Public Law 100-649
100th Congress

An Act

Nov. 10, 1988
[H.R. 4445]

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,

Undetectable Firearms Act of 1988.
Business and industry.
Imports.
Commerce and trade.
Exports.
18 USC 921 note.

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.

Regulations.

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

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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)"; and

(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. 49 USC app. 1356 note.

(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 18 USC 922 note.

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.

18 USC 922 note.

(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),".

Approved November 10, 1988.

LEGISLATIVE HISTORY—H.R. 4445 (S. 2180):

HOUSE REPORTS: No. 100-612 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 134 (1988):
May 10, considered and passed House.
May 25, considered and passed Senate, amended, in lieu of S. 2180.
Oct. 20, House concurred in Senate amendment with an amendment.
Oct. 21, Senate concurred in House amendment with an amendment. House concurred in Senate amendment.

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