

#### **4 U.S.C. § 5 : US Code - Section 5: Display and use of flag by civilians; codification of rules and customs; definition**

The following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America is established for the use of such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the Government of the United States. The flag of the United States for the purpose of this chapter shall be defined according to sections 1 and 2 of this title and Executive Order 10834 issued pursuant thereto.

(Added Pub. L. 105-225, Sec. 2(a), Aug. 12, 1998, 112 Stat. 1494.)

#### **HISTORICAL AND REVISION NOTES**

-----  
Revised      Source (U.S. Code)      Source (Statutes at Large)  
Section

-----  
5            36:173.            June 22, 1942, ch. 435, Sec.  
1, 56 Stat. 377; Dec. 22, 1942, ch. 806, Sec. 1, 56 Stat. 1074; July 7, 1976, Pub. L. 94-344, (1), 90 Stat. 810.  
-----

#### **REFERENCES IN TEXT**

Executive Order 10834, referred to in text, is set out as a note under section 1 of this title.

#### **FREEDOM TO DISPLAY THE AMERICAN FLAG**

Pub. L. 109-243, July 24, 2006, 120 Stat. 572, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Freedom to Display the American Flag Act of 2005'.

"SEC. 2. DEFINITIONS.

"For purposes of this Act -

"(1) the term 'flag of the United States' has the meaning given the term 'flag, standard, colors, or ensign' under section 3 of title 4, United States Code;

"(2) the terms 'condominium association' and 'cooperative association' have the meanings given such terms under section 604 of Public Law 96-399 (15 U.S.C. 3603);

"(3) the term 'residential real estate management association' has the meaning given such term under section 528 of the Internal Revenue Code of 1986 (26 U.S.C. 528); and

"(4) the term 'member' -

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

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

and

"(C) as used with respect to a residential real estate management association, means an owner of a residential property within a subdivision, development, or similar area subject to any policy or restriction adopted by such association.

"SEC. 3. RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES.

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

"SEC. 4. LIMITATIONS.

"Nothing in this Act shall be considered to permit any display or use that is inconsistent with -

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

"(2) any reasonable restriction pertaining to the time, place, or manner of displaying the flag of the United States necessary to protect a substantial interest of the condominium association, cooperative association, or residential real estate management association."

Source:

<http://www.gpo.gov/fdsys/pkg/PLAW-109publ243/content-detail.html>

or

<http://codes.lp.findlaw.com/uscode/4/1/5/notes>