

109TH CONGRESS
2^D SESSION

H. R. 42

AN ACT

To ensure that the right of an individual to display the flag of the United States on residential property not be abridged.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Freedom to Display
3 the American Flag Act of 2005”.

4 **SEC. 2. DEFINITIONS.**

5 For purposes of this Act—

6 (1) the term “flag of the United States” has
7 the meaning given the term “flag, standard, colors,
8 or ensign” under section 3 of title 4, United States
9 Code;

10 (2) the terms “condominium association” and
11 “cooperative association” have the meanings given
12 such terms under section 604 of Public Law 96–399
13 (15 U.S.C. 3603);

14 (3) the term “residential real estate manage-
15 ment association” has the meaning given such term
16 under section 528 of the Internal Revenue Code of
17 1986 (26 U.S.C. 528); and

18 (4) the term “member”—

19 (A) as used with respect to a condominium
20 association, means an owner of a condominium
21 unit (as defined under section 604 of Public
22 Law 96–399 (15 U.S.C. 3603)) within such as-
23 sociation;

24 (B) as used with respect to a cooperative
25 association, means a cooperative unit owner (as
26 defined under section 604 of Public Law 96–

1 399 (15 U.S.C. 3603)) within such association;

2 and

3 (C) as used with respect to a residential
4 real estate management association, means an
5 owner of a residential property within a subdivi-
6 sion, development, or similar area subject to
7 any policy or restriction adopted by such asso-
8 ciation.

9 **SEC. 3. RIGHT TO DISPLAY THE FLAG OF THE UNITED**
10 **STATES.**

11 A condominium association, cooperative association,
12 or residential real estate management association may not
13 adopt or enforce any policy, or enter into any agreement,
14 that would restrict or prevent a member of the association
15 from displaying the flag of the United States on residen-
16 tial property within the association with respect to which
17 such member has a separate ownership interest or a right
18 to exclusive possession or use.

19 **SEC. 4. LIMITATIONS.**

20 Nothing in this Act shall be considered to permit any
21 display or use that is inconsistent with—

22 (1) any provision of chapter 1 of title 4, United
23 States Code, or any rule or custom pertaining to the
24 proper display or use of the flag of the United

1 States (as established pursuant to such chapter or
2 any otherwise applicable provision of law); or

3 (2) any reasonable restriction pertaining to the
4 time, place, or manner of displaying the flag of the
5 United States necessary to protect a substantial in-
6 terest of the condominium association, cooperative
7 association, or residential real estate management
8 association.

Passed the House of Representatives June 27, 2006.

Attest:

Clerk.

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