

Conference Language Accompanying the Antiterrorism and Effective Death Penalty Act of 1996

Section 732-House amendment sections 301 and 801 recede to Senate sections 708 and 905, with modifications. This section directs the Treasury Secretary to provide to the Congress a study of the feasibility of tagging explosives and precursor chemicals, for the purpose of tracing the explosives back to the manufacturer after an explosion. The study would also evaluate the feasibility of imposing controls on the sale and distribution of certain of those chemicals. Black or smokeless powder is excluded from the study. The section requires input from non-profit fertilizer research centers in the Treasury Secretary's conduct of the study. The section also requires the Treasury Secretary to conduct a study of the licensing requirements applicable in the various states for the purchase and use of commercial high explosives. The phrase "commercial high explosives" is defined, by way of illustration, to include "detonators, detonating cards, dynamite, water gel, emulsion, blasting agents, and boosters." This section also requires the Treasury Secretary to report the results of the study to Congress, together, if deemed necessary, with recommendations for regulation. The Secretary is authorized to promulgate regulations requiring the inclusion of tracing taggants in explosive materials if the taggants will not endanger human life or safety, will substantially assist law enforcement, and are cost-effective. The regulations promulgated pursuant to this authority shall go into effect if Congress does not act within 270 days of the publication of the regulations in the Federal Register.