

106TH CONGRESS
1ST SESSION

S. 1372

To require the filing of Shippers' Export Declarations through the Automated Export System of the Department of the Treasury with respect to certain transactions of proliferation concern, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 15, 1999

Mr. SPECTER (for himself, Mr. HELMS, Mr. BIDEN, Mr. DORGAN, Mr. SCHUMER, and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To require the filing of Shippers' Export Declarations through the Automated Export System of the Department of the Treasury with respect to certain transactions of proliferation concern, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Proliferation Preven-
5 tion Enhancement Act of 1999".

1 **SEC. 2. MANDATORY USE OF THE AUTOMATED EXPORT SYS-**
2 **TEM FOR FILING CERTAIN SHIPPERS' EX-**
3 **PORT DECLARATIONS.**

4 (a) **AUTHORITY.**—Section 301 of title 13, United
5 States Code, is amended by adding at the end the fol-
6 lowing new subsection:

7 “(h) The Secretary is authorized to require the filing
8 of Shippers’ Export Declarations under this chapter
9 through an automated and electronic system for the filing
10 of export information established by the Department of
11 the Treasury.”.

12 (b) **IMPLEMENTING REGULATIONS.**—

13 (1) **IN GENERAL.**—Not later than 90 days after
14 the date of enactment of this Act, the Secretary of
15 the Treasury, in consultation with the Secretary of
16 Commerce and the Secretary of State, shall publish
17 regulations in the Federal Register to require that,
18 upon the effective date of those regulations, export-
19 ers (or their agents) who are required to file Ship-
20 pers’ Export Declarations under chapter 9 of title
21 13, United States Code, file such Declarations
22 through the Automated Export System with respect
23 to exports of items on the United States Munitions
24 List or the Commerce Control List.

1 (2) ELEMENTS OF THE REGULATIONS.—The
2 regulations referred to in paragraph (1) shall include
3 at a minimum—

4 (A) provision for the establishment of on-
5 line assistance services to be available for those
6 individuals who must use the Automated Ex-
7 port System;

8 (B) provision for ensuring that an indi-
9 vidual who is required to use the Automated
10 Export System is able to print out from the
11 System a validated record of the individual's
12 submission, including the date of the submis-
13 sion and a serial number or other unique identi-
14 fier for the export transaction; and

15 (C) a requirement that the Department of
16 Commerce print out and maintain on file a
17 paper copy or other acceptable back-up record
18 of the individual's submission at a location se-
19 lected by the Secretary of Commerce.

20 (c) EFFECTIVE DATE.—The amendment made by
21 subsection (a) and the regulations described in subsection
22 (b) shall take effect 180 days after the Secretary of Com-
23 merce, the Secretary of the Treasury, and the Director
24 of the National Institute of Standards and Technology
25 jointly certify, by publishing in the Federal Register a no-

1 tice, that a secure, Internet-based Automated Export Sys-
2 tem that is capable of handling the expected volume of
3 information required to be filed under subsection (b), plus
4 the anticipated volume from voluntary use of the Auto-
5 mated Export System, has been successfully implemented
6 and tested.

7 **SEC. 3. VOLUNTARY USE OF THE AUTOMATED EXPORT SYS-**
8 **TEM.**

9 It is the sense of Congress that exporters (or their
10 agents) who are required to file Shippers' Export Declara-
11 tions under chapter 9 of title 13, United States Code, but
12 who are not required under section 2(b) to file such Dec-
13 larations using the Automated Export System, should do
14 so.

15 **SEC. 4. REPORT TO CONGRESS.**

16 Not later than 180 days after the date of enactment
17 of this Act, the Secretary of Commerce, in coordination
18 with the Secretary of State, the Secretary of Defense, the
19 Secretary of the Treasury, the Secretary of Energy, and
20 the Director of Central Intelligence, shall submit a report
21 to Congress setting forth—

- 22 (1) the advisability and feasibility of mandating
23 electronic filing through the Automated Export Sys-
24 tem for all Shippers' Export Declarations;

(2) the manner in which data gathered through the Automated Export System can most effectively be used by other automated licensing systems administered by Federal agencies, including—

(A) the Defense Trade Application System of the Department of State;

(B) the Export Control Automated Support System of the Department of Commerce;

(C) the Foreign Disclosure and Technology Information System of the Department of Defense;

(D) the Proliferation Information Network System of the Department of Energy;

(E) the Enforcement Communication System of the Department of the Treasury; and

(F) the Export Control System of the Central Intelligence Agency; and

(3) a proposed timetable for any expansion of information required to be filed through the Automated Export System.

SEC. 5. DEFINITIONS.

In this Act:

(1) **AUTOMATED EXPORT SYSTEM.**—The term “Automated Export System” means the automated and electronic system for filing export information

1 established under chapter 9 of title 13, United
2 States Code, on June 19, 1995 (60 Federal Register
3 32040).

4 (2) COMMERCE CONTROL LIST.—The term
5 “Commerce Control List” has the meaning given the
6 term in section 774.1 of title 15, Code of Federal
7 Regulations.

8 (3) SHIPPERS’ EXPORT DECLARATION.—The
9 term “Shippers’ Export Declaration” means the ex-
10 port information filed under chapter 9 of title 13,
11 United States Code, as described in part 30 of title
12 15, Code of Federal Regulations.

13 (4) UNITED STATES MUNITIONS LIST.—The
14 term “United States Munitions List” means the list
15 of items controlled under section 38 of the Arms Ex-
16 port Control Act (22 U.S.C. 2778).

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