

Cemetery System unless a good faith effort has been made to determine whether such person is ineligible for such interment or honors by reason of being a person described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment under Federal law.”

§ 2412. Lease of land and buildings

(a) LEASE AUTHORIZED.—The Secretary may lease any undeveloped land and unused or underutilized buildings, or parts or parcels thereof, belonging to the United States and part of the National Cemetery Administration.

(b) TERM.—The term of a lease under subsection (a) may not exceed 10 years.

(c) LEASE TO PUBLIC OR NONPROFIT ORGANIZATIONS.—(1) A lease under subsection (a) to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5).¹

(2) Notwithstanding section 1302 of title 40 or any other provision of law, a lease under subsection (a) to any public or nonprofit organization may provide for the maintenance, protection, or restoration of the leased property by the lessee, as a part or all of the consideration for the lease.

(d) NOTICE.—Before entering into a lease under subsection (a), the Secretary shall give appropriate public notice of the intention of the Secretary to enter into the lease in a newspaper of general circulation in the community in which the lands or buildings concerned are located.

(e) NATIONAL CEMETERY ADMINISTRATION FACILITIES OPERATION FUND.—(1) There is established on the book of the Treasury an account to be known as the “National Cemetery Administration Facilities Operation Fund” (in this section referred to as the “Fund”).

(2) The Fund shall consist of the following:

(A) Proceeds from the lease of land or buildings under this section.

(B) Proceeds of agricultural licenses of lands of the National Cemetery Administration.

(C) Any other amounts appropriated to or otherwise authorized for deposit in the Fund by law.

(3) Amounts in the Fund shall be available to cover costs incurred by the National Cemetery Administration in the operation and maintenance of property of the Administration.

(4) Amounts in the Fund shall remain available until expended.

(Added Pub. L. 108-454, title VI, § 602(a), Dec. 10, 2004, 118 Stat. 3623.)

REFERENCES IN TEXT

Section 3709 of the Revised Statutes, referred to in subsec. (c)(1), was classified to section 5 of former Title 41, Public Contracts, and was repealed and restated in section 6101 of Title 41, Public Contracts, by Pub. L. 111-350, §§ 3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855.

§ 2413. Prohibition on certain demonstrations and disruptions at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery

(a) PROHIBITION.—It shall be unlawful for any person—

(1) to carry out 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, to engage in a demonstration during the period beginning 120 minutes before and ending 120 minutes after a funeral, memorial service, or ceremony is held, any part of which demonstration—

(A)(i) takes place within the boundaries of such cemetery or takes place within 300 feet of the point of the intersection between—

(I) the boundary of such cemetery; and

(II) a road, pathway, or other route of ingress to or egress from such cemetery; and

(ii) includes any individual willfully making or assisting in the making of any noise or diversion—

(I) that is not part of such funeral, memorial service, or ceremony and that disturbs or tends to disturb the peace or good order of such funeral, memorial service, or ceremony; and

(II) with the intent of disturbing the peace or good order of such funeral, memorial service, or ceremony; or

(B)(i) is within 500 feet of the boundary of such cemetery; and

(ii) includes any individual—

(I) willfully and without proper authorization impeding or tending to impede the access to or egress from such cemetery; and

(II) with the intent to impede the access to or egress from such cemetery.

(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18 or imprisoned for not more than one year, or both.

(c) CIVIL REMEDIES.—(1) The district courts of the United States shall have jurisdiction—

(A) to prevent and restrain violations of this section; and

(B) for the adjudication of any claims for relief under this section.

(2) The Attorney General of the United States may institute proceedings under this section.

(3) Any person, including a surviving member of the deceased person's immediate family, who suffers injury as a result of conduct that violates this section may—

(A) sue therefor in any appropriate United States district court or in any court of competent jurisdiction; and

(B) recover damages as provided in subsection (d) and the cost of the suit, including reasonable attorneys' fees.

(4) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by a person or by the United States.

(d) ACTUAL AND STATUTORY DAMAGES.—(1) In addition to any penalty imposed under sub-

¹ See References in Text note below.