

108TH CONGRESS
2D SESSION

H. R. 5162

To provide for the safe and secure storage of explosive materials by State and local law enforcement agencies.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2004

Mr. SHAYS (for himself, Mr. LANTOS, and Ms. ESHOO) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the safe and secure storage of explosive materials by State and local law enforcement agencies.

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. SAFE AND SECURE STORAGE OF EXPLOSIVE**
4 **MATERIALS BY STATE AND LOCAL LAW EN-**
5 **FORCEMENT AGENCIES.**

6 (a) REPORTS ON LOCATIONS, TYPES, AND AMOUNTS
7 OF STORED EXPLOSIVE MATERIALS.—

8 (1) INITIAL REPORTS.—Within 6 months after
9 the date of the enactment of this Act, each State
10 shall submit to the Attorney General a written re-

1 port that specifies each location at which any law
2 enforcement agency operating under State law stores
3 or keeps explosive materials that have been shipped
4 or transported in interstate or foreign commerce,
5 and the types and amounts of such materials stored
6 or kept at the location.

7 (2) SUBSEQUENT REPORTS.—At such times as
8 the Attorney General shall provide in regulations,
9 each State shall submit to the Attorney General a
10 written report that updates the most recent report
11 submitted by the agency pursuant to this subsection.

12 (b) REGULATIONS GOVERNING STORAGE OF EXPLO-
13 SIVE MATERIALS.—Within 6 months after the date of the
14 enactment of this Act, the Attorney General shall pre-
15 scribe final regulations governing the storage and keeping
16 by State and local law enforcement agencies of explosive
17 materials that have been shipped or transported in inter-
18 state or foreign commerce. The regulations shall set forth
19 the standards of public safety and security against theft
20 which any place at which explosive materials that have
21 been shipped or transported in interstate or foreign com-
22 merce are so stored or kept shall meet, and shall, at a
23 minimum, require any such place to be subject to video
24 surveillance or to have in operation an alarm system capa-
25 ble of notifying the agency of unauthorized entry.

1 (c) INSPECTION AUTHORITY.—The Attorney General
2 may enter during business hours any place where a State
3 or local law enforcement agency stores or keeps explosive
4 materials that have been shipped or transported in inter-
5 state or foreign commerce, for the purpose of inspecting
6 the explosive materials and determining whether the mate-
7 rials are being stored or kept in compliance with the regu-
8 lations prescribed under subsection (b).

9 (d) AUTHORITY TO IMPOSE PENALTY FOR NON-
10 COMPLIANCE.—

11 (1) AUTHORITY TO REDUCE GRANTS.—If a
12 State or local law enforcement agency fails to com-
13 ply with this section or any regulation prescribed
14 under this section, the Attorney General may reduce
15 by 10 percent the funds that the agency would oth-
16 erwise receive, or would otherwise be allocated,
17 under any grant program of the Department of Jus-
18 tice.

19 (2) REALLOCATION OF FUNDS.—Any funds
20 that are not allocated to a State or local law enforce-
21 ment agency by reason of paragraph (1) shall be re-
22 allocated to other State or local law enforcement
23 agencies whose grants are not reduced by reason of
24 paragraph (1).

1 **SEC. 2. MATCHING GRANTS.**

2 (a) APPLICATION.—A State or local law enforcement
3 agency may submit to the Attorney General an application
4 for a grant under this section, which shall contain—

5 (1) a good faith estimate of the total amount
6 the agency will need to expend to comply with the
7 regulations prescribed under section 1(b); and

8 (2) a certification that the agency has obtained
9 commitments to receive from State or local sources
10 sums totalling not less than $\frac{1}{2}$ of the amount re-
11 ferred to in paragraph (1), and will expend the sums
12 to achieve such compliance.

13 (b) GRANT AUTHORITY.—The Attorney General may
14 make a grant under this section to an applicant therefor
15 if—

16 (1) the application contains the information re-
17 quired by subsection (a)(1) of this section; and

18 (2) the applicant has submitted to the Attorney
19 General all reports required from the applicant by or
20 under section 1(a).

21 (c) AMOUNT OF GRANT.—The amount of the grant
22 to be made to an applicant under this section shall not
23 exceed $\frac{1}{2}$ of the amount set forth in the application pursu-
24 ant to subsection (a)(1).

25 (d) USE OF GRANT.—An applicant who receives a
26 grant under this section shall use the grant only to cover

1 the cost of complying with the regulations prescribed
2 under section 1(b).

3 (e) LIMITATIONS ON AUTHORIZATION OF APPRO-
4 PRIATIONS.—For grants under this section, there are au-
5 thorized to be appropriated to the Attorney General
6 \$10,000,000, without fiscal year limitation.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) EXPLOSIVE MATERIALS.—The term “explo-
10 sive materials” has the meaning given in section
11 841(c) of title 18, United States Code.

12 (2) LAW ENFORCEMENT AGENCY.—The term
13 “law enforcement agency” does not include any com-
14 ponent of the National Guard.

15 (3) STATE.—The term “State” includes the
16 District of Columbia.

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