

**COMPARISON OF S.1956 AND H.R.4864
WITH EXISTING EXPLOSIVES LAWS**

	Existing law	S. 1956	H.R.4864
Intrastate acquisition of explosives	Permit required for interstate acquisition only. No permit required for intrastate acquisition.	"Limited permit" required to obtain explosives intrastate no more than 6 times per year.	"Limited permit" required to obtain explosives intrastate no more than 4 times per year.
Inspection	Licenseses/permittees subject to warrantless inspections of records and inventory during business hours. No limitation on number of inspections.	No warrantless inspections for limited permittees.	No warrantless inspections for limited permittees.
Record keeping	Licenseses/permittees must keep records of acquisition/disposition, explosives transaction records, and magazine summaries for at least 5 years.	No record keeping for limited permittees.	Record keeping for limited permittees by regulation.
Term of license/permit	Licenses/permits valid for 3 years.	Limited permit valid for one year; all others valid for 3 years.	Limited permit valid for one year; all others valid for 3 years.
Cost of licenses/permits.	Statute provides fee for licenses and permits is not to exceed \$200; renewal not to exceed one-half of original fee. Per regulation, fee for manufacturers, importers, and dealers is \$200; \$100 for renewal; user permit fee is \$100; \$50 for renewal; limited permit (one use only) fee is \$75	Fee for limited permit not to exceed \$200; renewal not to exceed one-half of original fee.	Fee for limited permit not to exceed \$200; renewal not to exceed one-half of original fee.

	Existing law	S. 1956	H.R. 4864
Information required in license/permit application	Applications shall be in such form and contain such information as the Secretary shall by regulation prescribe.	Applications for licenses and permits must include names and information regarding all employees who will "handle" explosives. Photos and fingerprints required for responsible persons.	Applicants for licenses and permits must include names and information regarding all employees who will be authorized by the employer to possess explosives. Photos and fingerprints required for responsible persons.
Criteria for issuance of license/permit	Applicant and responsible persons not a prohibited person; applicant has not willfully violated Fed. explosives laws; applicant has place of storage; applicant has certified familiarity with State laws/published ordinances.	All existing requirements+none of applicant's employees who will possess explosives in the course of employment are prohibited; applicant must certify that it will not receive explosives on more than 6 occasions during the 12-month permit period.	All existing requirements+none of applicant's employees who are authorized by the applicant to possess explosives in the course of employment are prohibited; applicant must certify it will not receive explosives on more than 4 occasions during the 12-month period; Secretary must verify by inspection that applicants for license/permit have suitable storage. Inspection required for renewals except limited permits.

	Existing law	S. 1956	H.R. 4864
Background checks	Conducted on applicant and responsible persons.	Conducted on applicant, responsible persons, and employees.	Conducted on applicant, responsible persons, and employees. Secretary must notify applicant, responsible persons, and employees whether they are prohibited, advise of appeal procedures, and how disabilities may be relieved. Must issue letter of clearance if no prohibition on possession of explosives.
Time for acting on applications	Existing law provides 45 days to act on applications.	No amendment.	Increases time for acting on applications from 45 days to 90 days.
Prohibited persons	Existing law makes it unlawful to distribute explosives to persons under indictment for felony; convicted of felony; fugitive from justice; unlawful drug user/addicts; adjudicated as mental defective.	Adds persons committed to mental institutions, illegal aliens, nonimmigrant aliens, persons dishonorably discharged from the military, and renunciants.	Adds persons committed to mental institutions, illegal aliens, nonimmigrant aliens, persons dishonorably discharged from the military, and renunciants.

	Existing law	S. 1956	H.R. 4864
Exceptions from nonimmigrant alien provisions	N/A	Lawful nonimmigrants who are: refugees, asylees, foreign law enforcement officers on official business, responsible persons of explosives licensees/permittees, and members of NATO and other specified armed forces.	Lawful nonimmigrants who are: refugees, asylees, foreign law enforcement officers on official business, responsible persons of explosives licensees/permittees, members of NATO or other specified armed forces, and employees of intelligence agencies of foreign countries cooperating with the CIA.
Waiver from nonimmigrant alien provisions	N/A	Petition to AG-petitioner has resided in U.S. for 180 days, written statement from embassy or consulate authorizing acquisition of explosives and certifying that alien would not be prohibited. AG approval in the interests of justice/no jeopardy to public safety.	No provision-duplicates relief from disabilities.

	Existing law	S. 1956	H.R. 4864
Samples	No authority to require samples.	Licensed manufacturers, licensed importers, and persons who manufacture or import explosives or ammonium nitrate shall submit samples and info on products when required by the Secretary. Secretary may authorize reimbursement for cost and shipment.	Persons who manufacture or import explosives or ammonium nitrate shall submit samples and info on products when required by the Secretary. Secretary required to issue regulations authorizing reimbursement for cost and shipment.
844(f)	Language in section 844(f) making it a crime to destroy by means of fire or an explosive any property owned, possessed by, or leased to "any institution or organization receiving Federal financial assistance" was dropped when this subsection was amended in 1996.	Restores language making it a crime to destroy by means of fire or an explosive any property owned, possessed by, or leased to "any institution or organization receiving Federal financial assistance."	Restores language making it a crime to destroy by means of fire or an explosive any property owned, possessed by, or leased to "any institution or organization receiving Federal financial assistance."
Relief from disabilities	Existing law gives Secretary the authority to grant relief to persons indicted for felony or convicted of felony. Relief granted if not contrary to public interest.	Expands Secretary's authority to grant relief to include all categories of prohibited persons.	Expands Secretary's authority to grant relief to include all categories of prohibited persons.

	Existing law	S.1956	H.R. 4864
Theft reporting	Section 842(k) requires any person to report theft or loss of explosives within 24 hours of discovery to the Secretary and to local authorities. Penalty is fine of not more than \$100,000 + not more than one year imprisonment.	Adds new 842(r) to require limited permittees to report thefts of explosives to Secretary not later than 24 hours after discovery. Penalty for failure to make report is \$10,000 + not more than 5 years imprisonment.	No new provision.
Exceptions	Section 845 exceptions include smokeless powder exception and black powder exception (50 pounds for sporting or cultural purposes).	Specifically provides that amendments not construed to affect 845(a)(4) and 845(a)(5) exceptions, relating to smokeless powder and black powder.	No new provision.
Effective date	N/A	Permit provisions take effect 180 days after enactment; rest of bill takes effect on date of enactment.	Permit provisions take effect 180 days after enactment; rest of bill takes effect on date of enactment.