

Union Calendar No. 183

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

**S. 923**

[Report No. 105-319]

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**AN ACT**

To deny veterans benefits to persons convicted of  
Federal capital offenses.

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OCTOBER 9, 1997

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

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

# S. 923

[Report No. 105-319]

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 1997

Referred to the Committee on Veterans' Affairs

OCTOBER 9, 1997

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

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

## AN ACT

To deny veterans benefits to persons convicted of Federal  
capital offenses.

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 VETERANS BENEFITS.**

4 ~~Notwithstanding any other provision of law, a person~~  
5 ~~who is convicted of a Federal capital offense is ineligible~~  
6 ~~for benefits provided to veterans of the Armed Forces of~~  
7 ~~the United States pursuant to title 38, United States~~  
8 ~~Code.~~

1 **SECTION 1. DENIAL OF ELIGIBILITY FOR INTERMENT OR**  
 2 **MEMORIALIZATION IN CERTAIN CEMETERIES**  
 3 **OF PERSONS COMMITTING FEDERAL CAPITAL**  
 4 **CRIMES.**

5 (a) *PROHIBITION AGAINST INTERMENT OR MEMORI-*  
 6 *ALIZATION IN CERTAIN FEDERAL CEMETERIES.*—Chapter  
 7 24 of title 38, United States Code, is amended by adding  
 8 at the end the following new section:

9 **“§2411. Prohibition against interment or memori-**  
 10 **alization in the National Cemetery System**  
 11 **or Arlington National Cemetery of persons**  
 12 **committing Federal capital crimes**

13 “(a) *The remains of a person described in subsection*  
 14 *(c) may not be interred in a cemetery in the National Ceme-*  
 15 *tery System or in Arlington National Cemetery.*

16 “(b) *The memory of a person described in subsection*  
 17 *(c) may not be honored in a memorial area in a cemetery*  
 18 *in the National Cemetery System (described in section*  
 19 *2403(a) of this title) or in such an area in Arlington Na-*  
 20 *tional Cemetery (described in section 2409(a) of this title).*

21 “(c) *A person referred to in subsections (a) and (b)*  
 22 *is any of the following:*

23 “(1) *A person who has been convicted of a Fed-*  
 24 *eral capital crime for which the person was sentenced*  
 25 *to death or life imprisonment.*

26 “(2) *A person who—*

1           “(A) is found (as provided in subsection  
2           (d)) to have committed a Federal capital crime,  
3           but

4           “(B) has not been convicted of such crime  
5           by reason of such person not being available for  
6           trial due to death, flight to avoid prosecution, or  
7           determination of insanity.

8           “(d) A finding under subsection (c)(2) shall be made  
9           by the Secretary, in the case of a cemetery in the National  
10          Cemetery System, or by the Secretary of the Army, in the  
11          case of Arlington National Cemetery. Any such finding may  
12          only be made based upon a showing of clear and convincing  
13          evidence, after an opportunity for a hearing in a manner  
14          prescribed by the Secretary or the Secretary of the Army,  
15          as the case may be.

16          “(e) For purposes of this section, the term ‘Federal  
17          capital crime’ means an offense under Federal law for  
18          which the death penalty may be imposed.”.

19          (b) *CLERICAL AMENDMENT.*—The table of sections at  
20          the beginning of chapter 24 of such title is amended by add-  
21          ing at the end the following new item:

          “2411. Prohibition against interment or memorialization in the National Ceme-  
          tery System or Arlington National Cemetery of persons commit-  
          ting Federal capital crimes.”.

22          (c) *EFFECTIVE DATE.*—Section 2411 of title 38, *Unit-*  
23          *ed States Code*, as added by subsection (a), shall apply with

1 *respect to applications for interment or memorialization*  
 2 *made on or after the date of the enactment of this Act.*

3 **SEC. 2. CONDITION ON GRANTS TO STATE-OWNED VETERAN**  
 4 **CEMETERIES.**

5 *Section 2408 of title 38, United States Code, is amend-*  
 6 *ed—*

7 *(1) by redesignating subsection (d) as subsection*  
 8 *(e); and*

9 *(2) by inserting after subsection (c) the following*  
 10 *new subsection:*

11 *“(d)(1) In addition to the conditions specified in sub-*  
 12 *sections (b) and (c), any grant made on or after the date*  
 13 *of the enactment of this subsection to a State under this*  
 14 *section to assist such State in establishing, expanding, or*  
 15 *improving a veterans’ cemetery shall be made on the condi-*  
 16 *tion described in paragraph (2).*

17 *“(2) For purposes of paragraph (1), the condition de-*  
 18 *scribed in this paragraph is that, after the date of the re-*  
 19 *ceipt of the grant, such State prohibit the interment or me-*  
 20 *morialization in that cemetery of a person described in sec-*  
 21 *tion 2411(c) of this title (except that a finding described*  
 22 *in paragraph (2)(A) of such section shall be made for pur-*  
 23 *poses of this subsection by an appropriate official of such*  
 24 *State).”.*

Amend the title so as to read: “An Act to amend title 38, United States Code, to prohibit interment or me-

morialization in certain cemeteries of persons committing Federal capital crimes.”.

Passed the Senate June 18 (legislative day, June 17), 1997.

Attest:

GARY SISCO,  
*Secretary.*