

legislation also provides a partial compensation to the widows and children of veterans whose deaths were found to be service-connected. This too is fitting and right.

Again, I commend your leadership on this bill, Chairman STUMP, and I am pleased to offer my unqualified support for its passage.

Mr. STUMP. Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield back the balance of my time.

Mr. STUMP. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Arizona [Mr. STUMP].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans".

A motion to reconsider was laid on the table.

DENYING VETERANS BENEFITS TO PERSONS CONVICTED OF FEDERAL CAPITAL OFFENSES

Mr. STUMP. Madam Speaker, I ask unanimous consent for the immediate consideration in the House of the Senate bill (S. 923) to deny veterans benefits to persons convicted of Federal capital offenses.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 923

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

SECTION 1. DENIAL OF VETERANS BENEFITS

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

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. STUMP

Mr. STUMP. Madam Speaker, in lieu of the committee amendment, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. STUMP: Strike out all after the enacting clause and insert in lieu thereof the following:

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

(a) PROHIBITION AGAINST INTERMENT OR MEMORIALIZATION IN CERTAIN FEDERAL CEME-

TERIES.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

"§2411. Prohibition against interment or memorialization in the National Cemetery System or Arlington National Cemetery of persons committing Federal or State capital crimes

"(a)(1) In the case of a person described in subsection (b), the appropriate Federal official may not—

"(A) inter the remains of such person in a cemetery in the National Cemetery System or in Arlington National Cemetery; or

"(B) honor the memory of such person in a memorial area in a cemetery in the National Cemetery System (described in section 2403(a) of this title) or in such an area in Arlington National Cemetery (described in section 2409(a) of this title).

"(2) The prohibition under paragraph (1) shall not apply unless written notice of a conviction or finding under subsection (b) is received by the appropriate Federal official before such official approves an application for the interment or memorialization of such person. Such written notice shall be furnished to such official by the Attorney General, in the case of a Federal capital crime, or by an appropriate State official, in the case of a State capital crime.

"(b) A person referred to in subsection (a) is any of the following:

"(1) A person who has been convicted of a Federal capital crime for which the person was sentenced to death or life imprisonment.

"(2) A person who has been convicted of a State capital crime for which the person was sentenced to death or life imprisonment without parole.

"(3) A person who—

"(A) is found (as provided in subsection (c)) to have committed a Federal capital crime or a State capital crime, but

"(B) has not been convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution.

"(c) A finding under subsection (b)(3) shall be made by the appropriate Federal official. Any such finding may only be made based upon a showing of clear and convincing evidence, after an opportunity for a hearing in a manner prescribed by the appropriate Federal official.

"(d) For purposes of this section:

"(1) The term 'Federal capital crime' means an offense under Federal law for which the death penalty or life imprisonment may be imposed.

"(2) The term 'State capital crime' means, under State law, the willful, deliberate, or premeditated unlawful killing of another human being for which the death penalty or life imprisonment without parole may be imposed.

"(3) The term 'appropriate Federal official' means—

"(A) the Secretary, in the case of the National Cemetery System; and

"(B) the Secretary of the Army, in the case of Arlington National Cemetery."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of such title is amended by adding at the end the following new item:

"2411. Prohibition against interment or memorialization in the National Cemetery System or Arlington National Cemetery of persons committing Federal or State capital crimes."

(c) EFFECTIVE DATE.—Section 2411 of title 38, United States Code, as added by subsection (a), shall apply with respect to applications for interment or memorialization made on or after the date of the enactment of this Act.

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

Section 2408 of title 38, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

"(d)(1) In addition to the conditions specified in subsections (b) and (c), any grant made on or after the date of the enactment of this subsection to a State under this section to assist such State in establishing, expanding, or improving a veterans' cemetery shall be made on the condition described in paragraph (2).

"(2) For purposes of paragraph (1), the condition described in this paragraph is that, after the date of the receipt of the grant, such State prohibit the interment or memorialization in that cemetery of a person described in section 2411(b) of this title, subject to the receipt of notice described in subsection (a)(2) of such section, except that for purposes of this subsection—

"(A) such notice shall be furnished to an appropriate official of such State; and

"(B) a finding described in subsection (b)(3) of such section shall be made by an appropriate official of such State."

Mr. STUMP (during the reading). Madam Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. STUMP] is recognized for 1 hour.

Mr. STUMP. Madam Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. EVANS] pending which I yield myself such time as I may consume.

Madam Speaker, S. 923 is a bill to deny burial in a national cemetery to veterans convicted of capital offenses. During our committee hearings on this measure, and a similar measure which the gentleman from Illinois [Mr. EVANS] and I introduced, we heard testimony from all the major veterans service organizations. Although none of the organizations oppose the concept of the legislation in this area, they all urged the committee to be very careful about taking away earned benefits from veterans who have served their country honorably.

Existing law requires the reduction of compensation benefits to veterans serving prison terms, and there are provisions which revoke all benefits for certain crimes, such as treason or espionage.

Our committee carefully examined a number of proposals which would deny benefits to a certain class of veterans and reached a bipartisan conclusion on the legislation before the House. The committee chose not to limit benefits other than burial in a national cemetery at Arlington or in State veterans cemeteries.

However, the House amendment does expand the types of crimes which could lead to loss of benefits to both State and Federal capital crimes. I want to note the role of the gentleman from

Alabama [Mr. BACHUS] in insisting that the bill address State capital crimes. I would also like to thank the gentleman from Texas [Mr. RODRIGUEZ] for his careful examination of the legislation and for his suggestions regarding veterans who may not stand trial for capital offenses.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the amendment in the nature of a substitute to this bill offered by the distinguished gentleman from Arizona [Mr. STUMP], the chairman of the Committee on Veterans' Affairs. The amendment is a measured response to a difficult and complex question: Under what circumstances should a veteran who has served our country honorably be denied the privilege of a burial in a cemetery set aside for the repose of veterans?

This bill recognizes that some former members of the Armed Forces have been found guilty of acts so egregious in the eyes of the Nation that they should forfeit their right to burial in a cemetery dedicated to veterans. S. 923, as amended, recognizes the special value of service to our country. It reinforces the general principle of veterans rights earned in service to this Nation may be abridged only in the most extraordinary circumstances, extraordinary circumstances which justify an abridgement of the right to burial in a veterans cemetery are specified in this legislation.

The amendment offered by the gentleman today, which I support, varies from the version passed by the full committee. These changes clarify the intent of the committee to prevent the burial of former military members who engaged in postmilitary service acts so offensive to preclude their burial in those cemeteries which have been set aside for the repose of our Nation's veterans. Veterans who are convicted of Federal capital crimes and of murder in State capital cases will be barred from burial in the National Cemetery Service, Arlington National Cemetery, and any State's veterans cemetery which has received a grant from the Department of Veterans Affairs for such cemetery on or after the date of the enactment of this bill.

Veterans who fled to avoid prosecution or who have lost their life as a result of a Federal and State capital crime which otherwise would have resulted in the sentence of death or life imprisonment as defined by this bill will also be barred from burial in a veterans cemetery. An earlier version of this bill would have denied the burial benefits to veterans who had not been tried by reason of insanity.

As a result of the concerns raised by the distinguished gentleman from Texas [Mr. RODRIGUEZ], it became clear that such a course would be unwise. I want to thank my colleagues on the committee and particularly the gen-

tleman from New York [Mr. QUINN], the chairman of the subcommittee, who worked diligently to address these issues contained in this legislation. I urge my colleagues to support this measure.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from New York [Mr. QUINN], the chairman of the subcommittee.

Mr. QUINN. Madam Speaker, I thank the gentleman for yielding me this time. The bill before the House this afternoon reflects an amendment to S. 923 as reported by the House Committee on Veterans' Affairs. As amended, S. 923 would prohibit burial or memorialization in a national cemetery, Arlington National Cemetery or, prospectively, any State cemetery for which a State receives funding from the VA to anyone convicted of a Federal capital crime or any State capital crime involving the loss of one or more lives. It also gives the appropriate Federal and State officials the authority to deny burial to those who are shown by clear and convincing evidence are guilty of such a crime but are unavailable because they have avoided prosecution or died prior to trial. The bill does not affect other burial benefits such as a flag, Presidential certificates, or burial payments.

Madam Speaker, in crafting this bill and this legislation before us, we have adopted the Senate's desire to include all Federal capital crimes but, in recognition of a veteran's honorable service, we have retained the very limited denial of benefits contained in H.R. 2040 introduced by the gentleman from Arizona [Mr. STUMP]. As amended, S. 923 will not distinguish between a crime against a Federal official or a private citizen, Federal or State law.

We believe that the bill amendment strikes a reasonable position, as the gentleman from Illinois [Mr. EVANS], the ranking member, just mentioned, that protects the status of honorable military service while recognizing at the same time the heinous nature of capital crimes.

Madam Speaker, I want to emphasize to all of our colleagues that this bill does not violate constitutional provisions against ex post facto laws, nor does it qualify as a bill of attainder. This bill is an exercise of the Congress' constitutional authority to prescribe eligibility for any veterans benefit and, because we are proscribing a class of persons, this is not a bill of attainder.

Madam Speaker, in closing, I genuinely want to thank our ranking member of the subcommittee, the gentleman from California [Mr. FILNER], the gentleman from Alabama [Mr. BACHUS], the gentleman from Arkansas [Mr. SNYDER], and the gentleman from Texas [Mr. RODRIGUEZ] for their work on this bill.

We scheduled extra meetings in my office and had meetings with the chairman and the ranking member, and, in

my estimation, when we had to deal with some very emotional issues, we took a measured, timed approach to end up with a truly bipartisan effort here this afternoon.

I thank my friends and colleagues on both sides of the aisle for their interest and the time they spent. I think we end up with at least a bill we can take to the full Congress.

Mr. EVANS. Madam Speaker, I yield 4 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I compliment the chairman of the committee and the ranking member of the committee, as well as other Members, the gentleman from Texas [Mr. RODRIGUEZ], the gentleman from New York [Mr. QUINN], and the gentleman from Alabama [Mr. BACHUS], for their efforts in this regard.

Madam Speaker, imagine yourself a member of a family who has a loved one, a veteran who has passed on, who is buried in a national cemetery, either in Arlington or another national cemetery such as the one we have, one of three we have in Missouri. Also imagine that in a plot nearby, a convicted mass murderer, a veteran, is buried.

What would the reaction of you or the family be? Anguish? Disappointment?

This law, that hopefully will pass and be on the books, covers that loophole. I testified before the House Committee on Veterans' Affairs concerning this issue. I recommended then that the present law be changed to prohibit convicted murderers and terrorists from being buried in national cemeteries.

The current law prohibits burial in national cemeteries of veterans who have been convicted of certain crimes. However, the law has a loophole which needs to be closed. The existing law does not prohibit veterans who use weapons of mass destruction against property or persons of the Federal Government or murder of a Federal law enforcement officer or the crime of terrorism from being buried in national cemeteries.

This, of course, was brought to my attention as a result of the mass murder of 168 Americans in Oklahoma City on April 19, 1995, and the subsequent conviction of a man who happened to be a veteran.

Missouri, Madam Speaker, has three national cemeteries, Jefferson City National Cemetery, the Springfield National Cemetery, and Jefferson Barracks National Cemetery, the latter of which is in St. Louis. We should reserve our national cemeteries for individuals who served and sacrificed for love of country, those who in later life would be role models for those who follow them as members of the armed services or as veterans.

The honor that accompanies burial in a national cemetery is a guarded treasure. The men and women who faced unparalleled adversity while serving their

country deserve a patriotic and esteemed burial.

It is with these thoughts in mind that I not only compliment the committee, the chairman and ranking member and those who worked on it, but I endorse it wholeheartedly and urge its passage.

Mr. STUMP. Madam Speaker, I yield 3 minutes to the gentleman from Alabama [Mr. BACHUS], a member of the committee.

Mr. BACHUS. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I want to commend the chairman of our committee, the gentleman from Arizona [Mr. STUMP], and the gentleman from New York [Mr. QUINN], the chairman of the subcommittee. What they have done through their leadership on this bill is to give us a much better piece of legislation than what we had when it came over from the Senate.

The bill is not to punish; the bill is to protect our veterans. It is to respect our veterans. It is meant to protect them. It is not punitive. This bill does a very fine job of doing that.

When the bill came over from the Senate, the gentleman from Missouri [Mr. SKELTON] talked about a loophole, and I think that is a very good word. I think the gentleman is correct, in that when it came over from the Senate it said that certain people could not be buried in a National Cemetery if they had committed a Federal offense or a Federal capital offense. We agreed with that.

But the Committee on Veterans' Affairs felt we should not set up a preference for someone who commits Federal offenses, nor should there be preferential treatment given to Federal offenses as opposed to State offenses. In other words, if you blew up a Federal building, if you killed a Federal officer, if you committed a murder on an Indian reservation, you would be prohibited from being buried in a national cemetery; but if you blew up a city hall, if you killed a sheriff, if you walked in a McDonald's and killed 20 people, there would be no prohibition on you, a mass murderer, being buried in a national cemetery.

We took care of that simply by saying that all capital offenses were covered. What the gentleman from Arizona [Mr. STUMP] took leadership on is he was interested in respecting our cemeteries, preserving their dignity, thinking about those heroes who are buried there, and our statement to the Nation on who are our heroes.

The Senate bill, I think, was punitive, in that it denied to the widows, to the dependents, all benefits, and that was not what we were after. That is not what we were seeking. We were seeking to protect and to respect, not to be punitive.

The final product I wholly endorse. I originally introduced part of this legislation in response to a lynching of a 19-year-old young man in Mobile County.

The bill that came from the Senate would not have addressed this. The people that participated in the military honor guard protested having to participate in honoring a man who had just been executed in the electric chair in Alabama. The Senate bill did not address that; the House bill did.

Madam Speaker, this is a much better bill, and I urge its passage, and I thank the chairman and the subcommittee chairman.

Mr. EVANS. Madam Speaker, I yield the balance of my time to the gentleman from Texas [Mr. RODRIGUEZ], a fighter for veterans and member of the committee.

Mr. RODRIGUEZ. Madam Speaker, I rise today to commend the leadership for taking swift and precise action to prevent violent criminals from being honored in our Nation's veterans' cemeteries.

The bill we are passing today amends earlier provisions which may have unfairly targeted those who would be blamed, veterans' families or veterans who suffer from mental illness. I believe the focus of this bill on actual convicts and veterans who obviously committed the crime with the requisite mental intent protects due process for veterans and their families.

In protecting veterans and veterans' families from the arbitrary elimination of benefits, this legislation strikes the resounding chord that we will not bless criminal veterans with the honor of burial in our national cemeteries.

Madam Speaker, in closing, let me thank the chairman and the ranking member, as well as the gentleman from New York, Chairman QUINN. I think the gentleman did an exceptional job in reaching out to us in a bipartisan manner.

Mr. EVANS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, once again I would like to commend the gentleman from New York [Mr. QUINN] and the gentleman from California [Mr. FILNER], the chairman and ranking member of this subcommittee, and also again the gentleman from Alabama [Mr. BACHUS] and the gentleman from Texas [Mr. RODRIGUEZ] and the ranking member of the full committee, the gentleman from Illinois [Mr. EVANS], for all their fine work on this bill. I think we have come up with a very fine product, and I would urge all Members to support it.

Mr. KNOLLENBERG. Madam Speaker, I rise in strong support of S. 923, a bill to deny veterans burial benefits to persons convicted of Federal capital offenses. I would also like to commend the chairman of the House Veterans' Affairs Committee, Mr. STUMP, for his guidance in bringing this important bill before the House.

On June 18, I introduced H.R. 1955 which is similar to the legislation before the House today. As a member of the VA-HUD Appropriations subcommittee, I felt it was necessary and appropriate to introduce this legislation

after the Senate passed S. 923 by a vote of 98 to 0.

As pictures of the Oklahoma City bombing were brought into the lives of everyone across this great country, no one watched with more horror than I did. It will always remain ingrained in our hearts, our minds, and our souls.

Like the rest of the Nation, I was saddened more by the fact the person responsible for killing 168 people in the most heinous domestic terrorist act ever committed could receive a hero's burial with taps, a 21-gun salute, and a flag-draped coffin.

S. 923 is the right thing to do. Our Nation's veterans' cemeteries are sacred ground, and they are a solemn and sad reminder of the price our Nation has paid for the freedom we enjoy every day. It is wrong for those veterans and their dependents to live with the thought that someone who has killed so many innocent lives on our own soil could be laid to rest next to these fallen heroes.

I commend Chairman STUMP and the rest of the Veterans' Committee for their diligence on this issue. I would also like to thank the chairman for allowing me to testify before his committee on this very issue. All of us, including myself, who served in our armed services are thankful for his leadership to ensure our Nation's cemeteries remain sacred.

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 923 and H.R. 2367.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Arizona [Mr. STUMP].

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

An Act to amend title 38, United States Code, to prohibit interment or memorialization in certain cemeteries of persons committing Federal or State capital crimes.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN HONOR OF JOHN N. STURDIVANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mrs. MORELLA] is recognized for 5 minutes.