

109TH CONGRESS
2^D SESSION

H. R. 5037

AN ACT

To amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

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 “Respect for America’s
3 Fallen Heroes Act”.

4 **SEC. 2. PROHIBITION ON CERTAIN DEMONSTRATIONS AT**
5 **CEMETERIES UNDER THE CONTROL OF THE**
6 **NATIONAL CEMETERY ADMINISTRATION AND**
7 **AT ARLINGTON NATIONAL CEMETERY.**

8 (a) PROHIBITION.—Chapter 24 of title 38, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

11 **“§ 2413. Prohibition on certain demonstrations at**
12 **cemeteries under control of National**
13 **Cemetery Administration and at Arling-**
14 **ton National Cemetery**

15 “(a) PROHIBITION.—No person may carry out—

16 “(1) a demonstration on the property of a cem-
17 etery under the control of the National Cemetery
18 Administration or on the property of Arlington Na-
19 tional Cemetery unless the demonstration has been
20 approved by the cemetery superintendent or the di-
21 rector of the property on which the cemetery is lo-
22 cated; or

23 “(2) with respect to such a cemetery at which
24 a funeral or memorial service or ceremony is to be
25 held, a demonstration within 500 feet of that ceme-
26 tery that—

1 “(A) is conducted during the period begin-
2 ning 60 minutes before and ending 60 minutes
3 after the funeral or memorial service or cere-
4 mony is held; and

5 “(B) includes, as a part of such dem-
6 onstration, any individual willfully making or
7 assisting in the making of any noise or diver-
8 sion that disturbs or tends to disturb the peace
9 or good order of the funeral or memorial service
10 or ceremony.

11 “(b) DEMONSTRATION.—For purposes of this sec-
12 tion, the term ‘demonstration’ includes the following:

13 “(1) Any picketing or similar conduct.

14 “(2) Any oration, speech, use of sound amplifi-
15 cation equipment or device, or similar conduct before
16 an assembled group of people that is not part of a
17 funeral or memorial service or ceremony.

18 “(3) The display of any placard, banner, flag,
19 or similar device, unless such a display is part of a
20 funeral or memorial service or ceremony.

21 “(4) The distribution of any handbill, pamphlet,
22 leaflet, or other written or printed matter other than
23 a program distributed as part of a funeral or memo-
24 rial service or ceremony.”.

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

“2413. Prohibition on demonstrations at cemeteries under control of National
 Cemetery Administration and at Arlington National Cemetery.”.

4 **SEC. 3. PENALTY FOR VIOLATION OF PROHIBITION ON UN-**
 5 **APPROVED DEMONSTRATIONS AT CEME-**
 6 **TERIES UNDER THE CONTROL OF THE NA-**
 7 **TIONAL CEMETERY ADMINISTRATION AND AT**
 8 **ARLINGTON NATIONAL CEMETERY.**

9 (a) PENALTY.—Chapter 67 of title 18, United States
 10 Code, is amended by adding at the end the following new
 11 section:

12 **“§ 1387. Demonstrations at cemeteries under the con-**
 13 **trol of National Cemetery Administration**
 14 **and at Arlington National Cemetery**

15 “Whoever violates section 2413 of title 38 shall be
 16 fined under this title, imprisoned for not more than one
 17 year, or both.”.

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

“1387. Demonstrations at cemeteries under the control of National Cemetery
 Administration and at Arlington National Cemetery.”.

1 **SEC. 4. SENSE OF CONGRESS ON STATE RESTRICTION OF**
2 **DEMONSTRATIONS NEAR MILITARY FUNER-**
3 **ALS.**

4 It is the sense of Congress that each State should
5 enact legislation to restrict demonstrations near any mili-
6 tary funeral.

Passed the House of Representatives May 9, 2006.

Attest:

Clerk.

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