

109TH CONGRESS
2^D SESSION

H. R. 5037

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.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2006

Mr. ROGERS of Michigan (for himself, Mr. BUYER, Mr. MILLER of Florida, Mr. REYES, Mr. NEY, Mr. CHOCOLA, Mr. KENNEDY of Minnesota, Mr. WELLER, Mr. KILDEE, Mr. SHIMKUS, Mr. SODREL, Mr. HAYWORTH, Mr. WALDEN of Oregon, Mr. SIMMONS, Ms. BORDALLO, Mr. KLINE, Mr. GERLACH, Mr. McCOTTER, Mr. SCHWARZ of Michigan, Mr. ROGERS of Alabama, Mr. BROWN of South Carolina, Mr. RYUN of Kansas, Mr. DAVIS of Kentucky, Mr. BISHOP of Georgia, Mrs. MUSGRAVE, Mr. KNOLLENBERG, Mr. EVANS, Mr. CHABOT, Mrs. MILLER of Michigan, Mr. BERRY, Mr. PORTER, Mr. REICHERT, Ms. CORRINE BROWN of Florida, Mr. STRICKLAND, Mr. ORTIZ, Mr. PLATTS, Mr. EDWARDS, Mr. BILIRAKIS, Mr. FILNER, Mr. KING of Iowa, Mr. CHANDLER, Mr. TANNER, Mr. HEFLEY, and Mr. HOSTETTTLER) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Respect for America’s
5 Fallen Heroes Act”.

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

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

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

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

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

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

5 “(A) is conducted during the period begin-
6 ning 60 minutes before and ending 60 minutes
7 after the funeral or memorial service or cere-
8 mony is held; and

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

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

17 “(1) Any picketing or similar conduct.

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

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

“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.

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