

107TH CONGRESS
1ST SESSION

H. R. 3091

To combat terrorism and defend the Nation against terrorist acts involving the illegal acquisition of explosives by dangerous criminals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 2001

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

A BILL

To combat terrorism and defend the Nation against terrorist acts involving the illegal acquisition of explosives by dangerous criminals, and for other purposes.

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 “Anti-Terrorism Explo-
5 sives Control Act of 2001”.

**TITLE IV—ADDITIONAL LAW
ENFORCEMENT AUTHORITY**

SEC. 402. PERMITS FOR PURCHASERS OF EXPLOSIVES.

(a) DEFINITIONS.—Section 841(j) of title 18, United States Code, is amended to read as follows:

“(j) Permittee means any user of explosives for a lawful purpose, who has obtained either a user permit or a limited permit under the provisions of this chapter.”

(b) PERMITS FOR PURCHASE OF EXPLOSIVES.—Section 842 of title 18, United States Code, is amended—

(1) in subsection (a)(2), by striking “and”;

(2) by striking subsection (a)(3) and inserting new subsections (a)(3) and (a)(4) to read as follows:

“(3) other than a licensee or permittee knowingly—

“(A) to transport, ship, cause to be transported, or receive any explosive materials, or

“(B) to distribute explosive materials to any person other than a licensee or permittee; or

“(4) who is a holder of a limited permit—

“(A) to transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive materials; or

1 “(B) to receive explosive materials from a
2 licensee or permittee whose premises are located
3 within the holder’s State of residence on more
4 than four occasions different from one another,
5 pursuant to regulations implemented by the
6 Secretary.”;

7 (3) by amending subsection (b) to read as fol-
8 lows:

9 “(b) It shall be unlawful for any licensee or permittee
10 knowingly to distribute any explosive materials to any per-
11 son other than

12 “(1) a licensee;

13 “(2) a holder of a user permit; or

14 “(3) a holder of a limited permit who is a resi-
15 dent of the State where distribution is made and in
16 which the transferor’s premises are located.”; and

17 (4) in the first sentence of subsection (f), by in-
18 serting “, other than a holder of a limited permit,”
19 after “permittee”.

20 (c) LICENSES AND USER PERMITS.—Section 843(a)
21 of title 18, United States Code, is amended—

22 (1) by inserting “or limited permit” after “user
23 permit” in the first sentence;

24 (2) by inserting “, including the names of and
25 appropriate identifying information regarding all

1 employees who will possess explosive materials, as
 2 well as fingerprints and a photograph of the appli-
 3 cant (including, in the case of a corporation, part-
 4 nership, or association, any individual possessing, di-
 5 rectly or indirectly, the power to direct or cause the
 6 direction of the management and policies of the cor-
 7 poration, partnership, or association)” before the pe-
 8 riod at the end of the first sentence; and

9 (3) by striking the third sentence and inserting
 10 “Each license or user permit shall be valid for no
 11 longer than three years from date of issuance and
 12 each limited permit shall be valid for no longer than
 13 one year from date of issuance. Each license or per-
 14 mit shall be renewable upon the same conditions and
 15 subject to the same restrictions as the original li-
 16 cense or permit and upon payment of a renewal fee
 17 not to exceed one-half of the original fee.”.

18 (d) CRITERIA FOR APPROVING LICENSES AND PER-
 19 MITS.—Section 843(b) of title 18, United States Code, is
 20 amended—

21 (1) by redesignating paragraphs (2), (3), (4),
 22 and (5), as paragraphs (3), (4), (5), and (6), respec-
 23 tively, and inserting a new paragraph (2) to read as
 24 follows:

1 “(2) none of the employees of the applicant who
2 will possess explosive materials in the course of their
3 employment with the applicant is a person whose
4 possession of explosives would be unlawful under
5 section 842(i) of this chapter;”;

6 (2) by striking the word “and” at the end of
7 paragraph (5), as redesignated;

8 (3) by striking the period at the end of para-
9 graph (6), as redesignated, and inserting “; and”;
10 and

11 (4) by adding a new paragraph (7) to read as
12 follows:

13 “(7) in the case of a limited permit, the appli-
14 cant has certified in writing that he or she will not
15 receive explosive materials on more than four occa-
16 sions different from one another during the 12-
17 month period for which the limited permit is valid.”.

18 (e) INSPECTION AUTHORITY.—Section 843(f) of title
19 18, United States Code, is amended—

20 (1) in the first sentence—

21 (A) by striking “permittees” and inserting
22 “holders of user permits”, and

23 (B) by inserting “licensees and permittees”
24 before the words “shall submit”; and

1 (2) in the second sentence, by striking “per-
 2 mittee” the first time it appears and inserting “hold-
 3 er of a user permit”.

4 (f) POSTING OF PERMITS.—Section 843(g) of title
 5 18, United States Code, is amended by inserting “user”
 6 before “permits”.

7 (g) EFFECTIVE DATE.—The amendments made by
 8 this section shall take effect 180 days after the date of
 9 enactment of this Act.

10 **SEC. 403. PERSONS PROHIBITED FROM RECEIVING OR POS-**
 11 **SESSING EXPLOSIVE MATERIALS.**

12 (a) DISTRIBUTION OF EXPLOSIVES.—Section 842(d)
 13 of title 18, United States Code, is amended—

14 (1) by striking “or” at the end of paragraph
 15 (5);

16 (2) by striking the period at the end of para-
 17 graph (6) and inserting “ or who has been com-
 18 mitted to a mental institution;”; and

19 (3) by adding at the end the following new
 20 paragraphs:

21 “(7) is an alien, other than a lawful permanent
 22 resident alien (as that term is defined in section
 23 101(a)(20) of the Immigration and Nationality Act)
 24 or an alien described in subsection (q)(2);

1 “(8) who has been discharged from the Armed
2 Forces under dishonorable conditions; or

3 “(9) who, having been a citizen of the United
4 States, has renounced his citizenship.”.

5 (b) POSSESSION OF EXPLOSIVE MATERIALS.—Sec-
6 tion 842(i) of title 18, United States Code, is amended—

7 (1) by striking “or” at the end of paragraph
8 (3);

9 (2) by inserting after paragraph (4) the fol-
10 lowing new paragraphs:

11 “(5) who, is an alien, other than a lawful per-
12 manent resident alien (as that term is defined in
13 section 101(a)(20) of the Immigration and Nation-
14 ality Act) or an alien described in subsection (q)(2);

15 “(6) who has been discharged from the Armed
16 Forces under dishonorable conditions; or

17 “(7) who, having been a citizen of the United
18 States, has renounced his citizenship.”.

19 (c) DEFINITION.—Section 842 of title 18, United
20 States Code, is amended by adding at the end a new sub-
21 section (q) as follows:

22 “(q) PROVISIONS RELATING TO LEGAL ALIENS.—

23 “(1) DEFINITION.—In this subsection, the term
24 ‘alien’ has the same meaning as in section 101(a)(3)

1 of the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(3)).

3 “(2) EXCEPTIONS.—Sections (d)(7) and (i)(5)
4 do not apply to any alien who is in lawful non-immi-
5 grant status, is a refugee admitted under section
6 207 of the Immigration and Nationality Act (8
7 U.S.C. 1157), or is in asylum status under section
8 208 of the Immigration and Nationality Act (8
9 U.S.C. 1158), and

10 “(A) is a foreign law enforcement officer of
11 a friendly foreign government entering the
12 United States on official law enforcement busi-
13 ness;

14 “(B) is a person having the power to direct
15 or cause the direction of the management and
16 policies of a corporation, partnership, or asso-
17 ciation licensed pursuant to section 843(a), and
18 shipping, transporting, possessing, or receiving
19 explosive materials related to such authority; or

20 “(C) is a member of a NATO or other
21 friendly foreign military force (whether or not
22 admitted in a non-immigrant status) who is
23 present in the United States under military or-
24 ders for training or other authorized purpose,
25 and the shipping, transporting, possessing, or

1 receiving explosive materials is in furtherance of
2 the military purpose.”.

3 “(3) WAIVER.—

4 “(A) CONDITIONS FOR WAIVER.—Any indi-
5 vidual who has been admitted to the United
6 States under a non-immigrant visa may receive
7 a waiver from the requirements of subsection
8 (i)(5) if:

9 “(i) the individual submits to the At-
10 torney General a petition that meets the
11 requirements of subparagraph (C); and

12 “(ii) the Attorney General approves
13 the petition.

14 “(B) PETITION.—Each petition under sub-
15 paragraph (B) shall—

16 “(i) demonstrate that the petitioner
17 has resided in the United States for a con-
18 tinuous period of not less than 180 days
19 before the date on which the petition is
20 submitted under this paragraph; and

21 “(ii) include a written statement from
22 the embassy or consulate of the petitioner,
23 authorizing the petitioner to acquire explo-
24 sives and certifying that the alien would
25 not, absent the application of subsection

1 (i)(5), otherwise be prohibited from such
 2 an acquisition under subsection (i).

3 “(C) APPROVAL OF PETITION.—The Attor-
 4 ney General shall approve a petition submitted
 5 in accordance with this paragraph if the Attor-
 6 ney General determines that waiving the re-
 7 quirements of subsection (i)(5), with respect to
 8 the petitioner—

9 “(i) would be in the interests of jus-
 10 tice; and

11 “(ii) would not jeopardize the public
 12 safety.”.

13 **SEC. 404. REQUIREMENT TO PROVIDE SAMPLES OF EXPLO-**
 14 **SIVE MATERIALS AND AMMONIUM NITRATE.**

15 Section 843 of title 18, United States Code, is
 16 amended by adding at the end the following new sub-
 17 section:

18 “(h) Licensed manufacturers and licensed importers
 19 and persons who manufacture or import explosive mate-
 20 rials or ammonium nitrate shall, when required by letter
 21 issued by the Secretary, furnish samples of such explosive
 22 materials or ammonium nitrate, information on chemical
 23 composition of such products, and any other information
 24 that the Secretary determines is relevant to the identifica-
 25 tion and classification of the explosive materials or to iden-

1 tification of the ammonium nitrate. The Secretary may,
2 by regulation, authorize reimbursement of the fair market
3 value of samples furnished pursuant to this subsection, as
4 well as the reasonable costs of shipment.”.

5 **SEC. 405. DESTRUCTION OF PROPERTY OF INSTITUTIONS**

6 **RECEIVING FEDERAL FINANCIAL ASSIST-**
7 **ANCE.**

8 Section 844(f)(1) of title 18, United States Code, is
9 amended by inserting “or any institution or organization
10 receiving Federal financial assistance,” before the word
11 “shall”.

