

109TH CONGRESS  
1ST SESSION

# S. 1813

To amend titles 10 and 38 of the United States Code, to modify the circumstances under which a person who has committed a capital offense is denied certain burial-related benefits and funeral honors.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 2005

Mr. CRAIG (for himself, Mr. ROBERTS, and Mr. BROWNBACK) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend titles 10 and 38 of the United States Code, to modify the circumstances under which a person who has committed a capital offense is denied certain burial-related benefits and funeral honors.

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

3       **SECTION 1. PROHIBITION AGAINST INTERMENT IN NA-**  
4       **TIONAL CEMETERY.**

5       Section 2411 of title 38, United States Code, is  
6 amended—

7               (1) in subsection (b)—

1 (A) in paragraph (1), by striking “ for  
2 which the person was sentenced to death or life  
3 imprisonment”; and

4 (B) in paragraph (2), by striking “ for  
5 which the person was sentenced to death or life  
6 imprisonment without parole”; and

7 (2) in subsection (d)—

8 (A) in paragraph (1), by striking “the  
9 death penalty or life imprisonment” and insert-  
10 ing “a life sentence or the death penalty”; and

11 (B) in paragraph (2), by striking “the  
12 death penalty or life imprisonment without pa-  
13 role may be imposed” and inserting “a life sen-  
14 tence or the death penalty may be imposed”.

15 **SEC. 2. DENIAL OF CERTAIN BURIAL-RELATED BENEFITS.**

16 Section 985 of title 10, United States Code, is  
17 amended—

18 (1) in subsection (a), by striking “who has been  
19 convicted of a capital offense under Federal or State  
20 law for which the person was sentenced to death or  
21 life imprisonment without parole.” and inserting  
22 “described in section 2411(b) of title 38.”;

23 (2) in subsection (b), by striking “convicted of  
24 a capital offense under Federal law” and inserting  
25 “described in section 2411(b) of title 38”; and

1           (3) by amending subsection (c) to read as fol-  
2       lows:

3       “(c) DEFINITION.—In this section, the term ‘burial’  
4 includes inurnment.”.

5 **SEC. 3. DENIAL OF FUNERAL HONORS.**

6       Section 1491(h) of title 10, United States Code, is  
7 amended—

8           (1) by redesignating paragraphs (1) and (2) as  
9       subparagraphs (A) and (B), respectively;

10          (2) by striking “ means a decedent who—” and  
11       inserting the following: “—

12           “(1) means a decedent who—”;

13          (3) in subparagraph (B), as redesignated, by  
14       striking the period at the end and inserting “; and”;  
15       and

16          (4) by adding at the end the following:

17           “(2) does not include any person described in  
18       section 2411(b) of title 38.”.

19 **SEC. 4. RULEMAKING.**

20       (a) DEPARTMENT OF DEFENSE.—The Secretary of  
21 Defense shall prescribe regulations to ensure that a person  
22 is not interred in any military cemetery under the author-  
23 ity of the Secretary or provided funeral honors under sec-  
24 tion 1491 of title 10, United States Code, unless a good  
25 faith effort has been made to determine whether such per-

1 son is described in section 2411(b) of title 38, United  
2 States Code, or is otherwise ineligible for such interment  
3 or honors under Federal law.

4 (b) DEPARTMENT OF VETERANS AFFAIRS.—The  
5 Secretary of Veterans Affairs shall prescribe regulations  
6 to ensure that a person is not interred in any cemetery  
7 in the National Cemetery System unless a good faith ef-  
8 fort has been made to determine whether such person is  
9 described in section 2411(b) of title 38, United States  
10 Code, or is otherwise ineligible for such interment under  
11 Federal law.

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