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(Undetectable Firearms Act of 1988)
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APPROVED
NOV 10 1988

THE WHITE HOUSE
WASHINGTON

V. Sant'Alfonso

673-2563

November 9, 1988

MR. PRESIDENT:

Attached for your approval is
H.R. 4445, the Undetectable Firearms
Act of 1988.

Approval of the bill is recommended
by OMB, the Transportation
Department, and the Offices of
Domestic Affairs, Legislative
Affairs, and Cabinet Affairs. The
Justice, Treasury, and Defense
Departments, the CIA, and Counsel's
Office all have no objection.

M

Rhett Dawson

LAST DAY FOR ACTION: November 15th

*Noted
VK*



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.

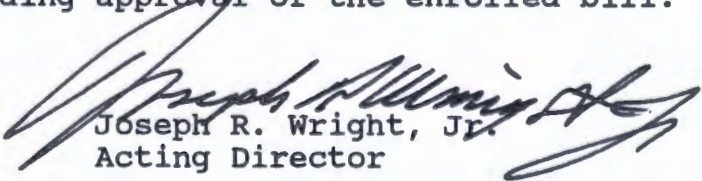
The provisions of the enrolled bill would take effect 30 days after its enactment. Its provisions would not apply, however, to any firearm manufactured in, imported into, or possessed in the United States prior to the date of enactment of H.R. 4445.

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

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 <i>Concur</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
POWELL <i>Wdj</i>	<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 <i>Approve</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAUER	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
CRIPPEN <i>ck</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CULVAHOUSE <i>Nalgolij</i>	<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:

WHITE HOUSE STAFFING MEMORANDUM
1988 NOV -8 PM 4:46

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:
Legis AS: Concerning OMB/DOJ Approval recommendations
[Signature]
8 Nov

Rhett Dawson
Ext. 2702

THE WHITE HOUSE

WASHINGTON

November 8, 1988

1988 NOV -8 PM 5:34

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

1988 NOV -8 PM 2:29

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:

RECOMMEND APPROVE

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:

7942

WHITE HOUSE STAFFING MEMORANDUM

1988 NOV 9 PM 2:51

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: 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

WHITE HOUSE STAFFING MEMORANDUM

1988 NOV -9 PM 4:52

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:

OK



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.

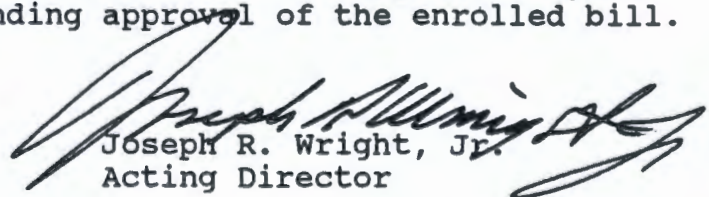
The provisions of the enrolled bill would take effect 30 days after its enactment. Its provisions would not apply, however, to any firearm manufactured in, imported into, or possessed in the United States prior to the date of enactment of H.R. 4445.

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



GENERAL COUNSEL

DEPARTMENT OF THE TREASURY
WASHINGTON

October 31, 1988

Acting Director, Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Attention: Assistant Director for Legislative reference

Dear Sir:

This responds to your request for the views of the Department of the Treasury on enrolled bill H.R. 4445, the "Undetectable Firearms Act of 1988."

The Department of the Treasury interposes no objection to the President signing the enrolled bill into law.

Sincerely,


Mark Sullivan III



U.S. Department of Justice

Office of Legislative and Intergovernmental Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

02 NOV 1988

The Honorable Joseph R. Wright
Acting Director
Office of Management and Budget
Washington, D.C. 20530

Dear Mr. Wright:

In compliance with your request, I have examined a fascimile of the enrolled bill (H.R. 4445), "The Undetectable Firearms Act."

This bill will make it a federal crime for any person to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm, which by reason of nonmetal construction, is not detectable by security metal detectors and X-ray systems used at airports. This prohibition, however, will not apply to any firearm which has been certified by the Secretary of Defense and the Director of Central Intelligence as necessary for military or intelligence applications, and which has been manufactured for and sold exclusively to military or intelligence agencies of the United States.

This Department has supported similar legislation in the past. The Department of Justice has no objection to Executive approval of this bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Boyd".

Thomas M. Boyd
Assistant Attorney General



U.S. Department of
Transportation

General Counsel

400 Seventh St., S.W.
Washington, D.C. 20590

OCT 27 1988

The Honorable Joseph R. Wright, Jr.
Acting Director
Office of Management and Budget
Washington, DC 20503

Dear Mr. Wright:

This is in response to your request for the views of the Department of Transportation concerning H.R. 4445, an enrolled bill entitled the "Undetectable Firearms Act of 1988".

This enrolled bill would make it unlawful for any person to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm which, after removal of grips, stocks, and magazines, is not as detectable as a Standard Security Exemplar by walk-through metal detectors calibrated and operated to detect the Standard Security Exemplar. For the first 12 months following the bill's enactment, the Standard Security Exemplar is defined as an object constructed of "3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun". Thereafter, the Secretary of Treasury may, by regulation, reduce the weight of the Exemplar, based on advances in the state-of-the-art of detection equipment. The legislation also specifies that, to be lawful, each major component of a firearm (i.e., the barrel, the slide or cylinder, or the frame or receiver) must generate an image that accurately depicts the shape of that component when subjected to inspection by the types of x-ray machines commonly used at airports.

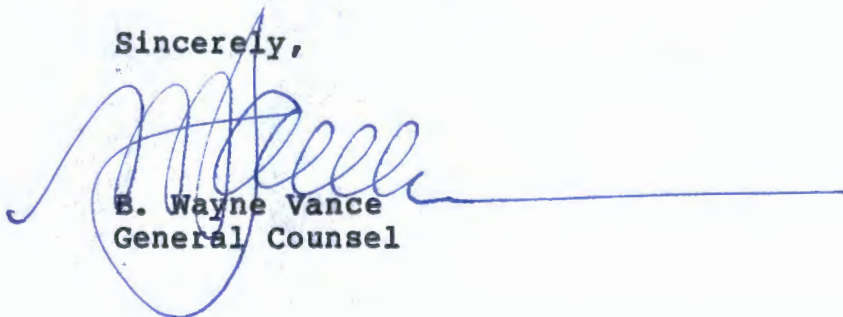
The legislation further directs the Federal Aviation Administration to conduct research and development to improve the effectiveness of metal detectors and airport security x-ray systems. The Department is also required to complete within 6 months after enactment of the Act a study to identify state-of-the-art equipment capable of detecting the Exemplar and of distinguishing the Exemplar from innocuous metal objects likely to be carried on one's person. Such study must include a schedule for installation of identified detection equipment at the earliest practicable time at security checkpoints maintained or regulated by the Department, and the equipment must be installed in accordance with that schedule.

We support the enactment of this legislation. We believe it 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 would urge that the Secretary of Treasury, prior to making any changes in the Standard Security Exemplar, consult with the FAA Administrator on the potential impact of such a change on air transportation security. We would also observe that the study concerning new detection equipment and the required implementation schedule would apparently necessitate a change in the FAA's regulatory framework for airport security equipment.

We believe that the legislation represents a positive step forward for aviation safety and recommend that the President sign the enrolled bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Wayne Vance", with a long horizontal line extending to the right.

E. Wayne Vance
General Counsel

TERRORIST FIREARMS DETECTION ACT OF 1988

MAY 10, 1988.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HUGHES, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 4445]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4445) to amend title 18, United States Code, to prohibit certain firearms especially useful to terrorists, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. PROHIBITION; DETERMINATION OF TERRORIST FIREARMS.

Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(p)(1) Except as otherwise provided in this chapter, it shall be unlawful for any person to manufacture, import, sell, transfer, or possess any plastic firearm.

"(2) As used in this subsection—

"(A) the term 'plastic firearm' means any firearm described in section 921(a)(3)(A) of this title—

"(i) containing less than 3.7 ounces of electromagnetically detectable metal; or

"(ii) of which any major component, when subjected to inspection by x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component; and

"(B) the term 'major component' means—

"(i) the barrel;

"(ii) the slide or cylinder; or

"(iii) the frame or receiver.

"(3) It suffices, for the purposes of the requirements of paragraph (2)(A)(ii), that the required image results from the infusion into the component of barium sulfate or other compound.

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

November 10, 1988

The President today signed the following legislation:

H.J.Res. 649, which designates November 12, 1988, as "National Firefighters Day."

H.R. 441, which directs the payment of \$5,670.77 to each of seven named heirs of Master Sergeant Nathaniel Scott in full settlement of their claims against the United States for payment of the unpaid balance of the retired pay due their father at the time of his death.

H.R. 712, which requires the Secretary of the Treasury to pay \$307,092.50 to Lawrence K. Lunt as full compensation related to his imprisonment in Cuba between 1965 and 1979.

H.R. 1418, which provides reimbursement for attorneys' fees and compensation for personal time spent and other expenses incurred by Messrs. Hangartner, Stewart, and Walden, three "whistleblowers" who assisted in a congressional and Securities and Exchange Commission investigation of a Paradyne Corporation contract with the Social Security Administration.

H.R. 2802, which requires payment of \$5,500 to Fleurette Seidman, an employee of the U.S. Customs Service in New York, for losses and expenses arising from her erroneous retirement from Government service and subsequent return to her former position of employment.

H.R. 4362, which allows the Secretary of the Interior to convey public land to local jurisdictions for solid waste disposal purposes under terms that will protect the United States from liability for contamination of such land by hazardous substances.

✓ H.R. 4445, which prohibits the manufacture, importation, or sale of certain firearms that may not be detectable by metal detectors or other security devices.

S.J.Res. 395, which designates January 4, 1989, as "National Commissioned Corps of the Public Health Service Centennial Day."

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