TERMINATION OF SECTION

For termination of section by section 5 of Pub. L. 113–254, see Effective and Termination Dates note below.

EFFECTIVE AND TERMINATION DATES

Section effective on the date that is 30 days after Dec. 18, 2014, and authority provided under this section to terminate on the date that is 4 years after such effective date, see sections 4(a) and 5 of Pub. L. 113–254, set out as notes under section 621 of this title.

§ 623. Protection and sharing of information

(a) In general

Notwithstanding any other provision of law, information developed under this subchapter, including vulnerability assessments, site security plans, and other security related information, records, and documents shall be given protections from public disclosure consistent with the protection of similar information under section 70103(d) of title 46.

(b) Sharing of information with States and local governments

Nothing in this section shall be construed to prohibit the sharing of information developed under this subchapter, as the Secretary determines appropriate, with State and local government officials possessing a need to know and the necessary security clearances, including law enforcement officials and first responders, for the purpose of carrying out this subchapter, provided that such information may not be disclosed pursuant to any State or local law.

(c) Sharing of information with first responders

(1) Requirement

The Secretary shall provide to State, local, and regional fusion centers (as that term is defined in section 124h(j)(1) of this title) and State and local government officials, as the Secretary determines appropriate, such information as is necessary to help ensure that first responders are properly prepared and provided with the situational awareness needed to respond to security incidents at covered chemical facilities.

(2) Dissemination

The Secretary shall disseminate information under paragraph (1) through a medium or system determined by the Secretary to be appropriate to ensure the secure and expeditious dissemination of such information to necessary selected individuals.

(d) Enforcement proceedings

In any proceeding to enforce this section, vulnerability assessments, site security plans, and other information submitted to or obtained by the Secretary under this subchapter, and related vulnerability or security information, shall be treated as if the information were classified information.

(e) Availability of information

Notwithstanding any other provision of law (including section 552(b)(3) of title 5), section 552 of title 5 (commonly known as the ''Freedom of Information Act'') shall not apply to information protected from public disclosure pursuant to subsection (a) of this section.

(f) Sharing of information with Members of Congress

Nothing in this section shall prohibit the Secretary from disclosing information developed under this subchapter to a Member of Congress in response to a request by a Member of Congress.

(Pub. L. 107–296, title XXI, § 2103, as added Pub. L. 113–254, § 2(a), Dec. 18, 2014, 128 Stat. 2911.)

TERMINATION OF SECTION

For termination of section by section 5 of Pub. L. 113–254, see Effective and Termination Dates note below.

EFFECTIVE AND TERMINATION DATES

Section effective on the date that is 30 days after Dec. 18, 2014, and authority provided under this section to terminate on the date that is 4 years after such effective date, see sections 4(a) and 5 of Pub. L. 113–254, set out as notes under section 621 of this title.

§ 624. Civil enforcement

(a) Notice of noncompliance

(1) Notice

If the Secretary determines that a covered chemical facility is not in compliance with this subchapter, the Secretary shall—

(A) provide the owner or operator of the facility with—

(i) not later than 14 days after date[1] on which the Secretary makes the determination, a written notification of noncompliance that includes a clear explanation of any deficiency in the security vulnerability assessment or site security plan; and

(ii) an opportunity for consultation with the Secretary or the Secretary's designee; and

(B) issue to the owner or operator of the facility an order to comply with this subchapter by a date specified by the Secretary in the order, which date shall be not later than 180 days after the date on which the Secretary issues the order.

(2) Continued noncompliance

If an owner or operator remains noncompliant after the procedures outlined in paragraph (1) have been executed, or demonstrates repeated violations of this subchapter, the Secretary may enter an order in accordance with this section assessing a civil penalty, an order to cease operations, or both.

(b) Civil penalties

(1) Violations of orders

Any person who violates an order issued under this subchapter shall be liable for a civil penalty under section 70119(a) of title 46.

(2) Non-reporting chemical facilities of interest

Any owner of a chemical facility of interest who fails to comply with, or knowingly submits false information under, this subchapter or the CFATS regulations shall be liable for a civil penalty under section 70119(a) of title 46.

[1] So in original. Probably should be preceded by ''the''.