

105TH CONGRESS  
1ST SESSION

# H. R. 538

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1997

Mr. MANTON introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To require explosive materials to contain taggants to 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”.

6 **SEC. 2. EXPLOSIVE TAGGANTS.**

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

1 “(o) ‘Identification taggant’ means any substance  
2 which—

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

5 “(2) after detonation—

6 “(A) is retrievable;

7 “(B) permits the identification of the man-  
8 ufacturer and the date of manufacture, of the  
9 material; and

10 “(C) provides such other information as  
11 the Secretary may require.

12 “(p) ‘Detective taggant’ means any substance  
13 which—

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

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

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

20 “(l)(1) It shall be unlawful for any person knowingly  
21 to manufacture any explosive material that does not con-  
22 tain an identification taggant which satisfies the stand-  
23 ards promulgated by the Secretary under section 847.

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

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

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

17       “(5) It shall be unlawful for any person knowingly  
18 to import any explosive material that does not contain an  
19 identification taggant which satisfies the standards pro-  
20 mulgated by the Secretary under section 847.

21       “(6) It shall be unlawful for any person knowingly  
22 to import any explosive material that does not contain a  
23 detection taggant which satisfies the standards promul-  
24 gated by the Secretary under section 847.

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

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

20       “(9) Paragraphs (1) through (8) shall not apply to  
21 any explosive material designated by the President or his  
22 designee as an explosive material to be used by the De-  
23 partment of Defense or another agency of Government for  
24 national defense or international security purposes. Any

1 explosive material so designated shall be reported prompt-  
2 ly to the Secretary.”.

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

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

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

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

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

13 “Notwithstanding the preceding sentence, section  
14 842(l)(1) shall apply to the matters described in para-  
15 graphs (4) and (5) of this subsection.”.

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

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

23 (3) Paragraph (3) of such section shall take effect  
24 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 1 or more of the effec-  
14 tive dates provided for in this subsection by exten-  
15 sions of not more than 1 year at a time until the  
16 Secretary is satisfied that identification and detec-  
17 tion 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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