

Union Calendar No. 82

105TH CONGRESS
1ST Session

H. R. 1532

[Report No. 105-142]

A BILL

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

JUNE 21, 1997

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MAY 6, 1997

Mr. CALVERT (for himself, Mr. ABERCROMBIE, Mr. STUMP, Mr. BONO, Mr. ROYCE, Mr. BROWN of California, Mr. HAYWORTH, Mr. HUNTER, Mr. CANADY of Florida, Mr. GILMAN, Mr. MCCOLLUM, Mr. BONILLA, Mr. BARR of Georgia, Mr. MICA, Mr. HYDE, Mr. GREENWOOD, Mr. MILLER of Florida, Mr. BILBRAY, Mr. SHIMKUS, Mr. SOLOMON, Mr. LEWIS of Kentucky, Mr. WATTS of Oklahoma, Mr. QUINN, Mr. WYNN, Mr. HOLDEN, Mr. GREEN, Mr. NORWOOD, Mr. BROWN of Ohio, Mr. MCKEON, Mr. SAXTON, Mr. LEWIS of California, Mr. SAM JOHNSON of Texas, Mr. GUTKNECHT, Mr. MANTON, Mr. BILIRAKIS, Mr. ENGLISH of Pennsylvania, Mr. MASCARA, Mr. PETERSON of Minnesota, Mr. JENKINS, Mr. EVERETT, Mr. FROST, Ms. LOFGREN, Mr. COOKSEY, Mr. SMITH of New Jersey, Mrs. KELLY, Mr. GEKAS, Mr. ARMEY, Mr. RAMSTAD, Mr. SKELTON, Mr. MEEHAN, Mr. DOYLE, Mr. BISHOP, Mr. REGULA, Mr. VENTO, Mr. DICKS, Mr. FOLEY, Mr. ROHRABACHER, Ms. KAPTUR, Mr. THOMAS, Mr. ENSIGN, Mr. ROEMER, and Mr. SMITH of Michigan) introduced the following bill; which was referred to the Committee on the Judiciary

JUNE 21, 1997

Additional sponsors: Mr. LIPINSKI, Mr. BERRY, Mr. PASTOR, Mr. CLEMENT, Mr. KILDEE, Mr. KUCINICH, Mr. METCALF, Mr. CONDIT, Mr. VISCLOSKEY, Mr. CUNNINGHAM, Mr. TALENT, Mr. LANTOS, Mr. GUTIERREZ, Mr. UNDERWOOD, Mr. COX of California, Mr. GOODLATTE, Mr. WELLER, Mr. KIM, Mr. LAHOOD, Mr. BURR of North Carolina, Mr. LINDER, Mr. RYUN, Mr. SHAYS, Mr. CAMPBELL, Mr. CAMP, Mr. BARRETT of Nebraska, Mr. HINOJOSA, Mr. REDMOND, Mr. DICKEY, Mr. BARTON of Texas, Ms. GRANGER, Mr. DIAZ-BALART, Mr. BATEMAN, Mr. SANDLIN, Ms. SLAUGHTER, Mr. FARR of California, Mr. HERGER, Mr. CHRISTENSEN, Mr. DELAHUNT, Mr. HINCHEY, Mr. HULSHOF, Mr.

KLINK, Mr. GOSS, Mr. DINGELL, Mr. FILNER, Mr. DAVIS of Virginia, Mr. ANDREWS, Mr. HAMILTON, Mr. WELDON of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. THURMAN, Mr. GIBBONS, Mr. HALL of Texas, Ms. DUNN, Ms. SANCHEZ, Ms. CHRISTIAN-GREEN, Mr. LOBIONDO, Mr. BENTSEN, Mr. GEJDENSON, Mr. TRAFICANT, Mr. HOBSON, Mr. HALL of Ohio, Mr. FALEOMAVAEGA, Mr. ARCHER, Mr. KIND, Mr. JOHN, Mrs. MORELLA, Mr. WALSH, Mr. FAZIO of California, Mr. GALLEGLY, Mr. LAZIO of New York, Mr. YOUNG of Alaska, Mr. LARGENT, Mr. COMBEST, Mr. LATHAM, Mr. BARTLETT of Maryland, Mr. HOUGHTON, Mr. EWING, Mr. EHLERS, Mr. KING, Mr. DOOLITTLE, Mr. BACHUS, Mr. DEAL of Georgia, Mrs. EMERSON, Mrs. MYRICK, Mr. PAXON, Mr. FOX of Pennsylvania, Mrs. CHENOWETH, Mr. HORN, Ms. PELOSI, Mr. CHAMBLISS, Ms. MOLINARI, Mr. KINGSTON, Mr. DREIER, Mr. DELAY, Mr. NETHERCUTT, Mr. SHAW, Mr. FORBES, Mr. HOEKSTRA, Mr. WOLF, Mr. PACKARD, Mr. OXLEY, Mr. CASTLE, Mr. BUNNING, Mr. POMBO, Mr. BLILEY, Mr. SKEEN, Mr. BOEHLERT, Mr. CRANE, Mr. JONES, Mr. BAKER, Mr. COLLINS, Mr. ALLEN, Mr. TAYLOR of Mississippi, Mr. BLAGOJEVICH, Mr. LIVINGSTON, Mr. BEREUTER, Mrs. ROUKEMA, Mr. FAWELL, Mr. SAWYER, Mr. TANNER, Mr. MCINTOSH, Mr. LEACH, Mr. COBLE, Mr. HASTINGS of Florida, Mr. WICKER, Mr. CRAMER, Mr. MCDADE, Mr. HASTERT, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. BOYD, Mr. MARTINEZ, Mr. DEUTSCH, Mr. REYES, Mr. SERRANO, Mr. THUNE, Mr. WAMP, Mr. BOB SCHAFFER of Colorado, Mr. ACKERMAN, Mr. BRYANT, Mr. SCARBOROUGH, Mr. HASTINGS of Washington, Mr. HUTCHINSON, Mr. STRICKLAND, Mr. ROGAN, Mr. PETERSON of Pennsylvania, Mr. BURTON of Indiana, Mr. MURTHA, Mr. WEXLER, Ms. HARMAN, Mr. PALLONE, Mr. GOODE, Mr. BARCIA, Mr. SCOTT, Mr. SNYDER, Mr. SOUDER, Mr. ADERHOLT, Mr. TIAHRT, Mr. TAYLOR of North Carolina, Mr. TOWNS, Mr. WATKINS, Mr. SENSENBRENNER, Mr. BRADY, Mr. TURNER, Mr. STEARNS, Mrs. LINDA SMITH of Washington, Mr. SPENCE, Mr. NEY, Mr. McNULTY, Mr. ETHERIDGE, Mr. HILL, Mr. KENNEDY of Massachusetts, Mr. MCINNIS, Mrs. LOWEY, Mr. DEFazio, Mr. BALDACCI, Mr. CAPPS, Mr. EDWARDS, Mr. EVANS, Mr. SISISKY, Ms. DEGETTE, Mrs. JOHNSON of Connecticut, Mr. HEFNER, Mr. BONIOR, Mr. EHRLICH, Mr. PARKER, and Mr. JEFFERSON

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A BILL

To amend title 18, United States Code, to create 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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. SENTENCING FOR VANDALISM AT NATIONAL CEME-**
7 **TERIES.**

8 *(a) GENERAL RULE.—Pursuant to its authority under*
9 *section 994 of title 28, United States Code, the United*
10 *States Sentencing Commission shall review and amend the*
11 *sentencing guidelines to provide a sentencing enhancement*
12 *for any offense against any property of a national ceme-*
13 *tery—*

14 *(1) by at least 4 levels if the offense involves the*
15 *willful injury to or depredation against such prop-*
16 *erty, and*

17 *(2) by at least 6 levels if the offense involves the*
18 *knowing theft, conversion, or unlawful sale or disposi-*
19 *tion of such property.*

20 *(b) COMMISSION DUTY.—In carrying out subsection*
21 *(a), the Sentencing Commission shall ensure that the sen-*
22 *tences, guidelines, and policy statements for offenders con-*
23 *victed of offenses described in subsection (a) are appro-*
24 *priately severe and reasonably consistent with other rel-*
25 *evant directives and with other guidelines.*

1 (c) *DEFINITION.*—*For the purposes of this section, the*
2 *term “national cemetery” means a cemetery in the National*
3 *Cemetery System established under section 2400 of title 38*
4 *and a cemetery under the jurisdiction of the Secretary of*
5 *the Army, the Secretary of the Navy, the Secretary of the*
6 *Air Force, or the Secretary of the Interior.*

Amend the title so as to read: “A bill to direct the United States Sentencing Commission to provide sentencing enhancement for offenses against property at national cemeteries.”.