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CM010

WHITE HOUSE STAFFING MEMORANDUM

DATE: 11/07/88 ACTION/CONCURRENCE/COMMENT DUE BY: C.O.B. Wednesday 11/09

SUBJECT: H.R. 4445 -- UNDETECTABLE FIREARMS ACT OF 1988

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HOOLEY	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	KRANOWITZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>
POWELL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MASENG	<input type="checkbox"/>	<input type="checkbox"/>
WRIGHT - OMB	<input type="checkbox"/>	<input type="checkbox"/>	RANGE	<input type="checkbox"/>	<input type="checkbox"/>
OGLESBY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RISQUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAUER	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
CRIPPEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CULVAHOUSE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUCK	<input type="checkbox"/>	<input type="checkbox"/>
DAWSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
DONATELLI	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HOBBS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide any comments/recommendations directly to my office by c.o.b. on Wednesday 11/09. Thanks.

RESPONSE:



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

NOV 7 1988

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 4445 - Undetectable Firearms Act
of 1988
Sponsors - Rep. Hughes (D) New Jersey and nine others

Last Day for Action

November 15, 1988 - Tuesday

Purpose

Prohibits the manufacture, importation, or sale of certain firearms that may not be detectable by metal detectors or other security devices.

Agency Recommendations

Office of Management and Budget	Approval
Department of Transportation	Approval
Department of Justice	No objection
Department of the Treasury	No objection
Department of Defense	No objection (Informally)
Central Intelligence Agency	No objection (Informally)

Discussion

The enrolled bill, which passed both Houses by voice vote, responds to the problem of firearms -- such as guns made largely of plastic -- that may not be detectable by metal detectors or other security devices. During congressional hearings on this legislation, considerable concern was expressed about the threat of such firearms, because they could avoid detection at security checkpoints (e.g., in airports, courthouses, and prisons).

H.R. 4445 would make it a Federal criminal offense, subject to up to five years imprisonment and a fine, to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm that: (1) is not as detectable (after removal of grips, stocks, and magazines) as the "Security Exemplar" -- which is defined in the enrolled bill and described below -- by walk-through metal detectors; or (2) contains a major component which, when subjected to x-ray examination by machines of the kind normally used at airports, does not generate an accurate image of the component.

The "Security Exemplar" is defined to be an object, fabricated at the direction of the Secretary of the Treasury, that is made of 3.7 ounces of "material type 17-4 PH stainless steel in a shape resembling a handgun" and that is suitable for testing and calibrating metal detectors. Treasury would be required to promulgate regulations 12 months after enactment of the enrolled bill, and at appropriate times thereafter, to reflect advances in detection technology (e.g., to "legalize" firearms that contain less metal than the Security Exemplar, if such firearms can be detected).

Other provisions of the enrolled bill would:

- o Exempt licensed firearms manufacturers and their agents from the provisions of the enrolled bill for the purpose of testing firearms to determine if the restrictions of the enrolled bill apply to them;
- o Require Treasury to permit the conditional importation of firearms by licensed manufacturers or importers for the purpose of testing to determine whether unconditional importation would violate the provisions of the enrolled bill;
- o Exempt from the coverage of the enrolled bill any firearm that has been certified by the Defense Department or the Central Intelligence Agency, after consultation with the Federal Aviation Administration and the Treasury Department, as "necessary for military or intelligence applications" and that is manufactured and sold exclusively to military or intelligence agencies of the United States;
- o Require the Transportation Department to conduct research and development as may be necessary to improve the effectiveness of airport x-ray systems;
- o Require the Departments of the Treasury, Justice, and Transportation to complete studies within six months of enactment to identify state-of-the-art equipment capable of distinguishing the Security Exemplar from other metal objects;
- o Require the studies described above to contain "a schedule providing for the installation of such equipment at the earliest practicable time" at security checkpoints operated by the agency conducting the study and mandate the installation of such equipment "in accordance with each schedule;" and
- o "Sunset" the provisions of the enrolled bill ten years after its date of enactment.

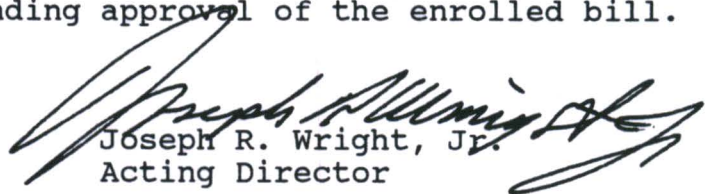
The provisions of the enrolled bill would take effect 30 days after its enactment. Its provisions would not apply, however, to any firearm manufactured in, imported into, or possessed in the United States prior to the date of enactment of H.R. 4445.

Administration Position to Date

In May 1988, this Office transmitted a Statement of Administration Policy (SAP) to Congress on H.R. 4445 in anticipation of consideration of the bill by the House. The SAP stated that the Administration had no objection to House passage of the bill but would work in the Senate to conform it to a similar draft bill of the Department of Justice, the "Undetectable Firearms Act of 1988," which was considered to be a better proposal from a technical point-of-view (e.g., in its use of the Security Exemplar as the standard of detectability). As enrolled, H.R. 4445 is similar to Justice's undetectable firearms proposal.

Conclusion and Recommendation

In its enrolled bill views letter, the Department of Transportation advises that H.R. 4445 represents a reasonable compromise reached after much deliberation on a difficult subject, and that it "should prove helpful in reducing the potential threat of undetectable weapons being introduced into our Nation's air transportation system." We agree and join Transportation in recommending approval of the enrolled bill.


Joseph R. Wright, Jr.
Acting Director

Enclosures

UNCLASSIFIED
NSC/S PROFILE

60446155
CMO10
RECORD ID: 8807942
RECEIVED: 08 NOV 88 07

TO: DAWSON, R

FROM: STEVENS

DOC DATE: 09 NOV 88
SOURCE REF:

KEYWORDS: ENROLLED BILLS

WH REFERRAL

PERSONS:

SUBJECT: HR-4445 / UNDETECTABLE FIREARMS ACT OF 1988

ACTION: PERITO SGD MEMO DUE DATE: 11 NOV 88 STATUS: C

STAFF OFFICER: FARRAR LOGREF:

FILES: WH NSCIF: CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO
COBB
FARRAR

COMMENTS: _____

DISPATCHED BY ED DATE _____ BY HAND W/ATTCH

OPENED BY: NSTAC CLOSED BY: NSCLG DOC 3 OF 3

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 8807942

DOC ACTION OFFICER

001 FARRAR
002 STEVENS
003

CAO ASSIGNED ACTION REQUIRED

Z 88110808 PREPARE MEMO FOR DAWSON
Z 88110908 FOR SIGNATURE
X 88110917 PERITO SGD MEMO

UNCLASSIFIED

**National Security Council
The White House**

APK

88 NOV 9 9:08

System # 7942
 Package # _____
 DOCLOG APK AIO

	SEQUENCE TO	HAS SEEN	DISPOSITION
Bob Perito	<u>1</u>	<u>RTTP</u>	<u>A</u>
Marybel Batjer	_____	_____	_____
Paul Stevens	<u>2</u>	<u>✓</u>	_____
John Negroponte	_____	_____	_____
Colin Powell	_____	_____	_____
Paul Stevens	_____	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>→</u>	<u>APK 11/9</u>	<u>D</u>
NSC Secretariat	<u>4</u>	_____	<u>N</u>

I = Information A = Action R = Retain D = Dispatch N = No further Action

cc: VP Duberstein Other _____

COMMENTS Should be seen by: _____
 (Date/Time)



WHITE HOUSE STAFFING MEMORANDUM

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DUBERSTEIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	KRANOWITZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>
POWELL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MASENG	<input type="checkbox"/>	<input type="checkbox"/>
WRIGHT - OMB	<input type="checkbox"/>	<input type="checkbox"/>	RANGE	<input type="checkbox"/>	<input type="checkbox"/>
OGLESBY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RISQUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAUER	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
CRIPPEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CULVAHOUSE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUCK	<input type="checkbox"/>	<input type="checkbox"/>
DAWSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
DONATELLI	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HOBBS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

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RESPONSE: The NSC staff has no objection to H.R. 4445 -- Undetectable Firearms Act of 1988.

Robert M. Perito
for Paul Schott Stevens
Executive Secretary

November 9, 1988

Rhett Dawson
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

NOV 7 1988

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- o Require the Departments of the Treasury, Justice, and Transportation to complete studies within six months of enactment to identify state-of-the-art equipment capable of distinguishing the Security Exemplar from other metal objects;
- o Require the studies described above to contain "a schedule providing for the installation of such equipment at the earliest practicable time" at security checkpoints operated by the agency conducting the study and mandate the installation of such equipment "in accordance with each schedule;" and
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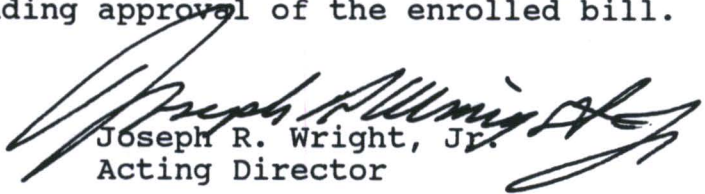
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Joseph R. Wright, Jr.
Acting Director

Enclosures

**NATIONAL SECURITY COUNCIL
EXECUTIVE SECRETARIAT STAFFING DOCUMENT**

TIME STAMP

88 NOV 8

SYSTEM LOG NUMBER:

7942

ACTION OFFICER: _____

FARRAR

DUE: _____

3:00 PM 9 NOV

Prepare Memo For Powell/Negroponete

Prepare Memo Stevens to Peterson / Murr

Prepare Memo For Dawson/Delan

Appropriate Action

Prepare Memo _____

to _____

CONCURRENCES/COMMENTS*

PHONE* to action officer at ext. _____

3622

FYI

- Addis
- Andricos
- Batjer
- Beers
- Brintnall
- Brooks
- Burns
- Childress
- Cobb *refers to Farrar*
- Cockell
- Cohen
- Curtin
- Danzansky
- Dekok
- Donley
- Ebner
- Farrar
- Fortier
- Grant

FYI

- Grimes
- Heiser
- Henhoeffer
- Jameson
- Kelly, B
- Kelly, J
- Kimberling
- Leach
- Ledsky
- Levin
- Lewis
- Linhard
- Lowenkron
- Mahley
- McCue
- Melby
- Menan
- Miskel
- Onate

FYI

- Paal
- Pastorino
- Perina
- Popadiuk
- Porter
- Rodman
- Rostow
- Saunders
- Snider
- Tahir-Kheli
- Tice
- Tillman
- Tobey
- Wiant
- _____
- _____
- _____
- _____

INFORMATION

- Stevens
- Powell (advance)

Perito

Negroponete (advance)

Secretariat

Exec. Sec. Desk

COMMENTS

Logged By APK

Return to Secretariat

RG

ID # 604461 CU

CMO10

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 / 1

Name of Correspondent: Rhett B. Dawson

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: H.R. 4445 -- Undetectable Firearms Act of 1988

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>Cuholl</u>	ORIGINATOR	<u>88.11.08</u>	<u>C</u>	<u>88.11.08</u>
<u>cuat 35</u>	Referral Note: <u>R</u>	<u>88.11.08</u>	<u>C</u>	<u>88.11.08</u>
	Referral Note:	<u>1 / 1</u>		<u>1 / 1</u>
	Referral Note:	<u>1 / 1</u>		<u>1 / 1</u>
	Referral Note:	<u>1 / 1</u>		<u>1 / 1</u>
	Referral Note:	<u>1 / 1</u>		<u>1 / 1</u>

- ACTION CODES:**
- A - Appropriate Action
 - C - Comment/Recommendation
 - D - Draft Response
 - F - Furnish Fact Sheet to be used as Enclosure
 - I - Info Copy Only/No Action Necessary
 - R - Direct Reply w/Copy
 - S - For Signature
 - X - Interim Reply
- DISPOSITION CODES:**
- A - Answered
 - B - Non-Special Referral
 - C - Completed
 - S - Suspended
- FOR OUTGOING CORRESPONDENCE:**
- Type of Response = Initials of Signer
 - Code = "A"
 - Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE

WASHINGTON

November 8, 1988

MEMORANDUM FOR RHETT B. DAWSON
ASSISTANT TO THE PRESIDENT FOR OPERATIONS

FROM: PATRICIA MACK BRYAN *PMB*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 4445 -- Undetectable Firearms Act of 1988

Pursuant to your staffing memorandum of November 7, 1988, Counsel's Office has reviewed the above-referenced enrolled bill. Counsel's Office has no legal objection to Presidential approval of that bill.

Thank you for bringing this matter to our attention.

WHITE HOUSE STAFFING MEMORANDUM

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WRIGHT - OMB	<input type="checkbox"/>	<input type="checkbox"/>	RANGE	<input type="checkbox"/>	<input type="checkbox"/>
OGLESBY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RISQUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAUER	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
CRIPPEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CULVAHOUSE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUCK	<input type="checkbox"/>	<input type="checkbox"/>
DAWSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
DONATELLI	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
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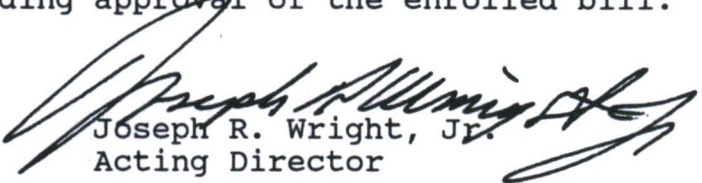
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Joseph R. Wright, Jr.
Acting Director

Enclosures

One Hundredth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-fifth day of January,
one thousand nine hundred and eighty-eight*

An Act

To amend title 18, United States Code, to prohibit certain firearms especially useful to terrorists.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Undetectable Firearms Act of 1988".

SEC. 2. UNDETECTABLE FIREARMS.

(a) PROHIBITIONS.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(p)(1) It shall be unlawful for any person to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm—

"(A) that, after removal of grips, stocks, and magazines, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or

"(B) any major component of which, when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

"(2) For purposes of this subsection—

"(A) the term 'firearm' does not include the frame or receiver of any such weapon;

"(B) the term 'major component' means, with respect to a firearm, the barrel, the slide or cylinder, or the frame or receiver of the firearm; and

"(C) the term 'Security Exemplar' means an object, to be fabricated at the direction of the Secretary, that is—

"(i) constructed of, during the 12-month period beginning on the date of the enactment of this subsection, 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun; and

"(ii) suitable for testing and calibrating metal detectors:
Provided, however, That at the close of such 12-month period, and at appropriate times thereafter the Secretary shall promulgate regulations to permit the manufacture, importation, sale, shipment, delivery, possession, transfer, or receipt of firearms previously prohibited under this subparagraph that are as detectable as a 'Security Exemplar' which contains 3.7 ounces of material type 17-4 PH stainless steel, in a shape resembling a handgun, or such lesser amount as is detectable in view of advances in state-of-the-art developments in weapons detection technology.

"(3) Under such rules and regulations as the Secretary shall prescribe, this subsection shall not apply to the manufacture, posses-

sion, transfer, receipt, shipment, or delivery of a firearm by a licensed manufacturer or any person acting pursuant to a contract with a licensed manufacturer, for the purpose of examining and testing such firearm to determine whether paragraph (1) applies to such firearm. The Secretary shall ensure that rules and regulations adopted pursuant to this paragraph do not impair the manufacture of prototype firearms or the development of new technology.

“(4) The Secretary shall permit the conditional importation of a firearm by a licensed importer or licensed manufacturer, for examination and testing to determine whether or not the unconditional importation of such firearm would violate this subsection.

“(5) This subsection shall not apply to any firearm which—

“(A) has been certified by the Secretary of Defense or the Director of Central Intelligence, after consultation with the Secretary and the Administrator of the Federal Aviation Administration, as necessary for military or intelligence applications; and

“(B) is manufactured for and sold exclusively to military or intelligence agencies of the United States.

“(6) This subsection shall not apply with respect to any firearm manufactured in, imported into, or possessed in the United States before the date of the enactment of the Undetectable Firearms Act of 1988.”

(b) PENALTY.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking “or (c)” and inserting in lieu thereof “, (c), or (f)”;

(2) by adding at the end the following:

“(f) In the case of a person who knowingly violates section 922(p), such person shall be fined under this title, or imprisoned not more than 5 years, or both.”

(c) CONFORMING AMENDMENTS.—Section 925 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after “chapter” the following: “, except for provisions relating to firearms subject to the prohibitions of section 922(p),”; and

(2) by adding at the end the following:

“(f) The Secretary shall not authorize, under subsection (d), the importation of any firearm the importation of which is prohibited by section 922(p).”

(d) RESEARCH AND DEVELOPMENT OF IMPROVED AIRPORT SECURITY SYSTEMS.—The Administrator of the Federal Aviation Administration shall conduct such research and development as may be necessary to improve the effectiveness of airport security metal detectors and airport security x-ray systems in detecting firearms that, during the 10-year period beginning on the effective date of this Act, are subject to the prohibitions of section 922(p) of title 18, United States Code.

(e) STUDIES TO IDENTIFY EQUIPMENT CAPABLE OF DISTINGUISHING SECURITY EXEMPLAR FROM OTHER METAL OBJECTS LIKELY TO BE CARRIED ON ONE'S PERSON.—The Attorney General, the Secretary of the Treasury, and the Secretary of Transportation shall each conduct studies to identify available state-of-the-art equipment capable of detecting the Security Exemplar (as defined in section 922(p)(2)(C) of title 18, United States Code) and distinguishing the Security Exemplar from innocuous metal objects likely to be carried on one's person. Such studies shall be completed within 6 months after the

date of the enactment of this Act and shall include a schedule providing for the installation of such equipment at the earliest practicable time at security checkpoints maintained or regulated by the agency conducting the study. Such equipment shall be installed in accordance with each schedule. In addition, such studies may include recommendations, where appropriate, concerning the use of secondary security equipment and procedures to enhance detection capability at security checkpoints.

(f) EFFECTIVE DATE AND SUNSET PROVISION.—

(1) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the 30th day beginning after the date of the enactment of this Act.

(2) 10-YEAR SUNSET.—Effective 10 years after the effective date of this Act—

(A) subsection (p) of section 922 of title 18, United States Code, is hereby repealed;

(B) subsection (f) of section 924 of such title is hereby repealed;

(C) subsection (f) of section 925 of such title is hereby repealed;

(D) section 924(a)(1) of such title is amended by striking “, (c), or (f)” and inserting in lieu thereof “or (c)”; and

(E) section 925(a) of such title is amended by striking “, except for provisions relating to firearms subject to the prohibitions of section 922(p),”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*



U.S. Department of Justice

Office of Legislative and Intergovernmental Affairs

JRB:JEP:CHC:hm
S. 49; H.R. 4332

REC-11

Office of the Assistant Attorney General

Washington, D.C. 20530

March 19, 1986

LO10611
CMD10
LE
FGD17
FGD12
FGD3313

Honorable Peter W. Rodino, Jr.
Chairman
Committee on the Judiciary
House of Representatives
Washington, D. C.

Dear Mr. Chairman:

The Department of Justice has deferred to the Department of the Treasury as to the substantive portions of S. 49, which passed the Senate on July 9, 1985, and H.R. 4332, the Federal Firearms Law Reform Act of 1986, which was ordered reported by your Committee on March 11, 1986. However, I would like to address one particular section in the House bill which directly affects the Federal Bureau of Investigation (FBI) and poses serious problems.

Section 14 of H.R. 4332 makes it unlawful for a licensed dealer or other persons to sell or transfer a handgun to an individual who is not licensed unless the transferor promptly sends by registered or certified mail a copy of the documentation of transfer to the chief law enforcement officer of the transferee's place of residence and to the FBI. The FBI is then required to examine "Federal official records which may reveal any circumstances making illegal the receipt or possession of a handgun by the transferee" and report such information to the chief law enforcement officer of the transferee's residence.

Our primary concerns with this language are as follows:

1) The proposed examination of Federal records is based on an individual's name and other identifiers (date of birth, place of birth, etc.). Those persons with a criminal record who are prohibited from purchasing a handgun are the ones most likely to obtain false identification documents to support a new name. As to felons using a false identity, the name check will not reveal any information regarding the purchaser's criminal activity which might make him ineligible to own a handgun. Even if the purchaser uses his true name, it may not be possible to determine with certainty whether or not a criminal record belongs to the purchaser or another person with the same name. There are

cc: Criminal; FBI

Jun 24, 88 note from Cary Copeland to David McIntosh

Honorable Peter W. Rodino, Jr.

many people with identical names and similar identifiers who have criminal records. It is possible that the FBI might identify a half dozen individuals with criminal records whose name is the same as the purchaser; further, even if we identify only one record in an individual's name, that does not mean that the record belongs to the purchaser. The outcome of the name check may be that persons with no previous contact with the criminal justice system will be further investigated merely because they wish to purchase a handgun while those with a disqualifying criminal record will perhaps be able to escape closer scrutiny.

2) The bill would require the FBI to check all "Federal official records which may reveal any circumstances making illegal the receipt or possession of a handgun by the transferee..." Currently, the FBI estimates that the cost of a name check of its Identification Division criminal record system is about \$7. However, the broad language of the bill would not only require a name check of the Identification Division system, but of the FBI's central records system as well. I understand that the National Rifle Association is estimating that from 2 to 4 million handguns are purchased each year. The cost of the name check of just the FBI Identification records could be as much as 30 million dollars a year. However, the bill does not provide any additional funding for the FBI to cover its costs.

3) The bill would conflict with State laws governing criminal record checks currently performed in connection with firearms purchases. Pursuant to Public Law 92-544, the FBI is permitted to exchange identification records with officials of state and local governments for licensing and employment purposes if authorized by state law and approved by the Attorney General. Public Law 99-180 (the Department of Justice Appropriation Act for 1986) authorizes the FBI to collect fees to process fingerprint identification records for noncriminal justice employment and licensing purposes and credit up to \$13,500,000 of such fees to its appropriation to be used for salaries and other expenses incurred in providing this service. The states have enacted various types of laws which mandate a criminal history record check based on fingerprints for different licensing and employment purposes, i.e., to license teachers, child care workers, real estate brokers, etc. Twenty-one states including the District of Columbia and three territories now require a criminal history record check for individuals in connection with handgun purchases based on their fingerprints. The fingerprints are submitted to the State Identification Bureau or other similar central state authority. If the central state authority finds anything in its records which disqualifies the purchaser, it will deny the purchaser's license. Otherwise, the fingerprints will be submitted to the FBI for processing. The FBI charges \$14 for this service. (The states may have additional charges). The FBI's fees are funneled back into its budget to cover costs. For Fiscal Year 1985, the FBI processed 864,085 fingerprints for noncriminal justice licensing and employment purposes and collected \$9,577,969 in fees.

Honorable Peter W. Rodino, Jr.

If the Congress considers it important to require a check of handgun purchasers, we believe that such legislation should take advantage of current procedures. In doing so, the Congress would avoid placing any additional burdens on the 21 states which now have laws and procedures in place which are intended to keep handguns out of the hands of criminals. Further, by mandating a criminal history check based on fingerprints, the FBI would be able to charge for its service. The cost of doing a name check as mandated by H.R. 4332 could not be recovered by fees; therefore, the Bureau's budget would have to be enhanced. Most importantly, by requiring a fingerprint check, law enforcement will know beyond a doubt that the criminal record in fact belongs to the purchaser.

To further illustrate the benefits of a fingerprint check, I am attaching a news article from The Star-Ledger (Newark, New Jersey), dated February 23, 1986. As reported in this article, an Edward Morris, who was wanted for forgery and grand theft in Tallahassee, Florida, had been hired by a Newark bank using the name of Kenneth Taylor. Taylor's fingerprints were routinely taken by the bank and submitted to the FBI Identification Division for processing. The results led to Taylor's arrest just in time as he was found to have in his possession \$5,000 in cash, a cashier's check in the amount of \$57,000, and a new car valued at \$13,000. Taylor was charged with bank fraud and embezzlement. A name check would have been worthless in this case.

If the Committee wishes further information on this issue, representatives of the Department are available to discuss current fingerprint processing procedures and to suggest legislative language which would address the concerns identified above.

Sincerely,



John R. Bolton
Assistant Attorney General

(Indicate page, name of newspaper, city and state.)
THE STAR-LEDGER
 Newark, NJ / p. 26

(Mount Clipping in Space Below)

Date: 2/23/86
 Edition:

Bank job print check nets embezzle suspect

By AL FRANK

His pockets were stuffed with \$5,000 in cash and a new car was parked at the curb when federal agents arrived at a Newark bank to arrest 20-year-old Kenneth Taylor, a spokesman for the FBI said yesterday.

Fingerprints Taylor submitted last month when he got a job at the First Fidelity Bank on Broad Street disclosed he was wanted for forgery in Florida, said FBI Agent Michael McDonnell.

Calling the bank on Friday to inquire about his whereabouts, agents were told Taylor, of Newark, had quit his job on Thursday but just happened to be in the office cleaning out his desk in the mortgage department where he had worked as a clerk since Jan. 13.

McDonnell said Taylor had gotten the job under the name of Edward Morris and submitted his fingerprints as part of routine employment procedures.

When the prints were checked at the FBI's identification laboratory in Washington, D.C., however, authorities found they matched those of Taylor, who was wanted in Tallahassee for forgery and grand theft.

After his arrest on a federal warrant for unlawful flight to avoid prosecution, Taylor was searched.

In addition to the \$5,000, agents also found a cashier's check in the amount of \$57,000, McDonnell said. The car, he continued, was purchased for \$13,000 three days ago.

Taylor was then charged with

bank fraud and embezzlement.

McDonnell said authorities believe all the money came from the bank and are working with bank auditors to determine if more was stolen.

"It will take us a little while to figure out how much is involved," McDonnell said. "It could very well be more."

Taylor, of Graceville, Fla., is believed to have spent time in California "so we have to see what he did out there," McDonnell said.

After appearing before U.S. Magistrate G. Donald Haneke in federal court in Newark, Taylor was ordered held at the Metropolitan Corrections Center in New York in lieu of \$75,000 bail.

Authorities in Florida said Taylor was wanted by the Leon County Sheriff's Office for forging his ex-roommate's name on at least \$5,000 worth of checks drawn from the Florida Federal Savings and Loan of Tallahassee.

Dick Simpson, a spokesman for the department, said Taylor stole the roommate's checkbook when he moved in October.

Taylor also used one of the checks to open an account at another Tallahassee bank and later asked the bank to wire him money in New Orleans, Simpson said.

He said the state's attorney will file papers to extradite Taylor to face forgery charges.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

6/24/88

To: David Medtosh
456-2421

From: Cary Copeland
DOJ 633-3951

4 pages excluding
cover page

@M010

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

- O - OUTGOING
 - H - INTERNAL
 - I - INCOMING
- Date Correspondence Received (YY/MM/DD) / /

Name of Correspondent: John C. Dech

MI Mail Report User Codes: (A) (B) (C)

Subject: Sevin Response / Informal Staffing
re: 7 day waiting period for handgun
purchase "Brady Amendment"

ROUTE TO:	ACTION	DISPOSITION			
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CV Holland</u>	<u>ORIGINATOR</u>	<u>88109130</u>		<u>C</u>	<u>8910109</u>
<u>CV AT35</u>	<u>Referral Note:</u>	<u>in PDB</u>			
	<u>D</u>	<u>88109130</u>	<u>NAN</u>	<u>C</u>	<u>8901109</u>
	<u>Referral Note:</u>	<u>see comments</u>			
		<u> </u> / <u> </u> / <u> </u>			<u> </u> / <u> </u> / <u> </u>
	<u>Referral Note:</u>				
		<u> </u> / <u> </u> / <u> </u>			<u> </u> / <u> </u> / <u> </u>
	<u>Referral Note:</u>				
		<u> </u> / <u> </u> / <u> </u>			<u> </u> / <u> </u> / <u> </u>
	<u>Referral Note:</u>				

- ACTION CODES:**
- A - Appropriate Action
 - C - Comment/Recommendation
 - D - Draft Response
 - F - Furnish Fact Sheet to be used as Enclosure
 - I - Info Copy Only/No Action Necessary
 - R - Direct Reply w/Copy
 - S - For Signature
 - X - Interim Reply
- DISPOSITION CODES:**
- A - Answered
 - B - Non-Special Referral
 - C - Completed
 - S - Suspended

FOR OUTGOING CORRESPONDENCE:
 Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: No further action necessary / overtakes
by events


Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE

WASHINGTON

September 30, 1988

MEMORANDUM FOR A. B. CULVAHOUSE
MARLIN FITZWATER
ALAN KRANOWITZ
DAN CRIPPEN

FROM: JOHN C. TUCK 

SUBJECT: Levin Response/Informal Staffing

As you will note in the attached correspondence, Senator Levin is seeking the Administration's position on the "Brady Amendment." A draft response has been prepared by OMB staff.

Please provide this office with your views and comments on the OMB draft as soon as possible.

cc: Ken Duberstein
M. B. Oglesby
Rhett Dawson

CARL LEVIN
MICHIGAN

United States Senate

WASHINGTON, DC 20510

September 20, 1988

The Honorable James C. Miller III
Office of Management and Budget
Executive Office Building
Washington, DC 20503

Dear Jim:

My staff called the White House to find out the President's position on the "Brady Amendment," the proposal to provide a seven-day waiting period for handgun purchases in order to allow a background check on the purchaser. They were referred to OMB for an answer.

The President has made public statements in favor of the general idea of a waiting period. I would appreciate your letting me know the President's position on "Brady Amendment" itself.

Thanks for your help.

Sincerely,



Carl Levin

CL/dr

28991

DRAFT

Honorable Carl Levin
United States Senate
Washington, D.C. 20510

Dear Carl:

Thank you for your letter of September 20, 1988, in which you requested a statement of the President's position on the "Brady Amendment," a proposal to require a seven-day waiting period for handgun purchases in order to allow a background check on the purchaser.

Although the President favors a seven-day waiting period for handgun purchases, he believes that any such requirement should be imposed at the State level, not by the Federal Government.

Please let me know whenever we may be of assistance.

Sincerely yours,

James C. Miller III
Director

cc: LRD Official File
LRD Chron
DO Records (OMB Control Number #028991)
DO Chron
Mr. Wright
Mr. Melcher
Mrs. Crawford
Mr. Raul
Mr. Jones
Mr. Jukes
Mr. Kalder
Ms. Wilson
Mr. Hannon
Legislative Affairs
Room 7220

DRAFT

THE WHITE HOUSE

WASHINGTON

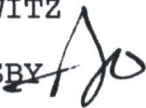
October 5, 1988

613201
CMDID
LE

MEMORANDUM FOR JIM MILLER
DAN CRIPPEN
ALAN KRANOWITZ

WB

FROM: M. B. OGLESBY



SUBJECT: BRADY BILL

Senator Roth is attaching an amendment to this bill (H.R. 3757)
that will enhance the disability compensation to Jim Brady.
We support this amendment and this bill.

THE WHITE HOUSE

WASHINGTON

September 30, 1988

1988 SEP 30 PM 9:00

613205

CMOIA

LE

FG00671

MEMORANDUM FOR A. B. CULVAHOUSE
MARLIN FITZWATER
ALAN KRANOWITZ
DAN CRIPPEN

FROM:

JOHN C. TUCK *JCT*

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Room 7220

DRAFT



U.S. National Archives & Records Administration

Current Status Details for CTRH RECID: 612798CU MAIN SUBCODE: CM019

Current Status	Pulled
User Name	dbarrie
Status Date	2009-12-11
Case Number	
Notes	Transferred to CM010

Review Status History

No.	Status	Date	User	Case Number	Notes
1	Pulled	2009-12-11	dbarrie		Transferred to CM010

612798C4
CM019

Action Complete



AG

THE WHITE HOUSE
WASHINGTON
September 30, 1988

MEMORANDUM FOR A. B. CULVAHOUSE
MARLIN FITZWATER
ALAN KRANOWITZ
DAN CRIPPEN

FROM:

JOHN C. TUCK *JCT*

SUBJECT:

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cc: Ken Duberstein
M. B. Oglesby
Rhett Dawson

THE WHITE HOUSE
WASHINGTON

John - 10-3-88

I concur with the
draft — but someone
needs to check with
a higher authority.

AMK

THE WHITE HOUSE

WASHINGTON

September 30, 1988

Handwritten initials and signature in the upper right corner of the page.

MEMORANDUM FOR A. B. CULVAHOUSE
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ALAN KRANOWITZ
DAN CRIPPEN

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