

112TH CONGRESS
1ST SESSION

S. 390

To ensure that the right of an individual to display the Service Flag on residential property not be abridged.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2011

Mr. WEBB (for himself and Mrs. MCCASKILL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To ensure that the right of an individual to display the Service Flag 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 “Blue Star/Gold Star
5 Flag Act of 2011”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) The term “Service Flag” means a service
9 flag for purposes of section 901 of title 36, United
10 States Code.

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

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

9 (4) The term “member”—

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

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

20 (C) as used with respect to a residential
21 real estate management association, means an
22 owner of a residential property within a subdivi-
23 sion, development, or similar area subject to
24 any policy or restriction adopted by such asso-
25 ciation.

1 **SEC. 3. RIGHT TO DISPLAY THE SERVICE FLAG.**

2 A condominium association, cooperative association,
3 or residential real estate management association may not
4 adopt or enforce any policy, or enter into any agreement,
5 that would restrict or prevent a member of the association
6 from displaying the Service Flag on residential property
7 within the association with respect to which such member
8 has a separate ownership interest or a right to exclusive
9 possession or use.

10 **SEC. 4. LIMITATIONS.**

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

13 (1) any regulations prescribed by the Secretary
14 of Defense regarding rules or customs pertaining to
15 the proper display or use of the Service Flag; or

16 (2) any reasonable restriction pertaining to the
17 time, place, or manner of displaying the Service Flag
18 necessary to protect a substantial interest of the
19 condominium association, cooperative association, or
20 residential real estate management association.

○