

TITLE XI--DEPARTMENT OF JUSTICE DIVISIONS

Subtitle A--Executive Office for Immigration Review

SEC. 1101. LEGAL STATUS OF EOIR.

(a) EXISTENCE OF EOIR- There is in the Department of Justice the Executive Office for Immigration Review, which shall be subject to the direction and regulation of the Attorney General under section 103(g) of the Immigration and Nationality Act, as added by section 1102.

SEC. 1102. AUTHORITIES OF THE ATTORNEY GENERAL.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) as amended by this Act, is further amended by--

(1) amending the heading to read as follows:

‘POWERS AND DUTIES OF THE SECRETARY, THE UNDER SECRETARY, AND THE ATTORNEY GENERAL’;

(2) in subsection (a)--

(A) by inserting ‘Attorney General,’ after ‘President,;’ and

(B) by redesignating paragraphs (8), (9), (8) (as added by section 372 of Public Law 104-208), and (9) (as added by section 372 of Public Law 104-208) as paragraphs (8), (9), (10), and (11), respectively; and

(3) by adding at the end the following new subsection:

‘(g) ATTORNEY GENERAL-

‘(1) IN GENERAL- The Attorney General shall have such authorities and functions under this Act and all other laws relating to the immigration and naturalization of aliens as were exercised by the Executive Office for Immigration Review, or by the Attorney General with respect to the Executive Office for Immigration Review, on the day before the effective date of the Immigration Reform, Accountability and Security Enhancement Act of 2002.

‘(2) POWERS- The Attorney General shall establish such regulations, prescribe such forms of bond, reports, entries, and other papers, issue such instructions, review such administrative determinations in immigration proceedings, delegate such authority, and perform such other acts as the Attorney General determines to be necessary for carrying out this section.’.

SEC. 1103. STATUTORY CONSTRUCTION.

Nothing in this Act, any amendment made by this Act, or in section 103 of the Immigration and Nationality Act, as amended by section 1102, shall be construed to limit judicial deference to regulations, adjudications, interpretations, orders, decisions, judgments, or any other actions of the Secretary of Homeland Security or the Attorney General.

Subtitle B--Transfer of the Bureau of Alcohol, Tobacco and Firearms to the Department of Justice

SEC. 1111. BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

(a) ESTABLISHMENT-

(1) IN GENERAL- There is established within the Department of Justice under the general authority of the Attorney General the Bureau of Alcohol, Tobacco, Firearms, and Explosives (in this section referred to as the 'Bureau').

(2) DIRECTOR- There shall be at the head of the Bureau a Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives (in this subtitle referred to as the 'Director'). The Director shall be appointed by the Attorney General and shall perform such functions as the Attorney General shall direct. The Director shall receive compensation at the rate prescribed by law under section 5314 of title V, United States Code, for positions at level III of the Executive Schedule.

(3) COORDINATION- The Attorney General, acting through the Director and such other officials of the Department of Justice as the Attorney General may designate, shall provide for the coordination of all firearms, explosives, tobacco enforcement, and arson enforcement functions vested in the Attorney General so as to assure maximum cooperation between and among any officer, employee, or agency of the Department of Justice involved in the performance of these and related functions.

(4) PERFORMANCE OF TRANSFERRED FUNCTIONS- The Attorney General may make such provisions as the Attorney General determines appropriate to authorize the performance by any officer, employee, or agency of the Department of Justice of any function transferred to the Attorney General under this section.

(b) RESPONSIBILITIES- Subject to the direction of the Attorney General, the Bureau shall be responsible for investigating--

(1) criminal and regulatory violations of the Federal firearms, explosives, arson, alcohol, and tobacco smuggling laws;

(2) the functions transferred by subsection (c); and

(3) any other function related to the investigation of violent crime or domestic terrorism that is delegated to the Bureau by the Attorney General.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT OF JUSTICE-

(1) IN GENERAL- Subject to paragraph (2), but notwithstanding any other provision of law, there are transferred to the Department of Justice the authorities, functions, personnel, and assets of the Bureau of Alcohol, Tobacco and Firearms, which shall be maintained as a distinct entity within the Department of Justice, including the related functions of the Secretary of the Treasury.

(2) ADMINISTRATION AND REVENUE COLLECTION FUNCTIONS- There shall be retained within the Department of the Treasury the authorities, functions, personnel, and assets of the Bureau of Alcohol, Tobacco and Firearms relating to the administration and enforcement of chapters 51 and 52 of the Internal Revenue Code of 1986, sections 4181 and 4182 of the Internal Revenue Code of 1986, and title 27, United States Code.

(3) BUILDING PROSPECTUS- Prospectus PDC-98W10, giving the General Services Administration the authority for site acquisition, design, and construction of a new headquarters building for the Bureau of Alcohol, Tobacco and Firearms, is transferred, and deemed to apply, to the Bureau of Alcohol, Tobacco, Firearms, and Explosives established in the Department of Justice under subsection (a).

(d) TAX AND TRADE BUREAU-

(1) ESTABLISHMENT- There is established within the Department of the Treasury the Tax and Trade Bureau.

(2) ADMINISTRATOR- The Tax and Trade Bureau shall be headed by an Administrator, who shall perform such duties as assigned by the Under Secretary for Enforcement of the Department of the Treasury. The Administrator shall occupy a career-reserved position within the Senior Executive Service.

(3) RESPONSIBILITIES- The authorities, functions, personnel, and assets of the Bureau of Alcohol, Tobacco and Firearms that are not transferred to the Department of Justice under this section shall be retained and administered by the Tax and Trade Bureau.

SEC. 1112. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The Inspector General Act of 1978 (5 U.S.C. App.) is amended--

(1) in section 8D(b)(1) by striking `Bureau of Alcohol, Tobacco and Firearms' and inserting `Tax and Trade Bureau'; and

(2) in section 9(a)(1)(L)(i), by striking `Bureau of Alcohol, Tobacco, and Firearms' and inserting `Tax and Trade Bureau'.

(b) Section 1109(c)(2)(A)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (7 U.S.C. 1445-3(c)(2)(A)(i)) is amended by striking `(on ATF Form 3068) by manufacturers of tobacco products to the Bureau of Alcohol, Tobacco and Firearms' and inserting `by manufacturers of tobacco products to the Tax and Trade Bureau'.

(c) Section 2(4)(J) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107-173; 8 U.S.C.A. 1701(4)(J)) is amended by striking `Bureau of Alcohol, Tobacco, and Firearms' and inserting `Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice'.

(d) Section 3(1)(E) of the Firefighters' Safety Study Act (15 U.S.C. 2223b(1)(E)) is amended by striking `the Bureau of Alcohol, Tobacco, and Firearms,' and inserting `the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice,'.

(e) Chapter 40 of title 18, United States Code, is amended--

(1) by striking section 841(k) and inserting the following:

`(k) `Attorney General' means the Attorney General of the United States.';

(2) in section 846(a), by striking `the Attorney General and the Federal Bureau of Investigation, together with the Secretary' and inserting `the Federal Bureau of Investigation, together with the Bureau of Alcohol, Tobacco, Firearms, and Explosives'; and

(3) by striking `Secretary' each place it appears and inserting `Attorney General'.

(f) Chapter 44 of title 18, United States Code, is amended--

(1) in section 921(a)(4)(B), by striking `Secretary' and inserting `Attorney General';

(2) in section 921(a)(4), by striking `Secretary of the Treasury' and inserting `Attorney General';

(3) in section 921(a), by striking paragraph (18) and inserting the following:

`(18) The term `Attorney General' means the Attorney General of the United States';

(4) in section 922(p)(5)(A), by striking `after consultation with the Secretary' and inserting `after consultation with the Attorney General';

(5) in section 923(l), by striking `Secretary of the Treasury' and inserting `Attorney General'; and

(6) by striking `Secretary' each place it appears, except before `of the Army' in section 921(a)(4) and before `of Defense' in section 922(p)(5)(A), and inserting the term `Attorney General'.

(g) Section 1261(a) of title 18, United States Code, is amended to read as follows:

`(a) The Attorney General--

`(1) shall enforce the provisions of this chapter; and

`(2) has the authority to issue regulations to carry out the provisions of this chapter.'.

(h) Section 1952(c) of title 18, United States Code, is amended by striking `Secretary of the Treasury' and inserting `Attorney General'.

(i) Chapter 114 of title 18, United States Code, is amended--

(1) by striking section 2341(5), and inserting the following:

`(5) the term `Attorney General' means the Attorney General of the United States'; and

(2) by striking `Secretary' each place it appears and inserting `Attorney General'.

(j) Section 6103(i)(8)(A)(i) of the Internal Revenue Code of 1986 (relating to confidentiality and disclosure of returns and return information) is amended by striking `or the Bureau of Alcohol, Tobacco and Firearms' and inserting `, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, or the Tax and Trade Bureau, Department of the Treasury,'.

(k) Section 7801(a) of the Internal Revenue Code of 1986 (relating to the authority of the Department of the Treasury) is amended--

(1) by striking `SECRETARY- Except' and inserting `SECRETARY-

`(1) IN GENERAL- Except'; and

(2) by adding at the end the following:

`(2) ADMINISTRATION AND ENFORCEMENT OF CERTAIN PROVISIONS BY ATTORNEY GENERAL-

`(A) IN GENERAL- The administration and enforcement of the following provisions of this title shall be performed by or under the supervision of the Attorney General; and the term `Secretary' or `Secretary of the Treasury' shall, when applied to those provisions, mean the Attorney General; and the term `internal revenue officer' shall, when applied to those provisions, mean any officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives so designated by the Attorney General:

`(i) Chapter 53.

`(ii) Chapters 61 through 80, to the extent such chapters relate to the enforcement and administration of the provisions referred to in clause (i).

`(B) USE OF EXISTING RULINGS AND INTERPRETATIONS- Nothing in this Act alters or repeals the rulings and interpretations of the Bureau of Alcohol, Tobacco, and Firearms in effect on the effective date of the Homeland Security Act of 2002, which concern the provisions of this title referred to in subparagraph (A). The Attorney General shall consult with the Secretary to achieve uniformity and consistency in administering provisions under chapter 53 of title 26, United States Code.'.

(l) Section 2006(2) of title 28, United States Code, is amended by inserting `, the Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice,' after `the Secretary of the Treasury'.

(m) Section 713 of title 31, United States Code, is amended--

(1) by striking the section heading and inserting the following:

`Sec. 713. Audit of Internal Revenue Service, Tax and Trade Bureau, and Bureau of Alcohol, Tobacco, Firearms, and Explosives';

(2) in subsection (a), by striking `Bureau of Alcohol, Tobacco, and Firearms,' and inserting `Tax and Trade Bureau, Department of the Treasury, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice'; and

(3) in subsection (b)

(A) in paragraph (1)(B), by striking `or the Bureau' and inserting `or either Bureau';

(B) in paragraph (2)--

(i) by striking `or the Bureau' and inserting `or either Bureau'; and

(ii) by striking `and the Director of the Bureau' and inserting `the Tax and Trade Bureau, Department of the Treasury, and the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice'; and

(C) in paragraph (3), by striking `or the Bureau' and inserting `or either Bureau'.

(n) Section 9703 of title 31, United States Code, is amended--

(1) in subsection (a)(2)(B)--

(A) in clause (iii)(III), by inserting `and' after the semicolon;

(B) in clause (iv), by striking `; and' and inserting a period; and

(C) by striking clause (v);

(2) by striking subsection (o);

(3) by redesignating existing subsection (p) as subsection (o); and

(4) in subsection (o)(1), as redesignated by paragraph (3), by striking `Bureau of Alcohol, Tobacco and Firearms' and inserting `Tax and Trade Bureau'.

(o) Section 609N(2)(L) of the Justice Assistance Act of 1984 (42 U.S.C. 10502(2)(L)) is amended by striking `Bureau of Alcohol, Tobacco, and Firearms' and inserting `Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice'.

(p) Section 32401(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921(a)) is amended--

(1) by striking `Secretary of the Treasury' each place it appears and inserting `Attorney General'; and

(2) in subparagraph (3)(B), by striking `Bureau of Alcohol, Tobacco and Firearms' and inserting `Bureau of Alcohol, Tobacco,

Firearms, and Explosives, Department of Justice'.

(q) Section 80303 of title 49, United States Code, is amended--

(1) by inserting `or, when the violation of this chapter involves contraband described in paragraph (2) or (5) of section 80302(a), the Attorney General' after `section 80304 of this title.'; and

(2) by inserting `, the Attorney General,' after `by the Secretary'.

(r) Section 80304 of title 49, United States Code, is amended--

(1) in subsection (a), by striking `(b) and (c)' and inserting `(b), (c), and (d)';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c), the following:

`(d) ATTORNEY GENERAL- The Attorney General, or officers, employees, or agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice designated by the Attorney General, shall carry out the laws referred to in section 80306(b) of this title to the extent that the violation of this chapter involves contraband described in section 80302 (a)(2) or (a)(5).'

(s) Section 103 of the Gun Control Act of 1968 (Public Law 90-618; 82 Stat. 1226) is amended by striking `Secretary of the Treasury' and inserting `Attorney General'.

SEC. 1113. POWERS OF AGENTS OF THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

Chapter 203 of title 18, United States Code, is amended by adding the following:

`Sec. 3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives.

`(a) Special agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, as well as any other investigator or officer charged by the Attorney General with the duty of enforcing any of the criminal, seizure, or forfeiture provisions of the laws of the United States, may carry firearms, serve warrants and subpoenas issued under the authority of the United States and make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

`(b) Any special agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may, in respect to the performance of his or her duties, make seizures of property subject to forfeiture to the United States.

`(c)(1) Except as provided in paragraphs (2) and (3), and except to the extent that such provisions conflict with the provisions of section 983 of title 18, United States Code, insofar as section 983 applies, the provisions of the Customs laws relating to--

`(A) the seizure, summary and judicial forfeiture, and condemnation of property;

`(B) the disposition of such property;

`(C) the remission or mitigation of such forfeiture; and

`(D) the compromise of claims,

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under any applicable provision of law enforced or administered by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

`(2) For purposes of paragraph (1), duties that are imposed upon a customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws of the United States shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or any other person as may be authorized or designated for that purpose by the Attorney General.

`(3) Notwithstanding any other provision of law, the disposition of firearms forfeited by reason of a violation of any law of the United States shall be governed by the provisions of section 5872(b) of the Internal Revenue Code of 1986.'

SEC. 1114. EXPLOSIVES TRAINING AND RESEARCH FACILITY.

(a) ESTABLISHMENT- There is established within the Bureau an Explosives Training and Research Facility at Fort AP Hill, Fredericksburg, Virginia.

(b) PURPOSE- The facility established under subsection (a) shall be utilized to train Federal, State, and local law enforcement officers to--

(1) investigate bombings and explosions;

(2) properly handle, utilize, and dispose of explosive materials

and devices;

(3) train canines on explosive detection; and

(4) conduct research on explosives.

(c) AUTHORIZATION OF APPROPRIATIONS-

(1) IN GENERAL- There are authorized to be appropriated such sums as may be necessary to establish and maintain the facility established under subsection (a).

(2) AVAILABILITY OF FUNDS- Any amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1115. PERSONNEL MANAGEMENT DEMONSTRATION PROJECT.

Notwithstanding any other provision of law, the Personnel Management Demonstration Project established under section 102 of title I of Division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999 (Pub. L. 105-277; 122 Stat. 2681-585) shall be transferred to the Attorney General of the United States for continued use by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, and the Secretary of the Treasury for continued use by the Tax and Trade Bureau.

Subtitle C--Explosives

SEC. 1121. SHORT TITLE.

This subtitle may be referred to as the 'Safe Explosives Act'.

SEC. 1122. PERMITS FOR PURCHASERS OF EXPLOSIVES.

(a) DEFINITIONS- Section 841 of title 18, United States Code, is amended--

(1) by striking subsection (j) and inserting the following:

'(j) 'Permittee' means any user of explosives for a lawful purpose, who has obtained either a user permit or a limited permit under the provisions of this chapter.'; and

(2) by adding at the end the following:

'(r) 'Alien' means any person who is not a citizen or national of the United States.

'(s) 'Responsible person' means an individual who has the power to direct the management and policies of the applicant pertaining to explosive materials.'

(b) PERMITS FOR PURCHASE OF EXPLOSIVES- Section 842 of title 18, United States Code, is amended--

(1) in subsection (a)(2), by striking `and' at the end;

(2) by striking subsection (a)(3) and inserting the following:

`(3) other than a licensee or permittee knowingly--

`(A) to transport, ship, cause to be transported, or receive any explosive materials; or

`(B) to distribute explosive materials to any person other than a licensee or permittee; or

`(4) who is a holder of a limited permit--

`(A) to transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive materials; or

`(B) to receive explosive materials from a licensee or permittee, whose premises are located outside the State of residence of the limited permit holder, or on more than 6 separate occasions, during the period of the permit, to receive explosive materials from 1 or more licensees or permittees whose premises are located within the State of residence of the limited permit holder.'; and

(3) by striking subsection (b) and inserting the following:

`(b) It shall be unlawful for any licensee or permittee to knowingly distribute any explosive materials to any person other than--

`(1) a licensee;

`(2) a holder of a user permit; or

`(3) a holder of a limited permit who is a resident of the State where distribution is made and in which the premises of the transferor are located.'

(c) LICENSES AND USER PERMITS- Section 843(a) of title 18, United States Code, is amended--

(1) in the first sentence--

(A) by inserting `or limited permit' after `user permit'; and

(B) by inserting before the period at the end the following:
`, including the names of and appropriate identifying information regarding all employees who will be authorized by the applicant to possess explosive materials, as well as fingerprints and a photograph of each responsible person';

(2) in the second sentence, by striking `'\$200 for each' and inserting `'\$50 for a limited permit and \$200 for any other'; and

(3) by striking the third sentence and inserting `Each license or user permit shall be valid for not longer than 3 years from the date of issuance and each limited permit shall be valid for not longer than 1 year from the date of issuance. Each license or permit shall be renewable upon the same conditions and subject to the same restrictions as the original license or permit, and upon payment of a renewal fee not to exceed one-half of the original fee.'.

(d) CRITERIA FOR APPROVING LICENSES AND PERMITS- Section 843(b) of title 18, United States Code, is amended--

(1) by striking paragraph (1) and inserting the following:

`(1) the applicant (or, if the applicant is a corporation, partnership, or association, each responsible person with respect to the applicant) is not a person described in section 842(i);';

(2) in paragraph (4)--

(A) by inserting `(A) the Secretary verifies by inspection or, if the application is for an original limited permit or the first or second renewal of such a permit, by such other means as the Secretary determines appropriate, that' before `the applicant'; and

(B) by adding at the end the following:

`(B) subparagraph (A) shall not apply to an applicant for the renewal of a limited permit if the Secretary has verified, by inspection within the preceding 3 years, the matters described in subparagraph (A) with respect to the applicant; and';

(3) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

`(6) none of the employees of the applicant who will be authorized by the applicant to possess explosive materials is any person described in section 842(i); and

`(7) in the case of a limited permit, the applicant has certified in writing that the applicant will not receive explosive materials on more than 6 separate occasions during the 12-month period for which the limited permit is valid.'

(e) APPLICATION APPROVAL- Section 843(c) of title 18, United States Code, is amended by striking `forty-five days' and inserting `90 days for licenses and permits,'.

(f) INSPECTION AUTHORITY- Section 843(f) of title 18, United States Code, is amended--

(1) in the first sentence--

(A) by striking `permittees' and inserting `holders of user permits'; and

(B) by inserting `licensees and permittees' before `shall submit';

(2) in the second sentence, by striking `permittee' the first time it appears and inserting `holder of a user permit'; and

(3) by adding at the end the following: `The Secretary may inspect the places of storage for explosive materials of an applicant for a limited permit or, at the time of renewal of such permit, a holder of a limited permit, only as provided in subsection (b)(4).

(g) POSTING OF PERMITS- Section 843(g) of title 18, United States Code, is amended by inserting `user' before `permits'.

(h) BACKGROUND CHECKS; CLEARANCES- Section 843 of title 18, United States Code, is amended by adding at the end the following:

`(h)(1) If the Secretary receives, from an employer, the name and other identifying information of a responsible person or an employee who will be authorized by the employer to possess explosive materials in the course of employment with the employer, the Secretary shall determine whether the responsible person or employee is one of the persons described in any paragraph of section 842(i). In making the determination, the Secretary may take into account a letter or document issued under paragraph (2).

`(2)(A) If the Secretary determines that the responsible person or the employee is not one of the persons described in any paragraph of section 842(i), the Secretary shall notify the employer in writing or electronically of the determination and issue, to the responsible person or employee, a letter of clearance, which confirms the determination.

`(B) If the Secretary determines that the responsible person or employee is one of the persons described in any paragraph of section 842(i), the Secretary shall notify the employer in writing or electronically of the determination and issue to the responsible person or the employee, as the case may be, a document that--

`(i) confirms the determination;

`(ii) explains the grounds for the determination;

`(iii) provides information on how the disability may be relieved; and

`(iv) explains how the determination may be appealed.'

(i) EFFECTIVE DATE-

(1) IN GENERAL- The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

(2) EXCEPTION- Notwithstanding any provision of this Act, a license or permit issued under section 843 of title 18, United States Code, before the date of enactment of this Act, shall remain valid until that license or permit is revoked under section 843(d) or expires, or until a timely application for renewal is acted upon.

SEC. 1123. PERSONS PROHIBITED FROM RECEIVING OR POSSESSING EXPLOSIVE MATERIALS.

(a) DISTRIBUTION OF EXPLOSIVES- Section 842(d) of title 18, United States Code, is amended--

(1) in paragraph (5), by striking `or' at the end;

(2) in paragraph (6), by striking the period at the end and inserting `or who has been committed to a mental institution;'; and

(3) by adding at the end the following:

`(7) is an alien, other than an alien who--

`(A) is lawfully admitted for permanent residence (as defined in section 101 (a)(20) of the Immigration and Nationality Act); or

`(B) is in lawful nonimmigrant status, is a refugee admitted under section 207 of the Immigration and Nationality Act (8

U.S.C. 1157), or is in asylum status under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), and--

`(i) is a foreign law enforcement officer of a friendly foreign government, as determined by the Secretary in consultation with the Secretary of State, entering the United States on official law enforcement business, and the shipping, transporting, possession, or receipt of explosive materials is in furtherance of this official law enforcement business;

`(ii) is a person having the power to direct or cause the direction of the management and policies of a corporation, partnership, or association licensed pursuant to section 843(a), and the shipping, transporting, possession, or receipt of explosive materials is in furtherance of such power;

`(iii) is a member of a North Atlantic Treaty Organization (NATO) or other friendly foreign military force, as determined by the Secretary in consultation with the Secretary of Defense, (whether or not admitted in a nonimmigrant status) who is present in the United States under military orders for training or other military purpose authorized by the United States, and the shipping, transporting, possession, or receipt of explosive materials is in furtherance of the military purpose; or

`(iv) is lawfully present in the United States in cooperation with the Director of Central Intelligence, and the shipment, transportation, receipt, or possession of the explosive materials is in furtherance of such cooperation;

`(8) has been discharged from the armed forces under dishonorable conditions;

`(9) having been a citizen of the United States, has renounced the citizenship of that person.'

(b) POSSESSION OF EXPLOSIVE MATERIALS- Section 842(i) of title 18, United States Code, is amended--

(1) in paragraph (3), by striking `or' at the end; and

(2) by inserting after paragraph (4) the following:

`(5) who is an alien, other than an alien who--

`(A) is lawfully admitted for permanent residence (as that

term is defined in section 101(a)(20) of the Immigration and Nationality Act); or

`(B) is in lawful nonimmigrant status, is a refugee admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or is in asylum status under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), and--

`(i) is a foreign law enforcement officer of a friendly foreign government, as determined by the Secretary in consultation with the Secretary of State, entering the United States on official law enforcement business, and the shipping, transporting, possession, or receipt of explosive materials is in furtherance of this official law enforcement business;

`(ii) is a person having the power to direct or cause the direction of the management and policies of a corporation, partnership, or association licensed pursuant to section 843(a), and the shipping, transporting, possession, or receipt of explosive materials is in furtherance of such power;

`(iii) is a member of a North Atlantic Treaty Organization (NATO) or other friendly foreign military force, as determined by the Secretary in consultation with the Secretary of Defense, (whether or not admitted in a nonimmigrant status) who is present in the United States under military orders for training or other military purpose authorized by the United States, and the shipping, transporting, possession, or receipt of explosive materials is in furtherance of the military purpose; or

`(iv) is lawfully present in the United States in cooperation with the Director of Central Intelligence, and the shipment, transportation, receipt, or possession of the explosive materials is in furtherance of such cooperation;

`(6) who has been discharged from the armed forces under dishonorable conditions;

`(7) who, having been a citizen of the United States, has renounced the citizenship of that person'; and

(3) by inserting `or affecting' before `interstate' each place that term appears.

SEC. 1124. REQUIREMENT TO PROVIDE SAMPLES OF EXPLOSIVE MATERIALS AND

AMMONIUM NITRATE.

Section 843 of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

`(i) FURNISHING OF SAMPLES-

`(1) IN GENERAL- Licensed manufacturers and licensed importers and persons who manufacture or import explosive materials or ammonium nitrate shall, when required by letter issued by the Secretary, furnish--

`(A) samples of such explosive materials or ammonium nitrate;

`(B) information on chemical composition of those products; and

`(C) any other information that the Secretary determines is relevant to the identification of the explosive materials or to identification of the ammonium nitrate.

`(2) REIMBURSEMENT- The Secretary shall, by regulation, authorize reimbursement of the fair market value of samples furnished pursuant to this subsection, as well as the reasonable costs of shipment.'

SEC. 1125. DESTRUCTION OF PROPERTY OF INSTITUTIONS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 844(f)(1) of title 18, United States Code, is amended by inserting before the word `shall' the following: `or any institution or organization receiving Federal financial assistance,'.

SEC. 1126. RELIEF FROM DISABILITIES.

Section 845(b) of title 18, United States Code, is amended to read as follows:

`(b)(1) A person who is prohibited from shipping, transporting, receiving, or possessing any explosive under section 842(i) may apply to the Secretary for relief from such prohibition.

`(2) The Secretary may grant the relief requested under paragraph (1) if the Secretary determines that the circumstances regarding the applicability of section 842(i), and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of such relief is not contrary to the public interest.

`(3) A licensee or permittee who applies for relief, under this subsection, from the disabilities incurred under this chapter as a result of an indictment for or conviction of a crime punishable by imprisonment for a term exceeding 1 year shall not be barred by such disability from further operations under the license or permit pending final action on an application for relief filed pursuant to this section.'

SEC. 1127. THEFT REPORTING REQUIREMENT.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

`(p) THEFT REPORTING REQUIREMENT-

`(1) IN GENERAL- A holder of a license or permit who knows that explosive materials have been stolen from that licensee or permittee, shall report the theft to the Secretary not later than 24 hours after the discovery of the theft.

`(2) PENALTY- A holder of a license or permit who does not report a theft in accordance with paragraph (1), shall be fined not more than \$10,000, imprisoned not more than 5 years, or both.'

SEC. 1128. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as necessary to carry out this subtitle and the amendments made by this subtitle.