

103^D CONGRESS
1ST SESSION

H. R. 1262

To require explosive materials to contain taggants which enable law enforcement authorities to trace the source of the explosive material, whether before or after detonation.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 1993

Mr. MANTON (for himself and Mr. ACKERMAN) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To require explosive materials to contain taggants which enable law enforcement authorities to trace the source of the explosive material, whether before or after detonation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Explosives
5 Fingerprinting Act”.

1 **SEC. 2. EXPLOSIVE TAGGANTS.**

2 (a) DEFINITIONS.—Section 841 of title 18, United
3 States Code, is amended by adding at the end the follow-
4 ing:

5 “(o) ‘Identification taggant’ means any substance
6 which—

7 “(1) is added to an explosive material during
8 the manufacture of the material; and

9 “(2) after detonation—

10 “(A) is retrievable;

11 “(B) permits the identification of the man-
12 ufacturer and the date of manufacture, of the
13 material; and

14 “(C) provides such other information as
15 the Secretary may require.

16 “(p) ‘Detective taggant’ means any substance
17 which—

18 “(1) is added to an explosive material during
19 the manufacture of the material; and

20 “(2) permits the detection of the material be-
21 fore its detonation.”.

22 (b) PROHIBITIONS.—Section 842 of such title is
23 amended by adding at the end the following:

24 “(l)(1) It shall be unlawful for any person knowingly
25 to manufacture any explosive material which does not con-

1 tain an identification taggant which satisfies the stand-
2 ards promulgated by the Secretary under section 847.

3 “(2) It shall be unlawful for any person knowingly
4 to manufacture any explosive material which does not con-
5 tain a detection taggant which satisfies the standards pro-
6 mulgated by the Secretary under section 847.

7 “(3) It shall be unlawful for any person knowingly
8 to transport, ship, distribute, or receive, or cause to be
9 transported, shipped, distributed, or received, in interstate
10 or foreign commerce any explosive material which does not
11 contain an identification taggant which satisfies the stand-
12 ards promulgated by the Secretary under section 847.

13 “(4) It shall be unlawful for any person knowingly
14 to transport, ship, distribute, or receive, or cause to be
15 transported, shipped, distributed, or received, in interstate
16 or foreign commerce any explosive material which does not
17 contain a detection taggant which satisfies the standards
18 promulgated by the Secretary under section 847.

19 “(5) It shall be unlawful for any person knowingly
20 to import any explosive material which does not contain
21 an identification taggant which satisfies the standards
22 promulgated by the Secretary under section 847.

23 “(6) It shall be unlawful for any person knowingly
24 to import any explosive material which does not contain

1 a detection taggant which satisfies the standards promul-
2 gated by the Secretary under section 847.

3 “(7) It shall be unlawful for any person knowingly
4 to resell or otherwise dispose of any explosive material,
5 sold as surplus by a department, agency, or instrumental-
6 ity of the United States, which does not contain an identi-
7 fication taggant which satisfies the standards promulgated
8 by the Secretary under section 847. The shipment of sur-
9 plus explosive materials from the military establishment
10 where sold to the purchaser’s place of business shall be
11 in accordance with regulations promulgated by the Sec-
12 retary.

13 “(8) It shall be unlawful for any person knowingly
14 to resell or otherwise dispose of any explosive material,
15 sold as surplus by a department, agency, or instrumental-
16 ity of the United States, which does not contain a detec-
17 tion taggant which satisfies the standards promulgated by
18 the Secretary under section 847. The shipment of surplus
19 explosive materials from the military establishment where
20 sold to the purchaser’s place of business shall be in accord-
21 ance with regulations promulgated by the Secretary.

22 “(9) Paragraphs (1) through (8) shall not apply to
23 any explosive material designated by the President or his
24 designee as an explosive material to be used by the De-
25 partment of Defense or another agency of Government for

1 national defense or international security purposes. Any
2 explosive material so designated shall be reported prompt-
3 ly to the Secretary.”.

4 (c) PENALTIES.—Section 844(a) of such title is
5 amended—

6 (1) by striking “(a) Any” and inserting “(a)(1)
7 Any”; and

8 (2) by adding at the end the following:

9 “(2) Any person who violates section 842(l)(1) shall
10 be fined not more than \$10,000 or imprisoned not more
11 than 10 years, or both.”.

12 (d) EXCEPTIONS.—Section 845(a) of such title is
13 amended by adding at the end the following:

14 “Notwithstanding the preceding sentence, section
15 844(l)(1) shall apply to the matters described in para-
16 graphs (4) and (5) of this subsection.”.

17 (e) EFFECTIVE DATES.—(1) Except as otherwise
18 provided in this subsection, the amendments made by this
19 section shall take effect 1 year after the date of the enact-
20 ment of this Act.

21 (2) Paragraph (2) section 842(l) of title 18, United
22 States Code, shall take effect 2 years after the date of
23 the enactment of this Act.

24 (3) Paragraph (3) of such section shall take effect
25 2 years after such date of enactment.

1 (4) Paragraph (4) of such section shall take effect
2 3 years after such date of enactment.

3 (5) Paragraph (5) of such section shall take effect
4 1 year after such date of enactment.

5 (6) Paragraph (6) of such section shall take effect
6 2 years after such date of enactment.

7 (7) Paragraph (7) of such section shall take effect
8 2 years after such date of enactment.

9 (8) Paragraph (8) of such section shall take effect
10 3 years after such date of enactment.

11 (f) DEFERRAL OF EFFECTIVE DATES.—

12 (1) IN GENERAL.—The Secretary of the Treas-
13 ury shall by regulation defer one or more of the ef-
14 fective dates provided for in this subsection by ex-
15 tensions of not more than one year at a time until
16 the Secretary is satisfied that identification and de-
17 tection taggants (as defined in section 841 of title
18 18, United States Code)—

19 (A) are available in sufficient quantity for
20 commercial purposes;

21 (B) will not impair the quality of explosive
22 materials for their intended use; and

23 (C) will not adversely affect the environ-
24 ment.

1 (2) PRIOR NOTICE TO THE CONGRESS.—The
2 Secretary shall inform the Congress 60 days before
3 deferring the effective date of any provision pursu-
4 ant to paragraph (1), specifying the reasons for the
5 deferral, and estimating the time the Secretary ex-
6 pects the provision will become effective.

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