

105TH CONGRESS  
1ST SESSION

# H. R. 2040

To amend title 38, United States Code, to deny burial in a federally funded cemetery to persons convicted of certain capital crimes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1997

Mr. STUMP (for himself, Mr. EVANS, Mr. SKELTON, Mr. BACHUS, Mr. EVERETT, Mr. FILNER, Mr. QUINN, Mr. CLYBURN, and Mr. STEARNS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to deny burial in a federally funded cemetery to persons convicted of certain capital crimes.

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. DENIAL OF ELIGIBILITY FOR BURIAL IN FED-**  
4 **ERALLY FUNDED CEMETERIES TO PERSONS**  
5 **CONVICTED OF CERTAIN CAPITAL CRIMES.**

6 (a) BURIAL IN FEDERALLY FUNDED CEMETERIES.—

7 Section 2402 of title 38, United States Code, is amend-  
8 ed—

9 (1) by inserting “(a)” before “Under”; and

1           (2) by adding at the end the following new sub-  
2           section:

3           “(b)(1) The remains of a person described in para-  
4           graph (2) of this subsection shall not be buried or interred  
5           in a federally funded cemetery.

6           “(2) A person referred to in paragraph (1) is—

7           “(A) a person who has been convicted of a  
8           crime under—

9                       “(i) section 1114 of title 18, and

10                      “(ii) section 844(f), 2332a, 2332b, 2332c,  
11                      2339A, or 2339B of such title,

12           for which the person was sentenced to death or life  
13           imprisonment without parole, or

14           “(B) a person shown to the appropriate Sec-  
15           retary by clear and convincing evidence, after an op-  
16           portunity for a hearing in such manner as such Sec-  
17           retary may prescribe, to have committed a crime de-  
18           scribed in both clauses (i) and (ii) of subparagraph  
19           (A) but who has not been convicted of such crimes  
20           by reason of such person not being available for trial  
21           due to death, flight to avoid prosecution, or deter-  
22           mination of insanity.

23           “(3) For purposes of paragraph (1), the term ‘feder-  
24           ally funded cemetery’ means a cemetery of the National  
25           Cemetery System, Arlington National Cemetery, or any

1 State cemetery for which a grant has been approved or  
2 provided under section 2408 of this title (or any prede-  
3 cessor to such section).”.

4 (b) EFFECTIVE DATE.—The amendments made by  
5 subsection (a) shall apply with respect to applications for  
6 burial or interment made on or after the date of the enact-  
7 ment of this Act.

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