

111TH CONGRESS
1ST SESSION

H. R. 2097

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2009

Received; read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

AN ACT

To require the Secretary of the Treasury to mint coins
in commemoration of the bicentennial of the writing of
the Star-Spangled Banner, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Star-Spangled Banner
3 Commemorative Coin Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds as follows:

6 (1) During the Battle for Baltimore of the War
7 of 1812, Francis Scott Key visited the British fleet
8 in the Chesapeake Bay on September 7, 1814, to se-
9 cure the release of Dr. William Beanes, who had
10 been captured after the British burned Washington,
11 DC.

12 (2) The release of Dr. Beanes was secured, but
13 Key and Beanes were held by the British during the
14 shelling of Fort McHenry, one of the forts defending
15 Baltimore.

16 (3) On the morning of September 14, 1814,
17 after the 25-hour British bombardment of Fort
18 McHenry, Key peered through the clearing smoke to
19 see a 42-foot by 30-foot American flag flying proud-
20 ly atop the Fort.

21 (4) He was so inspired to see the enormous flag
22 still flying over the Fort that he began penning a
23 song, which he named *The Defence of Fort McHenry*,
24 to commemorate the occasion and he included a note
25 that it should be sung to the tune of the popular
26 British melody *To Anacreon in Heaven*.

1 (5) In 1916, President Woodrow Wilson or-
2 dered that the anthem, which had been popularly re-
3 named the *Star-Spangled Banner*, be played at mili-
4 tary and naval occasions.

5 (6) On March 3, 1931, President Herbert Hoo-
6 ver signed a resolution of Congress that officially
7 designated the *Star-Spangled Banner* as the Na-
8 tional Anthem of the United States.

9 **SEC. 3. COIN SPECIFICATIONS.**

10 (a) \$1 SILVER COINS.—The Secretary of the Treas-
11 ury (hereafter in this Act referred to as the “Secretary”)
12 shall mint and issue the following coins in commemoration
13 of the bicentennial of the writing of the *Star-Spangled*
14 *Banner*:

15 (1) \$5 GOLD COINS.—Not more than 100,000
16 \$5 coins, which shall—

17 (A) weigh 8.359 grams;

18 (B) have a diameter of 0.850 inches; and

19 (C) contain 90 percent gold and 10 percent
20 alloy.

21 (2) \$1 SILVER COINS.—Not more than 500,000
22 \$1 coins, which shall—

23 (A) weigh 26.73 grams;

24 (B) have a diameter of 1.500 inches; and

1 (C) contain 90 percent silver and 10 per-
2 cent copper.

3 (b) LEGAL TENDER.—The coins minted under this
4 Act shall be legal tender, as provided in section 5103 of
5 title 31, United States Code.

6 (c) NUMISMATIC ITEMS.—For purposes of sections
7 5134 and 5136 of title 31, United States Code, all coins
8 minted under this Act shall be considered to be numis-
9 matic items.

10 **SEC. 4. DESIGN OF COINS.**

11 (a) DESIGN REQUIREMENTS.—

12 (1) IN GENERAL.—The design of the coins
13 minted under this Act shall be emblematic of the
14 War of 1812 and particularly the Battle for Balti-
15 more that formed the basis for the *Star-Spangled*
16 *Banner*.

17 (2) DESIGNATION AND INSCRIPTIONS.—On
18 each coin minted under this Act, there shall be—

19 (A) a designation of the value of the coin;

20 (B) an inscription of the year “2012”; and

21 (C) inscriptions of the words “Liberty”,

22 “In God We Trust”, “United States of Amer-
23 ica”, and “E Pluribus Unum”.

24 (b) SELECTION.—The design for the coins minted
25 under this Act shall be—

1 (1) selected by the Secretary, after consultation
2 with the Maryland War of 1812 Bicentennial Com-
3 mission and the Commission of Fine Arts; and

4 (2) reviewed by the Citizens Coinage Advisory
5 Committee.

6 **SEC. 5. ISSUANCE OF COINS.**

7 (a) **QUALITY OF COINS.**—Coins minted under this
8 Act shall be issued in uncirculated and proof qualities.

9 (b) **MINT FACILITY.**—Only one facility of the United
10 States Mint may be used to strike any particular quality
11 of the coins minted under this Act.

12 (c) **PERIOD FOR ISSUANCE.**—The Secretary may
13 issue coins under this Act only during the calendar year
14 beginning on January 1, 2012.

15 **SEC. 6. SALE OF COINS.**

16 (a) **SALE PRICE.**—The coins issued under this Act
17 shall be sold by the Secretary at a price equal to the sum
18 of—

19 (1) the face value of the coins;

20 (2) the surcharge provided in section 7 with re-
21 spect to such coins; and

22 (3) the cost of designing and issuing the coins
23 (including labor, materials, dies, use of machinery,
24 overhead expenses, marketing, and shipping).

1 (b) BULK SALES.—The Secretary shall make bulk
2 sales of the coins issued under this Act at a reasonable
3 discount.

4 (c) PREPAID ORDERS.—

5 (1) IN GENERAL.—The Secretary shall accept
6 prepaid orders for the coins minted under this Act
7 before the issuance of such coins.

8 (2) DISCOUNT.—Sale prices with respect to pre-
9 paid orders under paragraph (1) shall be at a rea-
10 sonable discount.

11 **SEC. 7. SURCHARGES.**

12 (a) IN GENERAL.—All sales of coins issued under this
13 Act shall include a surcharge of—

14 (1) \$35 per coin for the \$5 coin; and

15 (2) \$10 per coin for the \$1 coin.

16 (b) DISTRIBUTION.—Subject to section 5134(f) of
17 title 31, United States Code, all surcharges received by
18 the Secretary from the sale of coins issued under this Act
19 shall be paid to the Maryland War of 1812 Bicentennial
20 Commission for the purpose of supporting bicentennial ac-
21 tivities, educational outreach activities (including sup-
22 porting scholarly research and the development of exhib-
23 its), and preservation and improvement activities per-
24 taining to the sites and structures relating to the War of
25 1812.

1 (c) AUDITS.—The Comptroller General of the United
2 States shall have the right to examine such books, records,
3 documents, and other data of the Maryland War of 1812
4 Bicentennial Commission as may be related to the expend-
5 itures of amounts paid under subsection (b).

6 (d) LIMITATION.—Notwithstanding subsection (a),
7 no surcharge may be included with respect to the issuance
8 under this Act of any coin during a calendar year if, as
9 of the time of such issuance, the issuance of such coin
10 would result in the number of commemorative coin pro-
11 grams issued during such year to exceed the annual 2
12 commemorative coin program issuance limitation under
13 section 5112(m)(1) of title 31, United States Code (as in
14 effect on the date of the enactment of this Act). The Sec-
15 retary of the Treasury may issue guidance to carry out
16 this subsection.

Passed the House of Representatives September 9,
2009.

Attest:

LORRAINE C. MILLER,

Clerk.