

**Calendar No. 224**

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 813**

**A BILL**

To amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

OCTOBER 23, 1997

Reported with an amendment

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## IN THE SENATE OF THE UNITED STATES

MAY 23, 1997

Mr. THURMOND (for himself, Mr. McCAIN, Mr. INOUE, Mr. INHOFE, and Mr. D'AMATO) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

OCTOBER 9, 1997

Committee discharged; referred to the Committee on the Judiciary

OCTOBER 23, 1997

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans’ Cemetery  
3 Protection Act of 1997”.

4 **SEC. 2. VANDALISM AT NATIONAL CEMETERIES.**

5 (a) **IN GENERAL.**—Chapter 91 of title 18, United  
6 States Code, is amended by adding at the end the follow-  
7 ing:

8 **“§ 1865. Vandalism and theft at national cemeteries**

9 “(a) **DEFINITIONS.**—In this section—

10 “(1) the term ‘national cemetery’ means any  
11 cemetery—

12 “(A) in the National Cemetery System es-  
13 tablished under section 2400 of title 38; or

14 “(B) under the jurisdiction of the Sec-  
15 retary of the Army, the Secretary of the Navy,  
16 the Secretary of the Air Force, or the Secretary  
17 of the Interior; and

18 “(2) the term ‘value’ means face value, par  
19 value, market value, or cost price, either wholesale  
20 or retail, whichever is greater.

21 “(b) **PENALTIES FOR VANDALISM.**—Whoever will-  
22 fully injures or commits any depredation against any prop-  
23 erty of a national cemetery, or attempts to do so—

24 “(1) if the damage or attempted damage to the  
25 property exceeds \$1,000, shall be imprisoned not

1 more than 10 years, fined under this title, or both;  
 2 and

3 “(2) if the damage or attempted damage to the  
 4 property does not exceed \$1,000, shall be imprisoned  
 5 not more than 10 years, fined under this title, or  
 6 both.

7 “(c) PENALTIES FOR THEFT.—

8 “(1) IN GENERAL.—Whoever—

9 “(A) steals or knowingly converts to his or  
 10 her use or the use of another any property of  
 11 a national cemetery;

12 “(B) without authority, sells, conveys, or  
 13 disposes of any property of a national cemetery;  
 14 or

15 “(C) receives, conceals, or retains any  
 16 property of a national cemetery with the intent  
 17 to convert that property to his or her use or  
 18 gain, knowing that property to have been stolen  
 19 or converted;

20 shall be punished as provided in paragraph (2).

21 “(2) PENALTIES.—A person who violates para-  
 22 graph (1)—

23 “(A) in the case of property with an esti-  
 24 mated value that exceeds \$1,000, shall be im-

1           prisoned not more than 15 years, fined under  
2           this title, or both; and

3           “~~(B) in the case of property with an esti-~~  
4           ~~mated value that does not exceed \$1,000, shall~~  
5           ~~be imprisoned not more than 1 year, fined~~  
6           ~~under this title, or both.”.~~

7           (b) **CLERICAL AMENDMENT.**—The analysis for chap-  
8   ter 91 of title 18, United States Code, is amended by in-  
9   serting after the item relating to section 1864 the follow-  
10 ing:

“1865. Vandalism and theft at national cemeteries.”.

11 **SECTION 1. SHORT TITLE.**

12           *This Act may be cited as the “Veterans’ Cemetery Pro-*  
13 *tection Act of 1997”.*

14 **SEC. 2. SENTENCING FOR OFFENSES AGAINST PROPERTY**  
15 **AT NATIONAL CEMETERIES.**

16           (a) **IN GENERAL.**—Pursuant to its authority under  
17 *section 994 of title 28, United States Code, the United*  
18 *States Sentencing Commission shall review and amend the*  
19 *Federal sentencing guidelines to provide a sentencing en-*  
20 *hancement of not less than 2 levels for any offense against*  
21 *the property of a national cemetery.*

22           (b) **COMMISSION DUTIES.**—In carrying out subsection  
23 (a), the Sentencing Commission shall ensure that the sen-  
24 tences, guidelines, and policy statements for offenders con-  
25 victed of an offense described in that subsection are—

1           (1) *appropriately severe; and*

2           (2) *reasonably consistent with other relevant di-*  
3           *rectives and with other Federal sentencing guidelines.*

4           (c) *DEFINITION OF NATIONAL CEMETERY.—In this*  
5           *section, the term “national cemetery” means a cemetery—*

6           (1) *in the National Cemetery System established*  
7           *under section 2400 of title 38, United States Code; or*

8           (2) *under the jurisdiction of the Secretary of the*  
9           *Army, the Secretary of the Navy, the Secretary of the*  
10          *Air Force, or the Secretary of the Interior.*