Legislation Details (With Text)

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5/11/2005	*	City Council	Introduced by Council	
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Res. No. 953

Resolution urging the United States Congress to amend the law so that those on the “terrorist watch list” are barred from purchasing weapons or ammunition.

By Council Members Moskowitz, The Speaker (Council Member Miller), Avella, Brewer, Clarke, Fidler, Gennaro, James, Koppell, Liu, Nelson, Sanders Jr., Seabrook, Vallone Jr. and Weprin

Whereas, Following the terrorist attacks of September 11, 2001, the Federal Bureau of Investigation (FBI) established a permanent Terrorism Watch List (TWL) to serve as the single, integrated listing of individuals of investigative interest accessible throughout the law enforcement and intelligence communities; and

Whereas, The FBI's National Instant Criminal Background Check System (NICS), used to monitor gun purchases, was established in 1998 for Federal Firearms Licensees (FFLs) to contact in order to determine whether the transfer of a firearm would be in violation of federal or state law; and

Whereas, Persons currently prohibited from receiving or possessing firearms include convicted felons,

illegal immigrants and those who are deemed “mentally defective”; and

Whereas, In January of 2005, the Government Accountability Office (GAO) issued a report based on its investigation that revealed major vulnerabilities in federal gun laws that allowed dozens of terror suspects on federal watch lists to buy firearms legally in the United States last year; and

Whereas, The GAO report found that 58 people whom the FBI regards as known or suspected members of terrorist groups sought permission to buy or carry a gun and out of those 58, 47 were granted the sale or permission to carry; and

Whereas, FBI officials maintain that they are constrained by laws and policies restricting the use of gun purchase records due to concerns over the privacy rights of gun owners; and

Whereas, Section 617 of the 2004 Consolidated Appropriations Bill, passed by Congress in January of 2004, dictates that the NICS implement a 24-Hour destruction period by July 21, 2004 requiring the destruction of all identifying information in the NICS Audit Log relating to a lawful purchase within 24 hours of delivering the "proceed" message to the Federal Firearms Licensee (FFL); and

Whereas, Gun advocates, such as the National Rifle Association (NRA), state that despite the 24-Hour destruction rule, the FBI can briefly delay a gun sale to someone on the terror list for further investigation; however, the sale cannot be blocked unless the person has a felony conviction or other disqualification; and

Whereas, Lawmakers and gun-control advocates contend that the prompt destruction of such records hinder terrorism investigations by eliminating the paper trail on gun purchases; and

Whereas, Given the constant heightened concerns involving terrorism within New York City and recent press items regarding gun trafficking through the state of New York, legislators and government officials must ensure that firearms and ammunition do not land in the hands of potential terrorists by requiring a thorough cross-check between the terrorist watch list with the National Instant Criminal Background Check System; now, therefore, be it

Resolved, That the Council of the City of New York urges the United States Congress to amend the law

so that those on the “terrorist watch list” are barred from purchasing weapons or ammunition.

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