

109TH CONGRESS
2^D SESSION

H. R. 42

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2006

Received; read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

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:

KAREN L. HAAS,

Clerk.