

Calendar No. 146

108TH CONGRESS
1ST SESSION

S. 724

To amend title 18, United States Code, to exempt certain rocket propellants from prohibitions under that title on explosive materials.

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2003

Mr. ENZI (for himself, Mr. BENNETT, Mr. INHOFE, Mr. COLEMAN, Mr. CRAPO, Mr. BURNS, Mr. ALLARD, Mr. SANTORUM, Ms. MURKOWSKI, Mr. DOMENICI, Mr. SESSIONS, Mr. DURBIN, and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 19, 2003

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 18, United States Code, to exempt certain rocket propellants from prohibitions under that title on explosive materials.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. EXEMPTION OF CERTAIN ROCKET PROPELLANT**
 2 **LANTS FROM CRIMINAL PROHIBITIONS ON**
 3 **EXPLOSIVE MATERIALS.**

4 (a) ~~NON-DETONABLE ROCKET PROPELLANT DE-~~
 5 ~~FINED.~~—Section 841 of title 18, United States Code, is
 6 amended by adding at the end the following:

7 “(t) ‘Non-detonable rocket propellant’ means
 8 any material, chemical, or chemical mixture con-
 9 sisting of fuel and oxidizer that provides thrust to a
 10 rocket, or generates hot, high pressure gas for doing
 11 work in the actuation of various power or mechan-
 12 ical devices, and is classified as a non-explosive by
 13 the Department of Transportation or classified by
 14 the Department of Transportation as a Class 1.3
 15 Explosive or lower.”.

16 (b) ~~EXEMPTION.~~—Section 845(a) of that title is
 17 amended—

18 (1) in paragraph (5), by striking “and” at the
 19 end;

20 (2) in paragraph (6), by striking the period at
 21 the end and inserting “; and”; and

22 (3) by adding at the end the following new
 23 paragraph:

24 “(7) commercially manufactured black powder
 25 in quantities not to exceed two pounds, safety and
 26 pyrotechnic fuses, quick and slow matches, electric

1 matches, igniters, or non-detonable rocket propellant
 2 intended to be used in rockets that do not carry
 3 any—

4 “(A) explosive, incendiary, or poison gas;

5 “(B) bomb;

6 “(C) grenade;

7 “(D) explosive or incendiary charge of
 8 more than three-quarter ounce;

9 “(E) mine; or

10 “(F) device similar to any device referred
 11 to in subparagraphs (A) through (E).”.

12 (c) ~~EFFECTIVE DATE.~~—(1) Subject to paragraph (2),
 13 the amendments made by this section shall take effect on
 14 the date of the enactment of this Act.

15 (2) If the date of the enactment of this section is less
 16 than 180 days after the date of the enactment of the
 17 Homeland Security Act of 2002 (Public Law 107–296),
 18 the amendments made by this section shall take effect im-
 19 mediately after the entry into effect of the amendments
 20 made by section 1122 of that Act (116 Stat. 2280) pursu-
 21 ant to subsection (i) of such section 1122 (116 Stat.
 22 2283).

1 **SECTION 1. EXEMPTION OF APCP USED AS MODEL ROCKET**
 2 **FUEL FROM CRIMINAL PROHIBITIONS ON EX-**
 3 **PLOSIVE MATERIALS.**

4 (a) *IN GENERAL.*—Section 845(a) of title 18, United
 5 States Code, is amended—

6 (1) *in paragraph (5), by striking “and” at the*
 7 *end;*

8 (2) *in paragraph (6), by striking the period at*
 9 *the end and inserting “; and”; and*

10 (3) *by adding at the end the following new para-*
 11 *graph:*

12 “(7) *commercially manufactured black powder*
 13 *in quantities not to exceed 2 pounds, safety and pyro-*
 14 *technic fuses, quick and slow matches, electric*
 15 *matches, igniters, or model rocket motors containing*
 16 *no more than .9 pounds of ammonium perchlorate*
 17 *composite propellant intended to be used in rockets*
 18 *that do not carry any—*

19 “(A) *explosive, incendiary, or poison gas;*

20 “(B) *bomb;*

21 “(C) *grenade;*

22 “(D) *explosive or incendiary charge of more*
 23 *than three-quarter ounce;*

24 “(E) *mine; or*

25 “(F) *device similar to any device referred to*
 26 *in subparagraphs (A) through (E).”.*

1 (b) *EXEMPTION RELATING TO STORAGE.*—Section
2 842(j) of title 18, United States Code, is amended by—
3 (1) inserting “(1)” after “(j)”; and
4 (2) adding at the end the following:
5 “(2) Notwithstanding paragraph (1), a person who
6 possesses ammonium perchlorate composite propellants for
7 purposes of powering recreational model rockets may pos-
8 sess and store quantities not to exceed 25 pounds of such
9 propellants.”.

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