

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.

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**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.