

or any other law, and shall be disclosed or otherwise provided when relevant in any proceeding under this chapter or any other law, except that disclosure or provision in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding.

**(c) Information disclosed in national interest**

**(1) Authority**

The United States Government shall disclose any information reported to, or otherwise required by the United States Government under this chapter or the Convention, including categories of such information, that it determines is in the national interest to disclose and may specify the form in which such information is to be disclosed.

**(2) Notice of disclosure**

**(A) Requirement**

If any Department or agency of the United States Government proposes pursuant to paragraph (1) to publish or disclose or otherwise provide information exempt from disclosure under subsection (a), the United States National Authority shall, unless contrary to national security or law enforcement needs, provide notice of intent to disclose the information—

(i) to the person that submitted such information; and

(ii) in the case of information about a person received from another source, to the person to whom that information pertains.

The information may not be disclosed until the expiration of 30 days after notice under this paragraph has been provided.

**(B) Proceedings on objections**

In the event that the person to which the information pertains objects to the disclosure, the agency shall promptly review the grounds for each objection of the person and shall afford the objecting person a hearing for the purpose of presenting the objections to the disclosure. Not later than 10 days before the scheduled or rescheduled date for the disclosure, the United States National Authority shall notify such person regarding whether such disclosure will occur notwithstanding the objections.

**(d) Criminal penalty for wrongful disclosure**

Any officer or employee of the United States, and any former officer or employee of the United States, who by reason of such employment or official position has obtained possession of, or has access to, information the disclosure or other provision of which is prohibited by subsection (a), and who, knowing that disclosure or provision of such information is prohibited by such subsection, willfully discloses or otherwise provides the information in any manner to any person (including any person located outside the territory of the United States) not authorized to receive it, shall be fined under title 18 or imprisoned for not more than five years, or both.

**(e) Criminal forfeiture**

The property of any person who violates subsection (d) shall be subject to forfeiture to the

United States in the same manner and to the same extent as is provided in section 229C<sup>1</sup> of title 18.

**(f) International inspectors**

The provisions of this section shall also apply to employees of the Technical Secretariat.

(Pub. L. 105-277, div. I, title IV, §404, Oct. 21, 1998, 112 Stat. 2681-882.)

REFERENCES IN TEXT

This chapter, referred to in subssecs. (a), (b)(3), and (c)(1), was in the original “this Act” and was translated as reading “this division”, meaning div. I of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-856, known as the Chemical Weapons Convention Implementation Act of 1998, to reflect the probable intent of Congress. For complete classification of division I to the Code, see Short Title note set out under section 6701 of this title and Tables.

**§ 6745. Recordkeeping violations**

It shall be unlawful for any person willfully to fail or refuse—

(1) to establish or maintain any record required by this chapter or any regulation prescribed under this chapter;

(2) to submit any report, notice, or other information to the United States Government in accordance with this chapter or any regulation prescribed under this chapter; or

(3) to permit access to or copying of any record that is exempt from disclosure under this chapter or any regulation prescribed under this chapter.

(Pub. L. 105-277, div. I, title IV, §405, Oct. 21, 1998, 112 Stat. 2681-883.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act” and was translated as reading “this division”, meaning div. I of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-856, known as the Chemical Weapons Convention Implementation Act of 1998, to reflect the probable intent of Congress. For complete classification of division I to the Code, see Short Title note set out under section 6701 of this title and Tables.

SUBCHAPTER IV—ENFORCEMENT

**§ 6761. Penalties**

**(a) Civil**

**(1) Penalty amounts**

**(A) Prohibited acts relating to inspections**

Any person that is determined, in accordance with paragraph (2), to have violated section 6726 of this title shall be required by order to pay a civil penalty in an amount not to exceed \$25,000 for each such violation. For purposes of this paragraph, each day such a violation of section 6726 of this title continues shall constitute a separate violation of that section.

**(B) Recordkeeping violations**

Any person that is determined, in accordance with paragraph (2), to have violated section 6745 of this title shall be required by order to pay a civil penalty in an amount not to exceed \$5,000 for each such violation.

<sup>1</sup> So in original. Probably should be section “229B”.