

and compilation of such information, and shall certify that the report was prepared in accordance with this chapter, is complete, and is to such officer's best knowledge and belief, substantially accurate, except in a case in which, in accordance with rules and regulations issued under this chapter, estimates have been provided because data are not available from customary accounting records or precise data could not be obtained without undue burden, and the data subject to such estimates has been noted in the report."

Subsec. (c)(2). Pub. L. 101-533, §6(e)(1), substituted "subsection (e)" for "subsection (d)".

Subsec. (d). Pub. L. 101-533, §6(d)(2), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 101-533, §6(d)(1), (e)(2), redesignated subsec. (d) as (e) and inserted "or (d)" after "subsection (c)".

1984—Subsec. (b)(1), (2). Pub. L. 98-573 struck out "international investment" before "surveys".

### § 3105. Enforcement

#### (a) Civil penalty for failure to furnish information

Whoever fails to furnish any information required under this chapter, whether required to be furnished in the form of a report or otherwise, or to comply with any rule, regulation, order, or instruction promulgated under this chapter, shall be subject to a civil penalty of not less than \$2,500, and not more than \$25,000, in a proceeding brought under subsection (b) of this section.

#### (b) Civil action for failure to furnish information

Whenever it appears that any person has failed to furnish any information required under this chapter, whether required to be furnished in the form of a report or otherwise, or has failed to comply with any rule, regulation, order, or instruction promulgated under this chapter, a civil action may be brought in an appropriate district court of the United States, or the appropriate United States court of any territory or other place subject to the jurisdiction of the United States, and such court may enter a restraining order or a permanent or temporary injunction commanding such person to furnish such information or to comply with such rule, regulation, order, or instruction, as the case may be, or impose the civil penalty provided in subsection (a) of this section, or both.

#### (c) Criminal penalty for failure to submit information

Whoever willfully fails to submit any information required under this chapter, whether required to be furnished in the form of a report or otherwise, or willfully violates any rule, regulation, order, or instruction promulgated under this chapter, upon conviction, shall be fined not more than \$10,000 and, if an individual, may be imprisoned for not more than one year, or both, and any officer, director, employee, or agent of any corporation who knowingly participates in such violation, upon conviction, may be punished by a like fine, imprisonment, or both.

(Pub. L. 94-472, §6, Oct. 11, 1976, 90 Stat. 2063; Pub. L. 101-533, §7(b), Nov. 7, 1990, 104 Stat. 2349.)

#### Editorial Notes

##### AMENDMENTS

1990—Subsec. (a). Pub. L. 101-533 substituted "shall be subject to a civil penalty of not less than \$2,500, and not

more than \$25,000," for "may be subject to a civil penalty not exceeding \$10,000".

### § 3106. Use of experts and administrative support services

#### (a) Compensation and travel expenses

Any official designated by the President to carry out this chapter may procure the temporary or intermittent services of experts and consultants in accordance with the provisions of section 3109 of title 5. Persons so employed shall receive compensation at a rate not in excess of the maximum amount payable under such section. While away from his home or regular place of business and engaged in the performance of services in conjunction with the provisions of this chapter, any such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b)<sup>1</sup> of title 5 for persons in the Government service employed intermittently.

#### (b) Use of available Federal agency services, equipment, personnel, and facilities

Any official designated by the President to carry out this chapter may use, on a reimbursable basis when appropriate (as determined by the President), the available services, equipment, personnel, and facilities of any agency or instrumentality of the United States Government.

(Pub. L. 94-472, §7, Oct. 11, 1976, 90 Stat. 2064.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 5703 of title 5, referred to in subsec. (a), was amended generally by Pub. L. 94-22, §4, May 19, 1975, 89 Stat. 85, and, as so amended, does not contain a subsec. (b).

### § 3107. Consultations; creation of independent public advisory committees

Officials performing functions pursuant to this chapter shall secure balanced, diverse, and responsible views from qualified persons representing business, organized labor, and the academic community and may, where appropriate, create such independent public advisory committees as are necessary to carry out the purposes of this chapter.

(Pub. L. 94-472, §8, Oct. 11, 1976, 90 Stat. 2064; Pub. L. 95-381, §3, Sept. 22, 1978, 92 Stat. 726; Pub. L. 97-33, §4, Aug. 7, 1981, 95 Stat. 171.)

#### Editorial Notes

##### AMENDMENTS

1981—Pub. L. 97-33 struck out designation "(a)" before "Officials performing functions" and struck out subsec. (b) which provided that the President review the results of studies and surveys conducted pursuant to this chapter and report annually to the Committee on International Relations [Foreign Affairs] of the House of Representatives and the appropriate committees of the Senate on any trends or developments which might have had national policy implications and which in the President's opinion warranted the review of the respective committees.

<sup>1</sup> See References in Text note below.