



HR 5037 IH

109th CONGRESS

2d 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. HOSTETTLER) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Respect for America's Fallen Heroes Act'.

SEC. 2. PROHIBITION ON CERTAIN DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) Prohibition- Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

'Sec. 2413. Prohibition on certain demonstrations at cemeteries under control of National Cemetery Administration and at Arlington National Cemetery

'(a) Prohibition- No person may carry out--

'(1) a demonstration on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery unless the demonstration has been approved by the cemetery superintendent or the director of the property on which the cemetery is located; or

'(2) with respect to such a cemetery at which a funeral or memorial service or ceremony is to be held, a demonstration within 500 feet of that cemetery that--

'(A) is conducted during the period beginning 60 minutes before and ending 60 minutes after the funeral or memorial service or ceremony is held; and

'(B) includes, as a part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral or memorial service or ceremony.

'(b) Demonstration- For purposes of this section, the term 'demonstration' includes the following:

'(1) Any picketing or similar conduct.

'(2) Any oration, speech, use of sound amplification equipment or device, or similar conduct before an assembled group of people that is not part of a funeral or memorial

service or ceremony.

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

`(4) The distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral or memorial service or ceremony.'

(b) Clerical Amendment- The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

`2413. Prohibition on demonstrations at cemeteries under control of National Cemetery Administration and at Arlington National Cemetery.'

SEC. 3. PENALTY FOR VIOLATION OF PROHIBITION ON UNAPPROVED DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) Penalty- Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

`Sec. 1387. Demonstrations at cemeteries under the control of National Cemetery Administration and at Arlington National Cemetery

`Whoever violates section 2413 of title 38 shall be fined under this title, imprisoned for not more than one year, or both.'

(b) Clerical Amendment- The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

`1387. Demonstrations at cemeteries under the control of National Cemetery Administration and at Arlington National Cemetery.'

SEC. 4. SENSE OF CONGRESS ON STATE RESTRICTION OF DEMONSTRATIONS NEAR MILITARY FUNERALS.

It is the sense of Congress that each State should enact legislation to restrict demonstrations near any military funeral.

END

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