

Explosives Fingerprinting Act in response to the World Trade Center bombing. This bill would require that explosive manufacturers introduce high-technology additives into explosives that will give them identifying "signatures" which would tell our law enforcement officials when and where they were made. President Clinton has expressed his support for the use of these chemical taggants in explosive material.

Mr. Speaker, Americans are being murdered. Our citizenry is at risk. We must not let the gun lobby or any other special interest groups deny our law enforcement agents powerful antiterrorism tools.

[From the Daily News, July 30, 1996]

TRACING GUNPOWDER BOMBS WITH GOP POLS (By Jim Dwyer)

You may not realize the sacred status of the black gunpowder that was stuffed into pipes and exploded in front of the world this weekend. But black powder is holy stuff, by decree of Congress.

Even though it is possible to put chemical "tags" into black powder so it can be traced back to the seller, it is against the law for the government to even study using those tags.

That makes the average pipe bomb into an American sacrament.

And if you thought one bomb in Atlanta might change that, check out yesterday's White House meeting on terrorism.

Minutes after the TV cameras were turned off, it became clear that the Republican leadership—Newt Gingrich, Trent Lott and elder statesman Orrin Hatch—would not yield an inch on tags for black powder, a source at the meeting said.

I have to go back to the members who didn't want tags before, said Gingrich, who lives in Georgia, home of the world's most famous pipe bomb.

The tags may not be safe, said Lott, the Senate majority leader.

Meanwhile, Hatch, from Utah but apparently lost in space, thought the key to stopping terrorism was not tracing explosives, but cutting back a defendant's right to an attorney during questioning.

Here are the facts.

For nearly two decades, it has been possible to place tiny chemical tags, known as taggants, into explosive materials as they are being manufactured. The tags are like the lot numbers on a package of aspirin. They show the name of the company that made them, and what batch they came from.

The chemical tags are not destroyed by the explosion, so investigators could use them to trace the bomb material to the place where it was sold.

A few months ago, a major anti-terrorism law was passed by Congress and signed by President Clinton. It included money to study the chemical tags used in identifying some explosives—like TNT and plastic.

But the far right of the Republican Party flat-out refused to permit the study of tagging black powder. Why? The National Rifle Association is absolutely opposed to tagging black powder because it is used by sports shooters to pack their own shotgun shells. For the NRA, tagging powder is a half-step away from bullet control, and then we would hurtle down the slippery slope to more gun control.

The NRA has a freshman congressman named Robert Barr of Georgia to defend it on every issue.

For months, Barr wrestled with Henry Hyde, a veteran and very conservative Republican congressman, on the issue of tags. At one point, Hyde blurted out that tags were being blocked by "arch-conservatives

. . . who seemed insensitive to the advances [of terrorists] and are unwilling to let our law enforcement people catch up to them.

"I want my party to be the party of law and order, as it always has been, and not the party of the militias."

In the end, Hyde was defeated on a study of tags for black powder.

Right now, black powder is the explosive material in more than half of the bombs investigated by the Federal Bureau of Alcohol, Tobacco and Firearms. So refusing even to study tags for black powder is a big victory for dangerous psychos. But it is also a win for the militia-type extremists who view ATF agents as jackbooted thugs bent on destroying the constitutional right to bear arms.

In the last hours of the debate on the terrorism bill, Rep. Charles Schumer, a Brooklyn Democrat, was able to include language that permitted a study of tagging other explosives—like dynamite and plastics.

The Republicans went along with the idea of a study, as long as it excluded black powder—although they provided a total of zero (\$00.00) dollars for the study in the federal budget.

Yesterday, the NRA and the Republican leadership stuck with their line that tags in black powder might make them unsafe. "We do not believe you're going to achieve public safety by introducing a safety hazard into millions of U.S. homes," said NRA spokesman Tom Wyld.

"There isn't a reliable piece of evidence that shows the taggants are unsafe," said Richard Livesay, their inventor.

"If the tags aren't safe, a study will show that," said Schumer. "But when the right-wing rabid forces don't want something in, this Congress just bows and scrapes and goes along."

This is not only catching bomb nuts—it's about making it just a little more difficult for them.

"If taggants applied to black powder, it would have been a real deterrent to those who set off this pipe bomb in Atlanta," said Schumer.

[From the Wall Street Journal, July 31, 1996]

TRACING EXPLOSIVES THROUGH TAGGANTS DRAWS HEAVY FIRE FROM GUN LOBBIES (By John J. Fialka)

WASHINGTON.—The nation's gun lobbies are blazing away at one of President Clinton's new antiterrorist proposals—to put tiny plastic markers called taggants in explosives and gunpowder.

Taggants are color-coded identifiers that allow authorities to trace explosives back to the retailer, which could ultimately lead to the buyer. Originally developed in the U.S., taggants have been used for 11 years in Switzerland. According to Microtrace Inc. of Minneapolis, Minn., which manufactures them, Swiss police have used the microscopic markers to trace the source of explosives in more than 500 cases of bombing or illegal possession of explosives.

The gun lobbies, however, consider taggants an invasion of privacy as well as a potential safety hazard.

"We need to be registering politicians, not citizens," asserts Larry Pratt, executive director of 150,000-member Gun Owners of America. He claims the use of the markers is a hidden form of gun registration that won't thwart terrorists.

"I don't believe you achieve safety by introducing hazards into the homes of millions of Americans," argues Tom Wyld, a spokesman for the National Rifle Association, which claims three million members.

The gun owners' chief concern is putting taggants into two types of gunpowder,

smokeless and black powder, which are used by some three million hunters and marksmen who buy powder in bulk to load their own ammunition. There are also a small group of hunters and war re-enactors who use black powder in antique rifles. As in last weekend's terrorist incident at the Olympics in Atlanta, which killed one person and injured more than a hundred, gunpowder can also be used to make crude pipe bombs.

According to Mr. Wyld of the NRA powder containing the taggants could cause a "catastrophic failure" in some guns, causing bullets not to explode properly. But Charles Faulkner, general counsel of privately held Microtrace, said: "We don't know of any case where a premature explosion was caused by taggants."

The NRA, one of the strongest and most free-spending lobbies in Congress, wants an independent study of taggants before any commitment is made. Taggants have been under consideration since the late 1970s.

On Monday, President Clinton proposed a \$25 million, six-month Treasury Department study of the taggants, which are designed to survive an explosion. If found to be safe, the Treasury would order manufacturers to put them in all explosives, including black and smokeless powder. Mr. Clinton said yesterday, however, that if lawmakers can't agree on the taggant issue, he would be willing to put it aside for now.

Taggants, which are also opposed by the Institute of Makers of Explosives, were tested by Congress' former Office of Technology Assessment in 1980 and found to be "compatible" with most explosives. The OTA, however, found they could cause "increased reactivity" with at least one form of smokeless powder.

The markers were also studied by Aerospace Corp., an Air Force-funded research company, which found they caused no hazard to explosives or gunpowder. Referring to the explosive manufacturers' opposition, Gerald H. Fuller, a physicist who worked on the Aerospace study, called it "pure bunk, pure smoke screen." He asserted that the real reason companies that make and use explosives oppose taggants is the legal liability they could incur if explosives are traced back to them.

"If their products are stolen and used in bombings and can be traced back, they're going to be subject to lawsuits, and this bugs them," he said.

J. Christopher Ronay, president of the Institute of Makers of Explosives, couldn't be reached for comment. Mr. Ronay, who formerly headed the Federal Bureau of Investigation's bomb laboratory, has claimed that the industry is opposed to the addition of taggants because it will drive up manufacturing costs and amount to a "hidden tax" of \$700 million a year on the products of mining and quarrying industries—the primary users of explosives.

PERSONAL EXPLANATION

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1996

Mr. FATTAH. Mr. Speaker, I request that you please record my vote for final passage of H.R. 123, during the markup of the Language of Government Act on Wednesday, July 24, 1996. I was unavoidably detained at a prior commitment, and when I returned, the final vote had been taken.

Had I been present, I would have voted "no" on final passage.