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Safe Explosives Act

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Feb 14, 2002

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 416.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 416. (Jun 13, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/senate-bill/1956>

Sponsor

Name: Sen. Kohl, Herb [D-WI]

Party: Democratic • State: WI • Chamber: Senate

Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cantwell, Maria [D-WA]	D · WA		Feb 14, 2002
Sen. Hatch, Orrin G. [R-UT]	R · UT		Feb 14, 2002
Sen. Schumer, Charles E. [D-NY]	D · NY		Feb 14, 2002
Sen. Durbin, Richard J. [D-IL]	D · IL		Jul 11, 2002

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Jun 13, 2002

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

Safe Explosives Act - Rewrites Federal criminal code provisions regarding the purchase of explosives to create a new "limited permit" category. Prohibits a holder of a limited permit: (1) from transporting, shipping, causing to be transported, or receiving in interstate or foreign commerce explosive materials; (2) from receiving explosive materials from a licensee or permittee whose premises are located outside the holder's State of residence; or (3) on more than six separate occasions during the period of the permit, from receiving explosive materials from one or more licensees or permittees whose premises are located within the holder's State of residence.

Requires license, user permit, and limited permit applicants to include the names of and identifying information (including fingerprints and a photograph of each responsible person) regarding all employees who will be authorized by the applicant to possess explosive materials. Makes each limited permit valid for no longer than one year.

Requires the Secretary of the Treasury to approve or deny an application within 45 days for limited permits and 90 days for licenses and user permits.

Requires the Secretary: (1) if he or she receives from an employer the name and other identifying information with respect to a responsible person or an employee who will be authorized by the employer to possess explosive materials, to determine whether possession of explosives by that person would be unlawful; (2) if he or she determines that possession of explosives by the responsible person or the employee would not be unlawful, to notify the employer in writing or electronically of the determination and to issue to the responsible person or employee a letter of clearance which confirms the determination; and (3) if he or she determines that such possession would be unlawful, to notify the employer and issue to the responsible person or employee a document that confirms the determination, explains the grounds, provides information on how the disability may be relieved, and explains how the determination may be appealed.

(Sec. 3) Includes among aliens who may lawfully receive or possess explosive materials any alien who is in lawful non-immigrant status, is a refugee admitted under the Immigration and Nationality Act (INA), or is in asylum status under the INA and who is: (1) a foreign law enforcement officer of a friendly government; (2) a person having the power to direct the management and policies of a corporation; (3) a member of a North Atlantic Treaty Organization or other friendly foreign military force; or (4) lawfully present in the United States in cooperation with the Director of the Central Intelligence Agency. Includes among persons who are prohibited from receiving or possessing explosives any individual who: (1) is subject to a court restraining order (that meets specified requirements); or (2) has been convicted in any court of a misdemeanor crime of domestic violence.

(Sec. 4) Requires licensed manufacturers, licensed importers, and those who manufacture or import explosive materials or ammonium nitrate to furnish samples and relevant information when required by the Secretary.

(Sec. 5) Sets penalties for the destruction of property of institutions receiving Federal financial assistance.

(Sec. 6) Allows a person who is prohibited from engaging in activity with respect to explosive materials to apply to the Secretary for relief from the disabilities imposed by Federal law with respect to violations, and the Secretary to grant that relief, if specified conditions are met. Establishes procedures for waivers by lawful non-immigrants. Requires each petition for waiver to: (1) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted; and (2) include a written statement from the petitioner's embassy or consulate authorizing the petitioner to acquire explosives and certifying that the alien would not, absent the application of specified provisions, otherwise be prohibited from such an acquisition. Authorizes the Secretary

to approve a petition if the Secretary determines that waiving the requirements: (1) would not jeopardize public safety; and (2) will not be contrary to the public interest.

(Sec. 7) Requires a holder of a license, user permit, or limited user permit to report to the Secretary not later than 24 hours after discovering the theft of any explosive materials.

(Sec. 8) States that nothing in this Act shall be construed to affect exceptions relating to small arms ammunition or relating to commercially manufactured black powder in quantities not to exceed 50 pounds intended to be used solely for sporting, recreational, or cultural purposes in antique firearms.

(Sec. 9) Authorizes appropriations.

## Actions Timeline

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- **Jun 13, 2002:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jun 13, 2002:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Jun 13, 2002:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Jun 13, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 416.
- **Feb 14, 2002:** Introduced in Senate
- **Feb 14, 2002:** Sponsor introductory remarks on measure. (CR S862)
- **Feb 14, 2002:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S862-864)