

Public Law 105-101
105th Congress

An Act

Nov. 19, 1997
[S. 813]

To amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans'
Cemetery
Protection Act of
1997.
28 USC 994 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Cemetery Protection Act of 1997".

28 USC 994 note.

SEC. 2. SENTENCING FOR OFFENSES AGAINST PROPERTY AT NATIONAL CEMETERIES.

(a) **IN GENERAL.**—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 2 levels for any offense against the property of a national cemetery.

(b) **COMMISSION DUTIES.**—In carrying out subsection (a), the Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of an offense described in that subsection are—

- (1) appropriately severe; and
- (2) reasonably consistent with other relevant directives and with other Federal sentencing guidelines.

(c) **DEFINITION OF NATIONAL CEMETERY.**—In this section, the term "national cemetery" means a cemetery—

- (1) in the National Cemetery System established under section 2400 of title 38, United States Code; or

(2) under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of the Interior.

Approved November 19, 1997.

LEGISLATIVE HISTORY—S. 813 (H.R. 1532):

HOUSE REPORTS: No. 105-142 accompanying H.R. 1532 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 143 (1997):

Nov. 4, considered and passed Senate.

Nov. 8, considered and passed House.