

“(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 “Disqualification of former officers and employees in matters connected with former duties”.

1966—Pub. L. 89-554, § 3(a), Sept. 6, 1966, 80 Stat. 608, added item 292.

**[§ 281. Repealed. Pub. L. 104-106, div. D, title XLIII, § 4304(b)(3), Feb. 10, 1996, 110 Stat. 664; Pub. L. 104-294, title VI, § 602(d), Oct. 11, 1996, 110 Stat. 3503]**

Section, added Pub. L. 100-180, div. A, title VIII, § 822(b)(1), Dec. 4, 1987, 101 Stat. 1132, related to 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 repealed this section, was repealed by Pub. L. 107-273, div. B, title IV, § 4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, effective Oct. 11, 1996.

A prior section 281, acts June 25, 1948, ch. 645, 62 Stat. 697; May 24, 1949, ch. 139, § 6, 63 Stat. 90, which related to compensation to Members of Congress, officers and others in matters affecting the Government, was repealed by Pub. L. 87-849, §§ 2, 4, Oct. 23, 1962, 76 Stat.

1126, eff. 90 days after Oct. 23, 1962, which repeal continued limited applicability to retired officers of the Armed Forces of the United States. Pub. L. 100-180, div. A, title VIII, § 822(a), Dec. 4, 1987, 101 Stat. 1132, repealed such prior section 281 to the extent that it had not been repealed by section 2 of Pub. L. 87-849. See section 203 of this title.

#### EFFECTIVE DATE OF REPEAL

For effective date and applicability of repeal by Pub. L. 104-106, see section 4401 of Pub. L. 104-106, set out as an Effective Date of 1996 Amendment note under section 2302 of Title 10, Armed Forces.

#### **[§ 282. Repealed. Pub. L. 87-849, § 2, Oct. 23, 1962, 76 Stat. 1126]**

Section, act June 25, 1948, ch. 645, 62 Stat. 697, related to practice in Court of Claims by Members of Congress. Section was supplanted by section 204 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective 90 days after Oct. 23, 1962, see section 4 of Pub. L. 87-849, set out as an Effective Date note under section 201 of this title.

#### **[§ 283. Repealed. Pub. L. 87-849, § 2, Oct. 23, 1962, 76 Stat. 1126; Pub. L. 100-180, div. A, title VIII, § 822(a), Dec. 4, 1987, 101 Stat. 1132]**

Section, acts June 25, 1948, ch. 645, 62 Stat. 697; June 28, 1949, ch. 268, § 2(b), 63 Stat. 280, related to officers or employees interested in claims against the government. Pub. L. 87-849 continued limited applicability to retired officers of the Armed Forces of the United States. Pub. L. 100-180 repealed section to the extent that it had not been repealed by section 2 of Pub. L. 87-849. Section was supplanted by section 205 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective 90 days after Oct. 23, 1962, see section 4 of Pub. L. 87-849, set out as an Effective Date note under section 201 of this title.

#### **[§ 284. Repealed. Pub. L. 87-849, § 2, Oct. 23, 1962, 76 Stat. 1126]**

Section, acts June 25, 1948, ch. 645, 62 Stat. 698; May 24, 1949, ch. 139, § 7, 63 Stat. 90, related to disqualifications of former officers and employees in matters connected with former duties. Section was supplanted by section 207 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective 90 days after Oct. 23, 1962, see section 4 of Pub. L. 87-849, set out as an Effective Date note under section 201 of this title.

#### **§ 285. Taking or using papers relating to claims**

Whoever, without authority, takes and carries away from the place where it was filed, deposited, or kept by authority of the United States, any certificate, affidavit, deposition, statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper prepared, fitted, or intended to be used or presented to procure the payment of money from or by the United States or any officer, employee, or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof has or has not already been allowed or paid; or

Whoever presents, uses, or attempts to use any such document, record, file, or paper so taken and carried away, to procure the payment of any money from or by the United States, or any officer, employee, or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States—

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

(June 25, 1948, ch. 645, 62 Stat. 698; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 92 (Mar. 4, 1909, ch. 321, § 40, 35 Stat. 1096).

Word "employee" was inserted after "officer" in two places to clarify scope of section.

The words "five years" were substituted for "ten years" in the punishment provision to conform to like provisions in similar offenses. (See section 1001 of this title.)

Changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$5,000".

#### **§ 286. Conspiracy to defraud the Government with respect to claims**

Whoever enters into any agreement, combination, or conspiracy to defraud the United States, or any department or agency thereof, by obtaining or aiding to obtain the payment or allowance of any false, fictitious or fraudulent claim, shall be fined under this title or imprisoned not more than ten years, or both.

(June 25, 1948, ch. 645, 62 Stat. 698; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 83 (Mar. 4, 1909, ch. 321, § 35, 35 Stat. 1095; Oct. 23, 1918, ch. 194, 40 Stat. 1015; June 18, 1934, ch. 587, 48 Stat. 996; Apr. 4, 1938, ch. 69, 52 Stat. 197).

To clarify meaning of "department" the word "agency" was inserted after it. (See definitions of "department" and "agency" in section 6 of this title.)

Words "or any corporation in which the United States of America is a stockholder" were omitted as unnecessary in view of definition of "agency" in section 6 of this title.

Minor changes in phraseology were made.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$10,000".

#### **§ 287. False, fictitious or fraudulent claims**

Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title.

(June 25, 1948, ch. 645, 62 Stat. 698; Pub. L. 99-562, § 7, Oct. 27, 1986, 100 Stat. 3169.)