

105TH CONGRESS
1ST SESSION

H. R. 85

To improve the regulation of explosives and explosive materials, and to prevent the use of explosives against persons and the unlawful use of explosives against property.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Ms. SLAUGHTER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve the regulation of explosives and explosive materials, and to prevent the use of explosives against persons and the unlawful use of explosives against property.

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 “Bombing Prevention
5 Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) the number of criminal bombing incidents
9 in the United States has doubled since 1988;

1 (2) each year, hundreds of millions of pounds of
2 explosives are purchased without a permit being re-
3 quired;

4 (3) about one-third of the bombs used in crime
5 in recent years have contained black powder or
6 smokeless powder as filler;

7 (4) the terrorist bombing of the World Trade
8 Center, a series of bombings in western New York
9 State, the bombing of the Federal building in Okla-
10 homa City, and the bombing in Centennial Park in
11 Atlanta demonstrate the grave dangers of bomb at-
12 tacks;

13 (5) effective regulation of interstate commerce
14 in explosives is possible only with changes in the reg-
15 ulatory framework;

16 (6) explosive materials, by their nature, are
17 composed of numerous different substances, many of
18 which have travelled in interstate or foreign com-
19 merce; and

20 (7) the protection of the safety and property of
21 the citizenry, including the infrastructure vital to the
22 conduct of interstate and foreign commerce, requires
23 more careful regulation of explosives transactions.

1 **SEC. 3. PERMITS FOR PURCHASE OF EXPLOSIVES.**

2 (a) IN GENERAL.—Section 842 of title 18, United
3 States Code, is amended—

4 (1) by amending subparagraphs (A) and (B) of
5 subsection (a)(3) to read as follows:

6 “(A) to transport, ship, cause to be trans-
7 ported, or receive any explosive materials in
8 interstate or foreign commerce; or

9 “(B) to distribute explosive materials in
10 interstate or foreign commerce to any person
11 other than a licensee or permittee.”; and

12 (2) in subsection (b)—

13 (A) by adding “or” at the end of para-
14 graph (1);

15 (B) by striking “; or” at the end of para-
16 graph (2) and inserting a period; and

17 (C) by striking paragraph (3).

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall apply to conduct engaged in after the
20 18-month period that begins with the date of the enact-
21 ment of this Act.

22 (c) REGULATIONS.—

23 (1) IN GENERAL.—Not later than 6 months
24 after the date of the enactment of this Act, the Sec-
25 retary of the Treasury shall issue final regulations
26 with respect to the amendments made by subsection

1 (a), which shall take effect 18 months after such
2 date of enactment.

3 (2) NOTICE TO STATES.—On the issuance of
4 regulations pursuant to paragraph (1), the Secretary
5 of the Treasury shall notify the States of the regula-
6 tions so that the States may consider revising their
7 explosives laws.

8 **SEC. 4. LICENSES AND USER PERMITS.**

9 Section 843(a) of title 18, United States Code, is
10 amended—

11 (1) by inserting “, including fingerprints and a
12 photograph of the applicant” before the period at
13 the end of the 1st sentence; and

14 (2) by striking the 2nd sentence and inserting
15 the following: “Each applicant for a license shall pay
16 for each license a fee established by the Secretary
17 that shall not exceed \$300. Each applicant for a per-
18 mit shall pay for each permit a fee established by
19 the Secretary that shall not exceed \$100.”.

20 **SEC. 5. USE OF NATIONAL INSTANT CRIMINAL BACK-**
21 **GROUND CHECK SYSTEM TO INVESTIGATE**
22 **APPLICANTS FOR LICENSES AND PERMITS.**

23 The Secretary of the Treasury may use the national
24 instant criminal background check system established

1 under section 103 of the Brady Handgun Violence Preven-
2 tion Act to investigate each applicant for a license or per-
3 mit under chapter 40 of title 18, United States Code.

4 **SEC. 6. REQUIREMENTS FOR PURCHASES OF BLACK POW-**
5 **DER AND SMOKELESS POWDER.**

6 (a) IN GENERAL.—Section 845 of title 18, United
7 States Code, is amended—

8 (1) in subsection (a)(4), by striking “and com-
9 ponents thereof”;

10 (2) in subsection (a)(5), by striking “commer-
11 cially manufactured black powder in quantities not
12 to exceed fifty pounds,”; and

13 (3) by adding at the end the following:

14 “(c) Except in the case of section 842(f), and sub-
15 sections (d), (e), (f), (g), (h), (i), (n), and (o) of section
16 844, this chapter shall not apply to commercially manufac-
17 tured black powder or smokeless powder in quantities not
18 to exceed 5 pounds.”.

19 (b) CONFORMING AMENDMENT.—Section 926 of
20 such title is amended by striking subsection (c).

21 **SEC. 7. ENHANCED PENALTIES.**

22 Pursuant to its authority under section 994 of title
23 28, United States Code, the United States Sentencing
24 Commission shall promulgate amendments to the sentenc-
25 ing guidelines to appropriately enhance the penalties for

1 a violation of any provision of chapter 40 of title 18,
2 United States Code, the penalties for which are not as se-
3 vere as the penalties for a comparable violation of chapter
4 44 of such title 18, so that the penalties for the violation
5 of the provision of such chapter 40 are the same as the
6 penalties for a comparable violation of such chapter 44.

7 **SEC. 8. FORFEITURE OF INSTRUMENTALITIES OF EXPLO-**
8 **SIVES OFFENSES.**

9 (a) CIVIL FORFEITURE.—Section 981(a)(1) of title
10 18, United States Code, is amended by adding at the end
11 the following:

12 “(G) Any property, real or personal, involved in
13 a violation of chapter 40 (relating to importation,
14 manufacture, distribution, and storage of explosive
15 materials), or in a conspiracy to commit such a vio-
16 lation, and any other property traceable to such
17 property.”.

18 (b) CRIMINAL FORFEITURE.—Section 982(a) of such
19 title is amended by inserting the following:

20 “(6) The court, in imposing a sentence on a person
21 convicted of a violation of chapter 40 or of conspiring to
22 commit such a violation, shall order the person to forfeit

1 to the United States any property, real or personal, in-
2 volved in the violation or in the conspiracy, and any other
3 property traceable to such property.”.

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