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To provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the memorials established at the 3 sites that were attacked on that day.

IN THE SENATE OF THE UNITED STATES

APRIL 21, 2010

Mr. SCHUMER (for himself, Mr. SPECTER, Mr. CASEY, Mr. LAUTENBERG, Mr. MENENDEZ, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the memorials established at the 3 sites that were attacked on that day.

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 “Fallen Heroes of 9/
5 11 Act”.

1 **SEC. 2. CONGRESSIONAL FINDINGS.**

2 Congress finds that—

3 (1) the tragic deaths at the World Trade Cen-
4 ter, at the Pentagon, and in rural Pennsylvania on
5 September 11, 2001, have forever changed our Na-
6 tion;

7 (2) the officers, emergency workers, and other
8 employees of State and local government agencies,
9 including the Port Authority of New York and New
10 Jersey, and of the United States Government and
11 others, who responded to the attacks on the World
12 Trade Center in New York City and perished as a
13 result of the tragic events of September 11, 2001
14 (including those who are missing and presumed
15 dead), took heroic and noble action on that day;

16 (3) the officers, emergency rescue workers, and
17 employees of local and United States Government
18 agencies, who responded to the attack on the Pen-
19 tagon in Washington, DC, took heroic and noble ac-
20 tion to evacuate the premises and prevent further
21 casualties of Pentagon employees;

22 (4) the passengers and crew of United Airlines
23 Flight 93, recognizing the potential danger that the
24 aircraft that they were aboard posed to large num-
25 bers of innocent Americans, American institutions,
26 and the symbols of American democracy, took heroic

1 and noble action to ensure that the aircraft could
2 not be used as a weapon; and

3 (5) given the unprecedented nature of the at-
4 tacks against the United States of America and the
5 need to properly demonstrate the support of the
6 country for those who lost their lives to terrorism,
7 it is fitting that their sacrifice be recognized with
8 the award of an appropriate medal.

9 **SEC. 3. FALLEN HEROES OF 9/11 CONGRESSIONAL MEDALS.**

10 (a) PRESENTATION AUTHORIZED.—The President is
11 authorized, on behalf of Congress, to award a medal of
12 appropriate design, such medal to be known as the “Fallen
13 Heroes of 9/11 Congressional Medal”, to—

14 (1) the personal representative or next of kin of
15 each individual referred to in subsection (c), in rec-
16 ognition of the sacrifice made by each such indi-
17 vidual, and to honor their deaths on and following
18 September 11, 2001;

19 (2) the Flight 93 National Memorial Project in
20 Pennsylvania;

21 (3) the National September 11 Memorial and
22 Museum in New York; and

23 (4) the Pentagon Memorial Project at the Pen-
24 tagon.

25 (b) DESIGN AND STRIKING.—

1 (1) IN GENERAL.—For purposes of the presen-
2 tations referred to in subsection (a), the Secretary of
3 the Treasury (in this Act referred to as the “Sec-
4 retary”) shall strike 3 designs of medals, with such
5 suitable emblems, devices, and inscriptions as the
6 Secretary determines to be appropriate to be rep-
7 resentative of and in honor of, respectively—

8 (A) those who lost their lives in the attack
9 at the World Trade Center, including civilians,
10 public safety officers, emergency workers, and
11 the passengers and crew of Flight 11 and
12 United Airlines Flight 175;

13 (B) the passengers and crew aboard
14 United Airlines Flight 93 that was brought
15 down in rural Pennsylvania near Shanksville,
16 Somerset County; and

17 (C) those who lost their lives at the Pen-
18 tagon, including the passengers and crew of
19 American Airlines Flight 77.

20 (2) CONSULTATION.—Before making a final de-
21 termination with respect to the design of the medal
22 under this subsection, the Secretary shall consult
23 with the Secretary of Defense and such other parties
24 as the Secretary may determine to be appropriate.

1 (3) CONTENT OF MEDALS.—The medals struck
 2 for purposes of subsection (a)(1) shall be silver med-
 3 als, and the medals struck for purposes of para-
 4 graphs (2) through (4) of subsection (a) shall be
 5 gold medals.

6 (c) ELIGIBILITY TO RECEIVE MEDAL.—

7 (1) IN GENERAL.—Any individual who died on
 8 or after September 11, 2001, as a direct result of
 9 the acts of terrorism within the United States on
 10 that date, shall be eligible for a medal authorized by
 11 subsection (a).

12 (2) DETERMINATION.—Eligibility under para-
 13 graph (1) shall be determined by the Secretary, in
 14 consultation with such other officers of the United
 15 States Government and State and local officials as
 16 the Secretary determines to be appropriate.

17 **SEC. 4. DUPLICATE MEDALS.**

18 (a) RECIPIENTS OF DUPLICATE MEDALS.—The Sec-
 19 retary shall strike duplicates in bronze of the medals
 20 struck pursuant to section 3 for presentation to each pre-
 21 cinct house, firehouse, emergency response station, or
 22 other duty station or place of employment to which each
 23 person referred to in subsection (b) was assigned on Sep-
 24 tember 11, 2001, for permanent display in each such place
 25 in a manner befitting the memory of such person.

1 (b) PUBLIC SAFETY, EMERGENCY, AND OTHER
2 WORKERS.—Persons referred to in this subsection are of-
3 ficers, emergency workers, and other employees of State
4 and local government agencies, including the Port Author-
5 ity of New York and New Jersey, and of the United States
6 Government and others, who responded to the attacks on
7 the World Trade Center in New York City on September
8 11, 2001, and perished as a direct result of that act of
9 terrorism (including those who are missing and presumed
10 dead).

11 **SEC. 5. ESTABLISHMENT OF LISTS OF RECIPIENTS.**

12 (a) INITIAL LISTS.—

13 (1) IN GENERAL.—Before the end of the 120-
14 day period beginning on the date of enactment of
15 this Act, the Secretary shall establish, in the sole
16 discretion of the Secretary, in accordance with this
17 Act—

18 (A) a list of the names of individuals eligi-
19 ble to receive a medal under section 3(c)(1)
20 (and their personal representative or next of
21 kin), during the period beginning on September
22 11, 2001, and ending on the date of enactment
23 of this Act; and

24 (B) a list of the eligible recipients of a du-
25 plicate medal under section 4.

1 (2) CONSULTATION.—In making determinations
2 under this section, the Secretary shall consult the
3 lists of victims maintained by the Office of the Med-
4 ical Examiner of New York City, the Office of the
5 County Coroner of Somerset County, Pennsylvania,
6 the Armed Forces Medical Examiners System, and
7 such other organizations as the Secretary may deter-
8 mine to be appropriate.

9 (3) DETERMINATIONS FINAL.—The lists estab-
10 lished under this section, and the inclusion on or ex-
11 clusion from such lists of any person, is not subject
12 to judicial review.

13 (b) SUBSEQUENT ELIGIBILITY.—If any individual be-
14 comes eligible for a medal under section 3(c)(1), or any
15 other recipient becomes eligible for a duplicate medal
16 under section 4, the Secretary shall promptly add the
17 name of that individual or recipient to the appropriate list
18 established pursuant to subsection (a).

19 **SEC. 6. SALES OF DUPLICATE MEDALS TO THE PUBLIC TO**
20 **DEFRAY COSTS.**

21 Under such regulations as the Secretary may pre-
22 scribe, the Secretary may strike and sell duplicates in
23 bronze of the medals struck under this Act, at a price suf-
24 ficient to cover the costs thereof, including labor, mate-
25 rials, dies, use of machinery, and overhead expenses.

1 **SEC. 7. NATIONAL MEDALS.**

2 The medals struck pursuant to this Act are national
3 medals for purposes of chapter 51 of title 31, United
4 States Code.

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