

(2) hold hearings and receive testimony regarding the recommendations of the Secretary.

(e) REGULATIONS.-

(1) **IN GENERAL.**--Not later than 6 months after the submission of the report required by subsection (c), the Secretary may submit to Congress and publish in the Federal Register draft regulations for the addition of tracer elements to explosive materials manufactured in or imported into the United States, of such character and in such quantity as the Secretary may authorize or require, if the results of the study conducted under subsection (a) indicate that the tracer elements--

- (A) will not pose a risk to human life or safety;
- (B) will substantially assist law enforcement officers in their investigative efforts;
- (C) will not substantially impair the quality of the explosive materials for their intended lawful use;
- (D) will not have a substantially adverse effect on the environment; and
- (E) the costs associated with the addition of the tracers will not outweigh benefits of their inclusion.

(2) **EFFECTIVE DATE.**--The regulations under paragraph (1) shall take effect 270 days after the Secretary submits proposed regulations to Congress pursuant to paragraph (1), except to the extent that the effective date is revised or the regulation is otherwise modified or disapproved by an Act of Congress.

(f) Special Study:

(1) **In general.**--Notwithstanding subsection (a), the Secretary of the Treasury shall enter into a contract with the National Academy of Sciences (referred to in this section as the Academy) to conduct a study of the tagging of smokeless and black powder by any viable technology for purposes of detection and identification. The study shall be conducted by an independent panel of 5 experts appointed by the Academy.

(2) **Study elements.**--The study conducted under this subsection shall--

- (A) indicate whether the tracer elements, when added to smokeless and black powder--
 - (i) will pose a risk to human life or safety;
 - (ii) will substantially assist law enforcement officers in their investigative efforts;
 - (iii) will impair the quality and performance of the powders (which shall include a broad and comprehensive sampling of all available powders) for their intended lawful use, including, but not limited to the sporting, defense, and handloading uses of the powders, as well as their use in display and lawful consumer pyrotechnics;
 - (iv) will have a substantially adverse effect on the environment;
 - (v) will incur costs which outweigh the benefits of their inclusion, including an evaluation of the probable production and regulatory cost of compliance to the industry, and the costs and effects on consumers, including the effect on the demand for ammunition; and
 - (vi) can be evaded, and with what degree of difficulty, by terrorists or terrorist organizations, including evading tracer elements by the use of precursor chemicals to make black or other powders; and
- (B) provide for consultation on the study with Federal, State, and local officials, non-governmental organizations, including all national police organizations, national sporting organizations, and national industry associations with expertise in this area and such other individuals as shall be deemed necessary.

(3) **Report and costs.**--The study conducted under this subsection shall be presented to Congress 12 months after the enactment of this subsection and be made available to the public, including any data tapes or data used to form such recommendations. There are authorized to be appropriated such sums as may be necessary to carry out the study.