

United States Senate

WASHINGTON, DC 20510

March 9, 2005

Robert S. Mueller, III
Director
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Director Mueller:

We were encouraged by your statement yesterday to the House Appropriations Subcommittee on Science, State, Justice, and Commerce, on the loophole in current law that allows persons on the terrorist watch list to buy firearms in the United States. You testified that “[w]e ought to look at what can be done to perhaps modify the law.” We couldn’t agree more.

We therefore request a meeting with you as soon as possible to discuss this critical issue, and explore ways to close this loophole and to better protect our citizens from future terrorist attacks. As the director of the agency that administers both the gun background check system (the National Instant Criminal Background Check System or “NICS”) and the terrorist watch list (the Violent Gang and Terrorist Organization File or “VGTOF”), you have unique knowledge of this issue, and your suggestion for reform would be greatly appreciated.

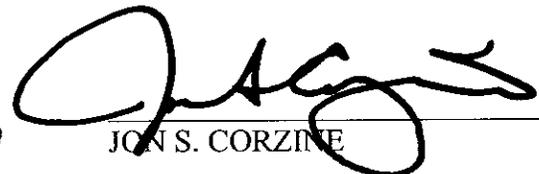
As you know, yesterday the Government Accountability Office (GAO) released a report stating that 47 known or suspected terrorists (listed in VGTOF) were permitted to purchase firearms in the United States during part of 2004. The report raised disturbing questions about the way NICS is allowing these purchases take place as “affirmative proceeds,” which under current law requires those records to be destroyed within 24 hours.

Among the issues we would like to discuss with you is whether all individuals on VGTOF should be permitted to purchase firearms, or whether a subset of individuals within VGTOF should be prohibited from purchasing firearms. We would also like to explore whether all or part of the 24-hour destruction policy should be repealed in light of the fact that it may be causing the immediate destruction of critical records on terrorist activity.

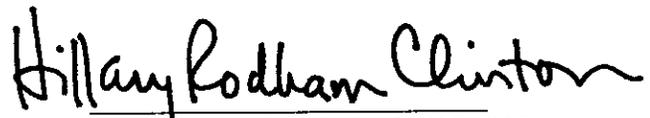
Thank you for your consideration of our request, and we look forward to meeting with you very soon.

Sincerely,


FRANK R. LAUTENBERG


JON S. CORZINE


CHARLES E. SCHUMER


HILLARY RODHAM CLINTON


EDWARD M. KENNEDY


JACK REED