

Public Law 106-113, Consolidated Appropriations Act of 2000
Subtitle E - Automated Export System Relating to Export Information
Section 1251 - "Proliferation Prevention Enhancement Act of 1999"

On November 29, 1999 the President signed (enacted) H.R. 3194 into law (i.e. Public Law 106-113). **Section 1252** of this law amends Title 13 U.S.C. Section 301 to add section (h) authorizing Commerce/Census to require by regulation mandatory reporting requirements for filing export information through the Automated Export System (AES). The Act specifies that all items on the U.S. Munitions List (State) and the Commerce Control List (BXA) be reported using the AES whether or not a license is required. **This legislation will go into effect 270 days after the Departments of Commerce, Treasury, and the National Institute of Standards and Technology jointly certify to appropriate Senate and House Committees that a secure and functional AES is capable of handling and implementing the provisions and workload volume mandated by this legislation.**

Section 1253 of this law states, in a sense of Congress resolution, that all exporters should be encouraged to use the AES to file all export information.

Section 1254 of this law requires the Department of Commerce, in consultation with the Departments of State, Defense, Treasury, Energy, and the CIA to submit a report to the appropriate committees of Congress no later than 180 days after the date of enactment (May 29, 2000) setting forth:

- (a) The advisability and feasibility of mandating AES for all SED information.
- (b) The manner in which data gathered by the AES can most effectively be used by other automated licensing systems administered by other Federal agencies including
 - (1) Defense Trade Application System (State)
 - (2) Export Control Automated Support System (Commerce/BXA)
 - (3) Foreign Disclosure and Technology Information System (Defense)
 - (4) Proliferation Information Network System (Energy)
 - (5) Enforcement Communication System (Treasury)
 - (6) Export Control System (CIA)
- (c) A proposed timetable for any expansion of the information required to be filed through AES.

Actions To Date

A. **AES Certification Report**: The Office of Information Security, GSA completed its security assessments of the Customs AES mainframe and the Census Bureau *AESDirect* system. The Census Bureau and Customs prepared the AES Certification Report and Secretary of Commerce, the Secretary of the Treasury, and the Director, National Institute of Standards and Technology approved the report and certified to the appropriate committees of Congress that AES and *AESDirect* are secure and functional systems capable of implementing the provisions of the legislation. The Census Bureau and Customs will submit the certification report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives. The Census Bureau and Customs submitted this report to the House Committee on May 31, 2001 and the Senate Committee on June 11, 2001. This will make the effective date for mandatory AES filing for all items on the CCL and USML March 2002. The exact date is dependent upon publication of appropriate regulations in the *Federal Register*.

B. **AES Feasibility Report**: The Census Bureau coordinated with the six (6) licensing agencies listed above to report on the advisability and feasibility of mandating AES for all SED information and for determining the manner in which data gathered by AES can most effectively be used by the automated export licensing systems administered by the Federal agencies listed above. The AES Feasibility Report was signed by the Secretary of Commerce on July 28, 2000 and submitted to the appropriate committees of Congress during the first week in August. The report recommended that (1) AES be made mandatory for the filing of all shipper's export information and proposed a 4 phase implementation plan through the end of fiscal year 2005; (2) That data gathered through AES be made available to other Federal government licensing agencies based on their legal and regulatory authority to have access to such export data (this will require agency specific and separate MOUs and data sharing agreements); and (3) The cost of implementing AES mandatory filing.