

108TH CONGRESS  
2D SESSION

# H. R. 5046

To require the Secretary of the Treasury to mint coins in commemoration of the tragic loss of lives at the Pentagon on September 11, 2001, and to support construction of the Pentagon 9/11 Memorial in Arlington, Virginia.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2004

Mr. TOM DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mr. WOLF, Mr. BOUCHER, Mr. CANTOR, Mr. SCOTT of Virginia, Mr. GOODE, Mr. GOODLATTE, Mr. SCHROCK, and Mrs. JO ANN DAVIS of Virginia) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To require the Secretary of the Treasury to mint coins in commemoration of the tragic loss of lives at the Pentagon on September 11, 2001, and to support construction of the Pentagon 9/11 Memorial in Arlington, Virginia.

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 “Pentagon 9/11 Memo-  
5       rial Commemorative Coin Act of 2004”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds as follows:

3 (1) Construction of the Pentagon was com-  
4 pleted in the midst of World War II on January 15,  
5 1943.

6 (2) September 11, 2001, marks a tragic day in  
7 the history of the United States and the Pentagon  
8 Building located in Arlington, Virginia.

9 (3) 184 individuals ages 3 to 71 lost their lives  
10 through the horrific event that unfolded at the Pen-  
11 tagon on September 11, 2001.

12 (4) An appropriate memorial reminding us of  
13 the brave men, women, and children who perished  
14 has been designed and is to be built on 1.93 acres  
15 located on the western side of the Pentagon Build-  
16 ing.

17 (5) The target completion date for the construc-  
18 tion of the Pentagon Memorial park is late fall  
19 2006.

20 (6) Almost \$30,000,000 will need to be raised  
21 from the private sector in order to begin construc-  
22 tion of the memorial and to maintain it upon com-  
23 pletion.

24 (7) The surcharge proceeds from the sale of a  
25 commemorative coin, which would have no net cost  
26 to the taxpayers, would raise valuable funding for

1 the construction and maintenance of the Pentagon  
2 Memorial in remembrance of those who lost their  
3 lives at the Pentagon on September 11, 2001.

4 **SEC. 3. COIN SPECIFICATIONS.**

5 (a) DENOMINATIONS.—The Secretary of the Treas-  
6 ury (hereafter in this Act referred to as the “Secretary”)  
7 shall mint and issue the following coins:

8 (1) \$50 GOLD COINS.—\$50 coins, in the num-  
9 ber determined under subsection (b), which shall—

10 (A) weigh 1 ounce;

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

12 (C) contain 91.67 percent gold and 8.33  
13 percent alloy.

14 (2) \$1 SILVER COINS.—Such number of \$1  
15 coins as the Secretary determines appropriate to  
16 meet demand, which shall—

17 (A) weigh 26.73 grams;

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

19 (C) contain 90 percent silver and 10 per-  
20 cent copper.

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

24 (A) weigh 11.34 grams;

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

1 (C) be minted to the specifications for half  
2 dollar coins contained in section 5112(b) of title  
3 31, United States Code.

4 (b) NUMBER OF GOLD COINS.—

5 (1) IN GENERAL.—The number of gold coins  
6 minted and issued under this Act shall equal the  
7 sum of 10,000 and the number determined under  
8 paragraph (2).

9 (2) DETERMINATION OF NUMBER.—The Sec-  
10 retary, in consultation with the Attorney General of  
11 the United States, the Secretary of Defense, and the  
12 Governor of Virginia shall determine the number of  
13 innocent individuals confirmed or presumed to have  
14 been killed as a result of the terrorist attack against  
15 the Pentagon that occurred on September 11, 2001,  
16 and shall identify such individuals.

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

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

23 (e) SOURCES OF BULLION.—For the purpose of  
24 minting coins under this Act, the Secretary may only use

1 metals that are from natural deposits in the United States  
2 or any territory or possession of the United States.

3 (f) SPECIAL TREATMENT UNDER EXIGENT CIR-  
4 CUMSTANCES.—

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

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

18 (B) The shocking circumstances of Sep-  
19 tember 11, 2001, the broad base of public inter-  
20 est in remembering those innocent individuals  
21 who lost their lives at the Pentagon on Sep-  
22 tember 11, 2001, and participating in the rais-  
23 ing of funds for the Pentagon Memorial Fund,  
24 and the importance of implementing this coin  
25 program as quickly as possible, notwithstanding

1 the limitations contained in such paragraphs,  
 2 justify exempting the coins produced under this  
 3 Act from such limitations.

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

8 **SEC. 4. DESIGN OF COINS.**

9 (a) DESIGN REQUIREMENTS.—

10 (1) IN GENERAL.—The design of the coins  
 11 minted under this Act shall be emblematic of the  
 12 spirit and bravery of the civilians, servicemen and  
 13 women that work at the Pentagon and were aboard  
 14 Flight 77 on September 11, 2001.

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

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

18 (B) an inscription of the year “2001”; and

19 (C) inscriptions of the words “Liberty”,  
 20 “In God We Trust”, “United States of Amer-  
 21 ica”, and “E Pluribus Unum”.

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

24 (1) selected by the Secretary, after consultation  
 25 with the Secretary of Defense, the Executive Com-

1        mittee of the Pentagon Memorial Fund, and the  
2        Commission of Fine Arts; and

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

5    **SEC. 5. ISSUANCE OF COINS.**

6        (a) QUALITY OF COINS.—

7            (1) IN GENERAL.—Except as provided under  
8        paragraph (2), coins minted under this Act shall be  
9        issued in uncirculated quality.

10          (2) GOLD COINS.—\$50 coins minted under sec-  
11        tion 3(a)(1) shall be issued only in proof quality.

12        (b) MINT FACILITY.—

13            (1) IN GENERAL.—Except as provided under  
14        paragraph (2), only 1 facility of the United States  
15        Mint may be used to strike any particular quality of  
16        the coins minted under this Act.

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

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

21            (1) shall commence issuing coins minted under  
22        this Act as soon as possible after the date of the en-  
23        actment of this Act; and

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

4   **SEC. 6. SALE OF COINS.**

5           (a) **SALE PRICE.**—The coins issued under section  
6   3(a) (other than the \$50 gold coins referred to in sub-  
7   section (d)) shall be sold by the Secretary at a price equal  
8   to the sum of—

9           (1) the face value of the coins;

10          (2) the surcharges required by section 7(a) with  
11          respect to such coins; and

12          (3) the cost of designing and issuing the coins  
13          (including labor, materials, dies, use of machinery,  
14          overhead expenses, marketing, and shipping), includ-  
15          ing the cost of the coins presented under subsection  
16          (d).

17          (b) **BULK SALES.**—The Secretary shall make bulk  
18          sales of the coins issued under section 3(a) at a reasonable  
19          discount.

20          (c) **PREPAID ORDERS.**—

21               (1) **IN GENERAL.**—The Secretary shall accept  
22          prepaid orders received before the issuance of the  
23          coins minted under section 3(a).



1           (2) REASONABLE DISCOUNT.—The sale prices  
2       with respect to such prepaid orders shall be at a rea-  
3       sonable discount.

4       (d) GOLD COINS.—Notwithstanding section 5(c)(2),  
5       the Secretary shall issue a \$50 coin minted under section  
6       3(a)(1) for presentation free of charge to the next of kin  
7       or personal representative of each individual identified  
8       under section 3(b)(2). The Speaker of the House of Rep-  
9       resentatives and the President Pro Tempore of the Senate  
10      shall make appropriate arrangements for the presentation,  
11      on behalf of the Congress, of such gold coins.

12   **SEC. 7. SURCHARGES ON SALE OF COINS.**

13       (a) IN GENERAL.—Any sale by the Secretary of a  
14      coin minted under this Act shall include a surcharge of—

- 15           (1) \$100 per coin for the \$50 gold coins;  
16           (2) \$10 per coin for the \$1 coin; and  
17           (3) \$5 per coin for the half dollar coin.

18       (b) DISTRIBUTION.—Subject to section 5134(f) of  
19      title 31, United States Code, all surcharges received by  
20      the Secretary from the sale of coins issued under this Act  
21      shall be promptly paid by the Secretary to the Pentagon  
22      Memorial Fund for the purposes of construction of a me-  
23      morial at the Pentagon, Arlington, Virginia.

24       (c) AUDIT.—The Pentagon Memorial Fund shall be  
25      subject to the audit requirements of section 5134(f)(2) of

- 1 title 31, United States Code, with regard to the amounts
- 2 received under subsection (a).

