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2D SESSION

H. R. 5138

IN THE SENATE OF THE UNITED STATES

JULY 23, 2002

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

AN ACT

To posthumously award congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “True American Heroes
5 Act of 2002”.

6 **TITLE I—MEDALS FOR**
7 **RESPONDERS AND RESISTERS**

8 **SEC. 101. CONGRESSIONAL GOLD MEDALS FOR GOVERN-**
9 **MENT WORKERS WHO RESPONDED TO THE**
10 **ATTACKS ON THE WORLD TRADE CENTER**
11 **AND PERISHED.**

12 (a) PRESENTATION AUTHORIZED.—In recognition of
13 the bravery and self-sacrifice of officers, emergency work-
14 ers, and other employees of State and local government
15 agencies, including the Port Authority of New York and
16 New Jersey, and of the United States Government and
17 others, who responded to the attacks on the World Trade
18 Center in New York City, and perished in the tragic events
19 of September 11, 2001 (including those who are missing
20 and presumed dead), the Speaker of the House and the
21 President pro tempore of the Senate shall make appro-
22 priate arrangements for the presentation, on behalf of the
23 Congress, of a gold medal of appropriate design for each
24 such officer, emergency worker, employee, or other indi-
25 vidual to the next of kin or other personal representative

1 of each such officer, emergency worker, employee, or other
2 individual.

3 (b) DESIGN AND STRIKING.—For purposes of the
4 presentation referred to in subsection (a), the Secretary
5 of the Treasury shall strike gold medals with suitable em-
6 blems, devices, and inscriptions to be determined by the
7 Secretary to be emblematic of the valor and heroism of
8 the men and women honored.

9 (c) DETERMINATION OF RECIPIENTS.—The Sec-
10 retary of the Treasury shall determine the number of med-
11 als to be presented under this section and the appropriate
12 recipients of the medals after consulting with appropriate
13 representatives of Federal, State, and local officers and
14 agencies and the Port Authority of New York and New
15 Jersey.

16 (d) DUPLICATIVE GOLD MEDALS FOR DEPART-
17 MENTS AND DUTY STATIONS.—

18 (1) IN GENERAL.—The Secretary of the Treas-
19 ury shall strike duplicates in gold of the gold medals
20 struck pursuant to subsection (a) for presentation to
21 each of the following, for permanent display in the
22 respective offices, houses, stations, or places of em-
23 ployment:

24 (A) The Governor of the State of New
25 York.

1 (B) The Mayor of the City of New York.

2 (C) The Commissioner of the New York
3 Police Department, the Commissioner of the
4 New York Fire Department, the head of emer-
5 gency medical services for the City of New
6 York, and the Chairman of the Board of Direc-
7 tors of the Port Authority of New York and
8 New Jersey.

9 (D) Each precinct house, fire house, emer-
10 gency response station, or other duty station or
11 place of employment to which each person re-
12 ferred to in subsection (a) was assigned on Sep-
13 tember 11, 2001, for display in each such place
14 in a manner befitting the memory of such per-
15 sons.

16 (e) DUPLICATE BRONZE MEDALS.—Under such reg-
17 ulations as the Secretary may prescribe, the Secretary
18 may strike and sell duplicates in bronze of the gold medal
19 struck under subsection (a) at a price sufficient to cover
20 the costs of the bronze medals (including labor, materials,
21 dies, use of machinery, and overhead expenses) and the
22 cost of the gold medal.

23 (f) USE OF THE UNITED STATES MINT AT WEST
24 POINT, NEW YORK.—It is the sense of the Congress that
25 the medals authorized under this section should be struck

1 at the United States Mint at West Point, New York, to
2 the greatest extent possible.

3 **SEC. 102. CONGRESSIONAL GOLD MEDALS FOR PEOPLE**
4 **ABOARD UNITED AIRLINES FLIGHT 93 WHO**
5 **HELPED RESIST THE HIJACKERS AND**
6 **CAUSED THE PLANE TO CRASH.**

7 (a) CONGRESSIONAL FINDINGS.—The Congress finds
8 as follows:

9 (1) On September 11, 2001, United Airlines
10 Flight 93, piloted by Captain James Dahl, departed
11 from Newark International Airport at 8:01 a.m. on
12 its scheduled route to San Francisco, California,
13 with 7 crew members and 38 passengers on board.

14 (2) Shortly after departure, United Airlines
15 Flight 93 was hijacked by terrorists.

16 (3) At 10:37 a.m. United Airlines Flight 93
17 crashed near Shanksville, Pennsylvania.

18 (4) Evidence indicates that people aboard
19 United Airlines Flight 93 learned that other hi-
20 jacked planes had been used to attack the World
21 Trade Center in New York City and resisted the ac-
22 tions of the hijackers on board.

23 (5) The effort to resist the hijackers aboard
24 United Airlines Flight 93 appears to have caused
25 the plane to crash prematurely, potentially saving

1 hundreds or thousands of lives and preventing the
2 destruction of the White House, the Capitol, or an-
3 other important symbol of freedom and democracy.

4 (6) The leaders of the resistance aboard United
5 Airlines Flight 93 demonstrated exceptional bravery,
6 valor, and patriotism, and are worthy of the appre-
7 ciation of the people of the United States.

8 (b) PRESENTATION OF CONGRESSIONAL GOLD MED-
9 ALS AUTHORIZED.—In recognition of heroic service to the
10 Nation, the Speaker of the House and the President pro
11 tempore of the Senate shall make appropriate arrange-
12 ments for the presentation, on behalf of the Congress, of
13 a gold medal of appropriate design for each passenger or
14 crew member on board United Airlines Flight 93 who is
15 identified by the Attorney General as having aided in the
16 effort to resist the hijackers on board the plane to the
17 next of kin or other personal representative of each such
18 individual.

19 (c) DESIGN AND STRIKING.—For the purpose of the
20 presentation referred to in subsection (b), the Secretary
21 of the Treasury shall strike gold medals of a single design
22 with suitable emblems, devices, and inscriptions, to be de-
23 termined by the Secretary.

24 (d) DUPLICATE MEDALS.—Under such regulations
25 as the Secretary of the Treasury may prescribe, the Sec-

1 retary may strike and sell duplicates in bronze of the gold
2 medals struck under subsection (b) at a price sufficient
3 to cover the cost of the bronze medals (including labor,
4 materials, dies, use of machinery, and overhead expenses)
5 and the cost of the gold medals.

6 **SEC. 103. CONGRESSIONAL GOLD MEDALS FOR GOVERN-**
7 **MENT WORKERS WHO RESPONDED TO THE**
8 **ATTACKS ON THE PENTAGON AND PERISHED.**

9 (a) PRESENTATION AUTHORIZED.—In recognition of
10 the bravery and self-sacrifice of officers, emergency work-
11 ers, and other employees of the United States Govern-
12 ment, who responded to the attacks on the Pentagon
13 Washington, D.C. and perished in the tragic events of
14 September 11, 2001 (including those who are missing and
15 presumed dead) the Speaker of the House and the Presi-
16 dent pro tempore of the Senate shall make appropriate
17 arrangements for the presentation, on behalf of the Con-
18 gress, of a gold medal of appropriate design for each such
19 officer, emergency worker, or employee to the next of kin
20 or other personal representative of each such officer, emer-
21 gency worker, or employee.

22 (b) DESIGN AND STRIKING.—For the purpose of the
23 presentation referred to in subsection (a), the Secretary
24 of the Treasury shall strike gold medals of a single design

1 with suitable emblems, devices, and inscriptions, to be de-
2 termined by the Secretary.

3 (c) DETERMINATION OF RECIPIENTS.—The Sec-
4 retary of the Treasury shall determine the number of med-
5 als to be presented under this section and the appropriate
6 recipients of the medals after consulting with the Sec-
7 retary of Defense and any other appropriate representa-
8 tive of Federal, State, and local officers and agencies.

9 **SEC. 104. NATIONAL MEDALS.**

10 The medals struck under this title are national med-
11 als for purposes of chapter 51 of title 31, United States
12 Code.

13 **TITLE II—SPIRIT OF AMERICA**
14 **COMMEMORATIVE COINS**

15 **SEC. 201. FINDINGS.**

16 The Congress finds as follows:

17 (1) On September 11, 2001, the United States
18 suffered the worst act of terrorism in its history.

19 (2) The more than 6,000 people who lost their
20 lives as a result of the terrorist attacks that oc-
21 curred in New York City, at the Pentagon, and in
22 Pennsylvania on September 11, 2001, will not be
23 forgotten.

1 (3) Hundreds of emergency personnel re-
2 sponded heroically to the crisis and lost their lives
3 as a result.

4 (4) People from everywhere in the United
5 States responded to the crisis with an outpouring of
6 support for the victims of the terrorist attacks and
7 their families.

8 (5) The civilized world stands with strength and
9 fortitude in opposition to the cowardly terrorist at-
10 tacks against the United States that occurred on
11 September 11, 2001.

12 (6) It is essential to remember not only the
13 tragedy of the attacks, but also the strength and re-
14 solve demonstrated by the people of the United
15 States in the aftermath of the attacks.

16 (7) The minting of coins in commemoration of
17 the Spirit of America will pay tribute to the count-
18 less heroes who risked their lives during the terrorist
19 attacks and in their aftermath so that others may
20 live and to a united people whose belief in freedom,
21 justice, and democracy has never swayed.

22 **SEC. 202. COIN SPECIFICATIONS.**

23 (a) DENOMINATIONS.—In commemoration of the
24 Spirit of America, the Secretary of the Treasury (hereafter

1 in this title referred to as the “Secretary”) shall mint and
2 issue the following coins:

3 (1) \$50 GOLD COINS.—Such number of 50 dol-
4 lar coins as the Secretary determines under sub-
5 section (b), which shall—

6 (A) weigh 1 ounce;

7 (B) have a diameter of 1.287 inches; and

8 (C) contain 91.67 percent gold and 8.33
9 percent alloy.

10 (2) \$1 SILVER COINS.—Such number of 1 dollar
11 coins as the Secretary determines appropriate to
12 meet demand, which shall—

13 (A) weigh 26.73 grams;

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

15 (C) contain 90 percent silver and 10 per-
16 cent copper.

17 (3) HALF DOLLAR CLAD COINS.—Such number
18 of half dollar coins as the Secretary determines ap-
19 propriate to meet demand, which shall—

20 (A) weigh 11.34 grams;

21 (B) have a diameter of 1.205 inches; and

22 (C) be minted to the specifications for half
23 dollar coins contained in section 5112(b) of title
24 31, United States Code.

25 (b) NUMBER OF GOLD COINS.—

1 (1) IN GENERAL.—The number of gold coins
2 minted and issued under this title shall equal the
3 sum of 25,000 and the number determined under
4 paragraph (2).

5 (2) DETERMINATION OF NUMBER.—The Sec-
6 retary, in consultation with the Attorney General of
7 the United States and the Governors of New York,
8 Pennsylvania, and Virginia shall determine the num-
9 ber of innocent individuals confirmed or presumed to
10 have been killed as a result of the terrorist attacks
11 against the United States that occurred on Sep-
12 tember 11, 2001, and shall identify such individuals.
13 The Secretary, under subsection (a)(1), shall mint
14 and issue a number of 50 dollar coins equal to the
15 number of such individuals.

16 (c) LEGAL TENDER.—The coins minted under this
17 title shall be legal tender, as provided in section 5103 of
18 title 31, United States Code.

19 (d) NUMISMATIC ITEMS.—For purposes of section
20 5136 of title 31, United States Code, all coins minted
21 under this title shall be considered to be numismatic items.

22 (e) SOURCES OF BULLION.—For the purpose of
23 minting coins under this title, the Secretary may only use
24 metals that are from natural deposits in the United States
25 or any territory or possession of the United States.

1 (f) SPECIAL TREATMENT UNDER EXIGENT CIR-
2 CUMSTANCES.—

3 (1) FINDINGS.—The Congress finds as follows:

4 (A) The limitations contained in para-
5 graphs (1) and (2)(A) of section 5112(m) of
6 title 31, United States Code, and section
7 5134(f)(1)(B) of such title have well served,
8 and continue to serve, their purpose of bringing
9 greater stability to the markets for commemo-
10 rative coins, maximizing demand and participa-
11 tion in such programs, and ensuring that such
12 programs have a broad base of private support
13 and are not used as the primary means of fund-
14 raising by organizations that are the recipients
15 of surcharges.

16 (B) The shocking circumstances of Sep-
17 tember 11, 2001, the broad base of public inter-
18 est in showing the Spirit of America and par-
19 ticipating in the raising of funds for the victims
20 of the crimes committed on that date, and the
21 importance of implementing this coin program
22 as quickly as possible, notwithstanding the fact
23 that 2 commemorative coin programs are al-
24 ready in effect for 2001 and 2002, justify ex-

1 emptying the coins produced under this title
2 from such limitations.

3 (2) EXEMPTION.—Paragraphs (1) and (2) of
4 section 5112(m) of title 31, United States Code, and
5 section 5134(f)(1)(B) of such title shall not apply to
6 coins authorized under this title.

7 **SEC. 203. DESIGN OF COINS.**

8 (a) IN GENERAL.—The design of the coins minted
9 under this title shall be emblematic of the tragic events
10 that occurred at the Pentagon, in New York City, and in
11 Pennsylvania, on September 11, 2001.

12 (b) DESIGNATION AND INSCRIPTIONS.—On each coin
13 minted under this title there shall be—

14 (1) a designation of the value of the coin;

15 (2) an inscription of the date “September 11,
16 2001” (and such coin shall bear no other date); and

17 (3) inscriptions of the words “Liberty”, “In
18 God We Trust”, “United States of America”, and
19 “E Pluribus Unum”.

20 (c) SELECTION.—The design for the coins minted
21 under this title shall be selected by the Secretary after
22 consultation with the Commission of Fine Arts.

23 **SEC. 204. STRIKING AND ISSUANCE OF COINS.**

24 (a) QUALITY OF COINS.—

1 (1) IN GENERAL.—Except as provided under
2 paragraph (2), coins minted under this title shall be
3 issued in uncirculated quality.

4 (2) GOLD COINS.—50 dollar coins minted under
5 section 202(a)(1) shall be issued only in proof qual-
6 ity.

7 (b) MINT FACILITY.—

8 (1) IN GENERAL.—Except as provided under
9 paragraph (2), only 1 facility of the United States
10 Mint may be used to strike any particular quality of
11 the coins minted under this title.

12 (2) CLAD COINS.—Any number of facilities of
13 the United States Mint may be used to strike the
14 half dollar coins minted under section 202(a)(3).

15 (c) PERIOD FOR ISSUANCE.—The Secretary—

16 (1) shall commence issuing coins minted under
17 this title as soon as possible after the date of the en-
18 actment of this Act; and

19 (2) shall not issue any coins after the end of
20 the 1-year period beginning on the date such coins
21 are first issued.

22 **SEC. 205. SALE OF COINS.**

23 (a) SALE PRICE.—The coins issued under section
24 202(a) (other than the 50 dollar gold coins referred to

1 in subsection (d)) shall be sold by the Secretary at a price
2 equal to the sum of—

3 (1) the face value of the coins;

4 (2) the surcharges required by section 206(a)
5 with respect to such coins; and

6 (3) the cost of designing and issuing the coins
7 (including labor, materials, dies, use of machinery,
8 overhead expenses, marketing, and shipping).

9 (b) BULK SALES.—The Secretary shall make bulk
10 sales of the coins issued under section 202(a) at a reason-
11 able discount.

12 (c) PREPAID ORDERS.—The Secretary shall accept
13 prepaid orders received before the issuance of the coins
14 minted under section 202(a). The sale prices with respect
15 to such prepaid orders shall be at a reasonable discount.

16 (d) GOLD COINS.—Notwithstanding section
17 204(c)(2), the Secretary shall issue a 50 dollar coin mint-
18 ed under section 202(a)(1) for presentation free of charge
19 to the next of kin or personal representative of each indi-
20 vidual identified under section 202(b). The Speaker of the
21 House of Representatives and the President Pro Tempore
22 of the Senate shall make appropriate arrangements for the
23 presentation, on behalf of the Congress, of such gold coins.

1 **SEC. 206. SURCHARGES ON SALE OF COINS.**

2 (a) ASSESSMENT.—Any sale by the Secretary of a
3 coin minted under this title shall include a surcharge of
4 an amount determined by the Secretary to be sufficient
5 to cover the cost of the gold coins minted under section
6 202(a)(1) (including labor, materials, dies, use of machin-
7 ery, overhead expenses, and shipping) for presentment in
8 accordance with section 205(d), which charge may not be
9 less than—

10 (1) \$100 per coin for the 50 dollar gold coins;

11 (2) \$10 per coin for the 1 dollar coin; and

12 (3) \$5 per coin for the half dollar coin.

13 (b) DISTRIBUTION OF EXCESS PROCEEDS.—Any pro-
14 ceeds from the surcharges received by the Secretary from
15 the sale of coins issued under this title in excess of the
16 cost of producing all coins issued under this title (includ-
17 ing coins issued for individuals identified pursuant to sec-
18 tion 202(b)(2)) shall be—

19 (1) used to cover the costs incurred in the pro-
20 duction of gold medals under title I that have not
21 been recovered from the sale of duplicate bronze
22 medals under such title; and

23 (2) with respect to any amount remaining after
24 the costs described in paragraph (1) are covered,
25 transferred to any fund for victims of the tragedies
26 of September 11, 2001, that the Secretary of the

- 1 Treasury and the Attorney General jointly determine
- 2 to be appropriate.

Passed the House of Representatives July 22, 2002.

Attest: JEFF TRANDAHL,
Clerk.