

fringes any rights under the first amendment to the Constitution of the United States. Nor shall anything in this division, or an amendment made by this division, be construed or applied in a manner that substantially burdens a person's exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, or association, unless the Government demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest, if such exercise of religion, speech, expression, or association was not intended to—

“(A) plan or prepare for an act of physical violence; or

“(B) incite an imminent act of physical violence against another.

“(4) FREE EXPRESSION.—Nothing in this division shall be construed to allow prosecution based solely upon an individual's expression of racial, religious, political, or other beliefs or solely upon an individual's membership in a group advocating or espousing such beliefs.

“(5) FIRST AMENDMENT.—Nothing in this division, or an amendment made by this division, shall be construed to diminish any rights under the first amendment to the Constitution of the United States.

“(6) CONSTITUTIONAL PROTECTIONS.—Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the first amendment to the Constitution of the United States and peaceful picketing or demonstration. The Constitution of the United States does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.”

FINDINGS

Pub. L. 111-84, div. E, § 4702, Oct. 28, 2009, 123 Stat. 2835, provided that: “Congress makes the following findings:

“(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

“(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

“(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

“(4) Existing Federal law is inadequate to address this problem.

“(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

“(6) Such violence substantially affects interstate commerce in many ways, including the following:

“(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

“(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

“(C) Perpetrators cross State lines to commit such violence.

“(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

“(E) Such violence is committed using articles that have traveled in interstate commerce.

“(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

“(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct ‘races’. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

“(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

“(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.”

[For definitions of “State” and “local” used in section 4702 of Pub. L. 111-84, set out above, see section 4703(b) of Pub. L. 111-84, set out as a note under section 3716 of Title 42, The Public Health and Welfare.]

CHAPTER 15—CLAIMS AND SERVICES IN MATTERS AFFECTING GOVERNMENT

Sec.

[281 to 284. Repealed.]

285. Taking or using papers relating to claims.

286. Conspiracy to defraud the Government with respect to claims.

287. False, fictitious or fraudulent claims.

288. False claims for postal losses.

289. False claims for pensions.

290. Discharge papers withheld by claim agent.

291. Purchase of claims for fees by court officials.

292. Solicitation of employment and receipt of unapproved fees concerning Federal employees' compensation.

[293. Repealed.]

AMENDMENTS

2002—Pub. L. 107-273, div. B, title IV, § 4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, repealed amendment by Pub. L. 104-294, § 602(d). See 1996 Amendment note below.

1996—Pub. L. 104-106, div. D, title XLIII, § 4304(c)(2), Feb. 10, 1996, 110 Stat. 664, struck out item 281 “Restrictions on retired military officers regarding certain matters affecting the Government”. Pub. L. 104-294, title VI, § 602(d), Oct. 11, 1996, 110 Stat. 3503, which amended analysis identically, was repealed by Pub. L. 107-273, div. B, title IV, § 4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, effective Oct. 11, 1996.

1989—Pub. L. 101-123, § 3(a), Oct. 23, 1989, 103 Stat. 760, struck out item 293 “Limitation on Government contract costs”.

1988—Pub. L. 100-700, § 3(b), Nov. 19, 1988, 102 Stat. 4633, added item 293.

1987—Pub. L. 100-180, div. A, title VIII, § 822(b)(2), Dec. 4, 1987, 101 Stat. 1133, added item 281, struck out former item 281 “Compensation to Members of Congress, officers, and others in matters affecting Government”, item 282 “Practice in Court of Claims by Members of Congress”, item 283 “Officers or employees interested in claims against the Government”, and item 284 “Dis-