

ates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

(c) PUNISHMENT.—The punishment for an offense under this section is—

(1) in the case of a first offense under subsection (a)(1), a fine under this title, imprisonment for not more than 6 months, or both; and

(2) in the case of an offense under paragraph (2) or (3) of subsection (a), or a second or subsequent offense under subsection (a)(1), a fine under this title, imprisonment for not more than 2 years, or both.

(d) MANDATORY RESTITUTION.—Upon a conviction under this section, the court shall order restitution under section 3663A in an amount equal to the total unpaid support obligation as it exists at the time of sentencing.

(e) VENUE.—With respect to an offense under this section, an action may be inquired of and prosecuted in a district court of the United States for—

(1) the district in which the child who is the subject of the support obligation involved resided during a period during which a person described in subsection (a) (referred to in this subsection as an “obligor”) failed to meet that support obligation;

(2) the district in which the obligor resided during a period described in paragraph (1); or

(3) any other district with jurisdiction otherwise provided for by law.

(f) DEFINITIONS.—As used in this section—

(1) the term “Indian tribe” has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a);¹

(2) the term “State” includes any State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(3) the term “support obligation” means any amount determined under a court order or an order of an administrative process pursuant to the law of a State or of an Indian tribe to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living.

(Added Pub. L. 102-521, §2(a), Oct. 25, 1992, 106 Stat. 3403; amended Pub. L. 104-294, title VI, §607(l), Oct. 11, 1996, 110 Stat. 3512; Pub. L. 105-187, §2, June 24, 1998, 112 Stat. 618.)

REFERENCES IN TEXT

Section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a), referred to in subsec. (f)(1), was classified to section 479a of Title 25, Indians, prior to editorial reclassification as section 5130 of Title 25.

AMENDMENTS

1998—Pub. L. 105-187 reenacted section catchline without change and amended text generally. Prior to amendment, section consisted of subsecs. (a) to (d) relating to a description of the offense, punishment for an offense, restitution upon conviction of an offense, and definitions of terms used in this section.

1996—Subsec. (d)(2). Pub. L. 104-294 inserted “commonwealth,” before “possession or territory of the United States”.

¹ See References in Text note below.

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-187, §1, June 24, 1998, 112 Stat. 618, provided that: “This Act [amending this section] may be cited as the ‘Deadbeat Parents Punishment Act of 1998.’”

SHORT TITLE

Pub. L. 102-521, §1, Oct. 25, 1992, 106 Stat. 3403, provided that: “This Act [enacting this section and sections 3796cc to 3796cc-6 of Title 42, The Public Health and Welfare, amending section 3563 of this title and section 3797 of Title 42, and enacting provisions set out as a note under section 12301 of Title 42] may be cited as the ‘Child Support Recovery Act of 1992.’”

CHAPTER 11B—CHEMICAL WEAPONS

Sec.	
229.	Prohibited activities.
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§ 229. Prohibited activities

(a) UNLAWFUL CONDUCT.—Except as provided in subsection (b), it shall be unlawful for any person knowingly—

(1) to develop, produce, otherwise acquire, transfer directly or indirectly, receive, stockpile, retain, own, possess, or use, or threaten to use, any chemical weapon; or

(2) to assist or induce, in any way, any person to violate paragraph (1), or to attempt or conspire to violate paragraph (1).

(b) EXEMPTED AGENCIES AND PERSONS.—

(1) IN GENERAL.—Subsection (a) does not apply to the retention, ownership, possession, transfer, or receipt of a chemical weapon by a department, agency, or other entity of the United States, or by a person described in paragraph (2), pending destruction of the weapon.

(2) EXEMPTED PERSONS.—A person referred to in paragraph (1) is—

(A) any person, including a member of the Armed Forces of the United States, who is authorized by law or by an appropriate officer of the United States to retain, own, possess, transfer, or receive the chemical weapon; or

(B) in an emergency situation, any otherwise nonculpable person if the person is attempting to destroy or seize the weapon.

(c) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if the prohibited conduct—

(1) takes place in the United States;

(2) takes place outside of the United States and is committed by a national of the United States;

(3) is committed against a national of the United States while the national is outside the United States; or

(4) is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States.

(Added Pub. L. 105-277, div. I, title II, §201(a), Oct. 21, 1998, 112 Stat. 2681-866.)

REGULATIONS

For authority to issue regulations under this chapter, see section 3 of Ex. Ord. No. 13128, June 25, 1999, 64 F.R. 34703, set out as a note under section 6711 of Title 22, Foreign Relations and Intercourse.

REVOCATIONS OF EXPORT PRIVILEGES

Pub. L. 105-277, div. I, title II, §211, Oct. 21, 1998, 112 Stat. 2681-872, provided that: "If the President determines, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that any person within the United States, or any national of the United States located outside the United States, has committed any violation of section 229 of title 18, United States Code, the President may issue an order for the suspension or revocation of the authority of the person to export from the United States any goods or technology (as such terms are defined in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415)) [now 50 U.S.C. 4618]."

[For authority of Secretary of Commerce to suspend or revoke export privileges pursuant to section 211 of Pub. L. 105-277, set out above, see section 4 of Ex. Ord. No. 13128, June 25, 1999, 64 F.R. 34703, set out as a note under section 6711 of Title 22, Foreign Relations and Intercourse.]

§ 229A. Penalties

(a) CRIMINAL PENALTIES.—

(1) IN GENERAL.—Any person who violates section 229 of this title shall be fined under this title, or imprisoned for any term of years, or both.

(2) DEATH PENALTY.—Any person who violates section 229 of this title and by whose action the death of another person is the result shall be punished by death or imprisoned for life.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—The Attorney General may bring a civil action in the appropriate United States district court against any person who violates section 229 of this title and, upon proof of such violation by a preponderance of the evidence, such person shall be subject to pay a civil penalty in an amount not to exceed \$100,000 for each such violation.

(2) RELATION TO OTHER PROCEEDINGS.—The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

(c) REIMBURSEMENT OF COSTS.—The court shall order any person convicted of an offense under subsection (a) to reimburse the United States for any expenses incurred by the United States incident to the seizure, storage, handling, transportation, and destruction or other disposition of any property that was seized in connection with an investigation of the commission of the offense by that person. A person ordered to reimburse the United States for expenses under this subsection shall be jointly and severally liable for such expenses with each other person, if any, who is ordered under this subsection to reimburse the United States for the same expenses.

(Added Pub. L. 105-277, div. I, title II, §201(a), Oct. 21, 1998, 112 Stat. 2681-867.)

§ 229B. Criminal forfeitures; destruction of weapons

(a) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—Any person convicted under section 229A(a) shall forfeit to the United States irrespective of any provision of State law—

(1) any property, real or personal, owned, possessed, or used by a person involved in the offense;

(2) any property constituting, or derived from, and proceeds the person obtained, directly or indirectly, as the result of such violation; and

(3) any of the property used in any manner or part, to commit, or to facilitate the commission of, such violation.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to section 229A(a), that the person forfeit to the United States all property described in this subsection. In lieu of a fine otherwise authorized by section 229A(a), a defendant who derived profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.

(b) PROCEDURES.—

(1) GENERAL.—Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (b) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except that any reference under those subsections to—

(A) "this subchapter or subchapter II" shall be deemed to be a reference to section 229A(a); and

(B) "subsection (a)" shall be deemed to be a reference to subsection (a) of this section.

(2) TEMPORARY RESTRAINING ORDERS.—

(A) IN GENERAL.—For the purposes of forfeiture proceedings under this section, a temporary restraining order may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if, in addition to the circumstances described in section 413(e)(2) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(e)(2)), the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and exigent circumstances exist that place the life or health of any person in danger.

(B) WARRANT OF SEIZURE.—If the court enters a temporary restraining order under this paragraph, it shall also issue a warrant authorizing the seizure of such property.

(C) APPLICABLE PROCEDURES.—The procedures and time limits applicable to temporary restraining orders under section 413(e)(2) and (3) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(e)(2) and (3)) shall apply to temporary restraining orders under this paragraph.