue to support that.”*

Senator Feinstein:

“Excellent.”

Section 2, Law Enforcement obtaining, retaining and sharing gun owner’s data

Senator Schumer:

“There are restrictions on even notification, so for instance the people in one end of the justice system, the Joint Terrorism Taskforce, were not notified when Major Hasan bought a gun. That’s not talking about whether the law should allow it or not, but clearly there should be notification. Now the Tiahrt amendment, the 24 background check requirement gets in the way of that. My question is: Will the Justice Department remove the Tiahrt 24 hour background check destruction requirement from its 2011

budget to allow the FBI to keep records of guns purchased by subjects of terrorist inquiries? I am just limiting it to that issue, like Major Hasan.”

AG Holder:

*“The position of the Administration is that **there should be a basis for law enforcement to share information about gun purchases.** Fully respect the Second Amendment, fully respect the Heller decision. It does not seem to us that this is **inconsistent to allow law enforcement agencies to share that kind of information, for that information to be retained and then to be shared by law enforcement.**”*

Senator Schumer:

“I would encourage you to write that into the budget that you are going to bring to us.”

AG Holder:

“I believe it is. But I will have to check.”

End Transcript

Source of transcript: Law Enforcement Alliance of America (LEAA) www.leaa.org

<http://www.cspan.org/Watch/Media/2009/11/18/HP/A/26128/Senate+Judiciary+Cmte+Hearing+on+DOJ+Oversight+with+AG+Holder.aspx>