

109TH CONGRESS
1ST SESSION

H. R. 42

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. BARTLETT of Maryland introduced the following bill; which was referred to the Committee on Financial Services

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act—

8 (1) the term “flag of the United States” has
9 the meaning given the term “flag, standard, colors,

1 or ensign” under section 3 of title 4, United States
2 Code;

3 (2) the terms “condominium association” and
4 “cooperative association” have the meanings given
5 such terms under section 604 of Public Law 96–399
6 (15 U.S.C. 3603);

7 (3) the term “residential real estate manage-
8 ment association” has the meaning given such term
9 under section 528 of the Internal Revenue Code of
10 1986 (26 U.S.C. 528); and

11 (4) the term “member”—

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

17 (B) as used with respect to a cooperative
18 association, means a cooperative unit owner (as
19 defined under section 604 of Public Law 96–
20 399 (15 U.S.C. 3603)) within such association;
21 and

22 (C) as used with respect to a residential
23 real estate management association, means an
24 owner of a residential property within a subdivi-
25 sion, development, or similar area subject to

1 any policy or restriction adopted by such asso-
2 ciation.

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

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

13 **SEC. 4. LIMITATIONS.**

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

16 (1) any provision of chapter 1 of title 4, United
17 States Code, or any rule or custom pertaining to the
18 proper display or use of the flag of the United
19 States (as established pursuant to such chapter or
20 any otherwise applicable provision of law); or

21 (2) any reasonable restriction pertaining to the
22 time, place, or manner of displaying the flag of the
23 United States necessary to protect a substantial in-
24 terest of the condominium association, cooperative

- 1 association, or residential real estate management
- 2 association.

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