

LET OUR VETERANS REST IN PEACE ACT OF 2008

MAY 15, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. CONYERS, from the Committee on the Judiciary,
 submitted the following

R E P O R T

[To accompany H.R. 3480]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3480) to direct the United States Sentencing Commission to assure appropriate enhancements of those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

	Page
The Amendment	1
Purpose and Summary	2
Background and Need for the Legislation	2
Hearings	2
Committee Consideration	2
Committee Votes	3
Committee Oversight Findings	3
New Budget Authority and Tax Expenditures	3
Congressional Budget Office Cost Estimate	3
Performance Goals and Objectives	4
Constitutional Authority Statement	4
Advisory on Earmarks	4
Section-by-Section Analysis	4

THE AMENDMENT

The amendment is as follows:
 Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Let Our Veterans Rest in Peace Act of 2008”.

SEC. 2. FINDINGS AND DECLARATION.

The Congress finds and declares that—

- (1) every cemetery should do all it can to protect each grave marker, headstone, monument, or other object, intended to permanently mark a grave;
- (2) every citizen of the United States should be watchful and mindful of desecrations of any gravesite and report any such suspected behavior to local, State, or Federal law enforcement authorities; and
- (3) all citizens, including veterans, have earned the right to rest in peace.

SEC. 3. DIRECTION TO THE SENTENCING COMMISSION.

(a) **IN GENERAL.**—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements to ensure the guidelines and policy statements provide adequate sentencing enhancements for any offense involving the desecration, theft, or trafficking in, a grave marker, headstone, monument, or other object, intended to permanently mark a veteran’s grave.

(b) **COMMISSION DUTIES.**—In carrying out this section, the Sentencing Commission shall—

- (1) ensure that the sentences, guidelines, and policy statements relating to offenders convicted of these offenses are appropriately severe and reasonably consistent with other relevant directives and other Federal sentencing guidelines and policy statements;
- (2) make any necessary conforming changes to the Federal sentencing guidelines; and
- (3) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

PURPOSE AND SUMMARY

H.R. 3480, the “Let Our Veterans Rest in Peace Act of 2008,” is intended to stop the theft of veterans’ grave markers, which are being sold to scrap yards and recycling centers as scrap metal. The bill directs the Sentencing Commission to review and make appropriate enhancements to the penalties that currently pertain for violating laws that protect these markers.

BACKGROUND AND NEED FOR THE LEGISLATION

Desecrating veterans’ graves is a widespread and national problem. In one Pennsylvania county alone, more than 700 markers were stolen in 2007. Many States have responded to this problem by replacing stolen markers with aluminum markers instead of the brass and bronze markers they once used. With the price of aluminum sharply on the rise, however, it is expected that these will soon be stolen as well. H.R. 3480 increases the penalties for this crime so that potential thieves will be deterred.

HEARINGS

The Committee on the Judiciary held no hearings on H.R. 3480.

COMMITTEE CONSIDERATION

On May 13, 2008, the Subcommittee on Crime, Terrorism, and Homeland Security met in open session and ordered the bill, H.R.3480, favorably reported by voice vote without amendment, a quorum being present. On May 14, 2008, the Committee met in open session and ordered the bill, H.R. 3480, favorably reported with an amendment by voice vote, a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 3480.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 3480, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 15, 2008.

Hon. JOHN CONYERS, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3480, the Let Our Veterans Rest in Peace Act of 2008.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Leigh Angres, who can be reached at 226-2860.

Sincerely,

PETER R. ORSZAG,
DIRECTOR.

Enclosure

cc: Honorable Lamar S. Smith.
Ranking Member

H.R. 3480—Let Our Veterans Rest in Peace Act of 2008.

H.R. 3480 would require the United States Sentencing Commission to review and, if necessary, amend the Federal sentencing guidelines for offenses involving the desecration, theft, or trafficking of veterans' grave markers or headstones. CBO estimates that implementing this bill would have no significant effect on the

Federal budget. Enacting H.R. 3480 would not affect direct spending or revenues.

H.R. 3480 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of State, local, or tribal governments.

The CBO staff contact for this estimate is Leigh Angres, who can be reached at 226–2860. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 3480 will encourage appropriate punishment for stealing metal from veterans' graves and thereby serve to deter such grave desecrations.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, Section 8 of the Constitution.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 3480 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

SECTION-BY-SECTION ANALYSIS

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short Title. Section 1 sets forth the short title of the bill as the “Let Our Veterans Rest in Peace Act of 2008.”

Sec. 2. Findings and Declarations. Section 2 sets forth certain findings and declarations establishing the basis for the legislation.

Sec. 3. Direction to the Sentencing Commission. Section 3 requires that the U.S. Sentencing Commission, pursuant to its authority under section 994 of title 28 of the United States Code, to review and amend the Federal Sentencing Guidelines to provide a sentencing enhancement for any offense involving the desecration of, theft of, or trafficking in, a grave marker, monument, headstone, or any other object intended to permanently mark a veteran's grave.