

States Code, file such Declarations through the Automated Export System with respect to exports of items on the United States Munitions List or the Commerce Control List.

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

“(A) provision by the Department of Commerce for the establishment of on-line assistance services to be available for those individuals who must use the Automated Export System;

“(B) provision by the Department of Commerce for ensuring that an individual who is required to use the Automated Export System is able to print out from the System a validated record of the individual’s submission, including the date of the submission and a serial number or other unique identifier, where appropriate, for the export transaction; and

“(C) a requirement that the Department of Commerce print out and maintain on file a paper copy or other acceptable back-up record of the individual’s submission at a location selected by the Secretary of Commerce.”

#### IMPROVEMENTS TO THE AUTOMATED EXPORT SYSTEM

Pub. L. 107-228, div. B, title XIV, §1404(a)-(c), Sept. 30, 2002, 116 Stat. 1454, provided that:

“(a) CONTRIBUTION TO THE AUTOMATED EXPORT SYSTEM.—Of the amount provided under section 1402 of this Act [116 Stat. 1453], \$250,000 is authorized to be available for the purpose of—

“(1) providing the Department [of State] with full access to the Automated Export System;

“(2) ensuring that the system is modified to meet the needs of the Department [of State], if such modifications are consistent with the needs of other United States Government agencies; and

“(3) providing operational support.

“(b) MANDATORY FILING.—The Secretary of Commerce, with the concurrence of the Secretary of State and the Secretary of [the] Treasury, shall publish regulations in the Federal Register to require, upon the effective date of those regulations, that all persons who are required to file export information under chapter 9 of title 13, United States Code, file such information through the Automated Export System.

“(c) REQUIREMENT FOR INFORMATION SHARING.—The Secretary [of State] shall conclude an information-sharing arrangement with the heads of the United States Customs Service and the Census Bureau—

“(1) to allow the Department [of State] to access information on controlled exports made through the United States Postal Service; and

“(2) to adjust the Automated Export System to parallel information currently collected by the Department.”

[For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

#### VOLUMETRIC INDEX

Section 1931(b) of Pub. L. 100-418 provided that:

“(1) The Director of the Census, in consultation with the Director of the Bureau of Economic Analysis and the Commissioner of Labor Statistics, shall conduct a study to determine the feasibility of developing, and of publishing, an index that measures the real volume of merchandise trade on a monthly basis, which would be reported simultaneously with the balance of merchandise trade for the United States.

“(2) The Director of the Census shall submit to the Committee on Finance of the Senate and the Com-

mittee on Ways and Means of the House of Representatives a report on the study conducted under paragraph (1) by no later than the date that is one year after the date of enactment of this Act [Aug. 23, 1988].”

#### CONGRESSIONAL ACCESS TO INFORMATION

Section 3 of Pub. L. 96-275 provided that: “Nothing in this Act [enacting subsec. (g) of this section, amending section 93 of former Title 46, Shipping, and enacting provisions set out as notes under this section] shall be construed as authorizing the withholding of information from Congress.”

#### DEFINITIONS

Pub. L. 106-113, div. B, §1000(a)(7) [div. B, title XII, subtitle E, §1256], Nov. 29, 1999, 113 Stat. 1536, 1501A-507, provided that: “In this subtitle [amending this section and enacting provisions set out as notes above]:

“(1) AUTOMATED EXPORT SYSTEM.—The term ‘Automated Export System’ means the automated and electronic system for filing export information established under chapter 9 of title 13, United States Code, on June 19, 1995 (60 Federal Register 32040).

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

“(3) SHIPPERS’ EXPORT DECLARATION.—The term ‘Shippers’ Export Declaration’ means the export information filed under chapter 9 of title 13, United States Code, as described in part 30 of title 15, Code of Federal Regulations.

“(4) UNITED STATES MUNITIONS LIST.—The term ‘United States Munitions List’ means the list of items controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778).”

#### § 302. Rules, regulations, and orders

The Secretary may make such rules, regulations, and orders as he deems necessary or appropriate to carry out the provisions of this chapter. Any rules, regulations, or orders issued pursuant to this authority may be established in such form or manner, may contain such classifications or differentiations, and may provide for such adjustments and reasonable exceptions as in the judgment of the Secretary are necessary or proper to effectuate the purpose of this chapter, or to prevent circumvention or evasion of any rule, regulation, or order issued hereunder. The Secretary may also provide by rule or regulation, for such confidentiality, publication, or disclosure, of information collected hereunder as he may deem necessary or appropriate in the public interest. Rules, regulations, and orders, or amendments thereto shall have the concurrence of the Secretary of the Treasury prior to promulgation.

(Added Pub. L. 87-826, §2, Oct. 15, 1962, 76 Stat. 951.)

#### § 303. Secretary of Treasury functions

To assist the Secretary to carry out the provisions of this chapter, the Secretary of the Treasury shall collect information in the form and manner prescribed by the regulations issued pursuant to this chapter from persons engaged in foreign commerce or trade and from the owners or operators of carriers.

(Added Pub. L. 87-826, §2, Oct. 15, 1962, 76 Stat. 951; amended Pub. L. 107-228, div. B, title XIV, §1404(d), Sept. 30, 2002, 116 Stat. 1454.)

#### AMENDMENTS

2002—Pub. L. 107-228 struck out “, other than by mail,” after “foreign commerce or trade”.