

type and quantity is consistent with such a purpose.

(B) A munition or device, specifically designed to cause death or other harm through toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munition or device.

(C) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B).

(2) **CHEMICAL WEAPONS CONVENTION; CONVENTION.**—The terms “Chemical Weapons Convention” and “Convention” mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) **KEY COMPONENT OF A BINARY OR MULTICOMPONENT CHEMICAL SYSTEM.**—The term “key component of a binary or multicomponent chemical system” means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

(4) **NATIONAL OF THE UNITED STATES.**—The term “national of the United States” has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(5) **PERSON.**—The term “person”, except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

(6) **PRECURSOR.**—

(A) **IN GENERAL.**—The term “precursor” means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. The term includes any key component of a binary or multicomponent chemical system.

(B) **LIST OF PRECURSORS.**—Precursors which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

(7) **PURPOSES NOT PROHIBITED BY THIS CHAPTER.**—The term “purposes not prohibited by this chapter” means the following:

(A) **PEACEFUL PURPOSES.**—Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other activity.

(B) **PROTECTIVE PURPOSES.**—Any purpose directly related to protection against toxic chemicals and to protection against chemical weapons.

(C) **UNRELATED MILITARY PURPOSES.**—Any military purpose of the United States that is not connected with the use of a chemical weapon or that is not dependent on the use

of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

(D) **LAW ENFORCEMENT PURPOSES.**—Any law enforcement purpose, including any domestic riot control purpose and including imposition of capital punishment.

(8) **TOXIC CHEMICAL.**—

(A) **IN GENERAL.**—The term “toxic chemical” means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. The term includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

(B) **LIST OF TOXIC CHEMICALS.**—Toxic chemicals which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

(9) **UNITED STATES.**—The term “United States” means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

(A) any of the places within the provisions of paragraph (41)<sup>1</sup> of section 40102 of title 49, United States Code;

(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (37),<sup>1</sup> respectively, of section 40102 of title 49, United States Code; and

(C) any vessel of the United States, as such term is defined in section 70502(b) of title 46, United States Code.

(Added Pub. L. 105-277, div. I, title II, §201(a), Oct. 21, 1998, 112 Stat. 2681-869; amended Pub. L. 109-304, §17(d)(1), Oct. 6, 2006, 120 Stat. 1707.)

#### REFERENCES IN TEXT

Paragraphs (17), (37), and (41) of section 40102 of title 49, referred to in par. (9)(A), (B), probably means paragraphs (17), (37), and (41) of subsection (a) of section 40102 of title 49. Paragraphs (37) and (41) were subsequently redesignated as (41) and (46), respectively, by Pub. L. 108-176, title II, §225(a)(1), (3), Dec. 12, 2003, 117 Stat. 2528.

#### AMENDMENTS

2006—Par. (9)(C). Pub. L. 109-304 substituted “section 70502(b) of title 46, United States Code” for “section 3(b) of the Maritime Drug Enforcement Act, as amended (46 U.S.C., App. sec. 1903(b))”.

### CHAPTER 12—CIVIL DISORDERS

|      |                  |
|------|------------------|
| Sec. |                  |
| 231. | Civil disorders. |
| 232. | Definitions.     |
| 233. | Preemption.      |

#### AMENDMENTS

1968—Pub. L. 90-284, title X, §1002(a), Apr. 11, 1968, 82 Stat. 90, added chapter 12 and items 231 to 233.

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

**§ 231. Civil disorders**

(a)(1) Whoever teaches or demonstrates to any other person the use, application, or making of any firearm or explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder which may in any way or degree obstruct, delay, or adversely affect commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function; or

(2) Whoever transports or manufactures for transportation in commerce any firearm, or explosive or incendiary device, knowing or having reason to know or intending that the same will be used unlawfully in furtherance of a civil disorder; or

(3) Whoever commits or attempts to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function—

Shall be fined under this title or imprisoned not more than five years, or both.

(b) Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his official duties.

(Added Pub. L. 90-284, title X, §1002(a), Apr. 11, 1968, 82 Stat. 90; amended Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

**AMENDMENTS**

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000” in concluding par.

**SHORT TITLE**

Pub. L. 90-284, title X, §1001, Apr. 11, 1968, 82 Stat. 90, provided that: “This title [enacting this chapter] may be cited as the ‘Civil Obedience Act of 1968’.”

**§ 232. Definitions**

For purposes of this chapter:

(1) The term “civil disorder” means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

(2) The term “commerce” means commerce (A) between any State or the District of Columbia and any place outside thereof; (B) between points within any State or the District of Columbia, but through any place outside thereof; or (C) wholly within the District of Columbia.

(3) The term “federally protected function” means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof; and such term shall specifically include,

but not be limited to, the collection and distribution of the United States mails.

(4) The term “firearm” means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon.

(5) The term “explosive or incendiary device” means (A) dynamite and all other forms of high explosives, (B) any explosive bomb, grenade, missile, or similar device, and (C) any incendiary bomb or grenade, fire bomb, or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by one individual acting alone.

(6) The term “fireman” means any member of a fire department (including a volunteer fire department) of any State, any political subdivision of a State, or the District of Columbia.

(7) The term “law enforcement officer” means any officer or employee of the United States, any State, any political subdivision of a State, or the District of Columbia, while engaged in the enforcement or prosecution of any of the criminal laws of the United States, a State, any political subdivision of a State, or the District of Columbia; and such term shall specifically include members of the National Guard (as defined in section 101 of title 10), members of the organized militia of any State, or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia not included within the National Guard (as defined in section 101 of title 10), and members of the Armed Forces of the United States, while engaged in suppressing acts of violence or restoring law and order during a civil disorder.

(8) The term “State” includes a State of the United States, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 90-284, title X, §1002(a), Apr. 11, 1968, 82 Stat. 91; amended Pub. L. 101-647, title XII, §1205(a), Nov. 29, 1990, 104 Stat. 4830; Pub. L. 102-484, div. A, title X, §1051(b)(1), Oct. 23, 1992, 106 Stat. 2498.)

**AMENDMENTS**

1992—Par. (7). Pub. L. 102-484 substituted “members of the National Guard (as defined in section 101 of title 10),” for “; but shall not be limited to, members of the National Guard, as defined in section 101(9) of title 10, United States Code,” and “not included within the National Guard (as defined in section 101 of title 10),” for “; not included within the definition of National Guard as defined by such section 101(9),”.

1990—Par. (8). Pub. L. 101-647 added par. (8).

**§ 233. Preemption**

Nothing contained in this chapter shall be construed as indicating an intent on the part of Congress to occupy the field in which any provisions of the chapter operate to the exclusion of State or local laws on the same subject matter, nor shall any provision of this chapter be construed to invalidate any provision of State law unless such provision is inconsistent with any of the purposes of this chapter or any provision thereof.