

107TH CONGRESS  
2D SESSION

# H. R. 5138

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2002

Mr. KING (for himself, Mrs. MALONEY of New York, Mr. ENGEL, Mr. WATTS of Oklahoma, Mr. STEARNS, Mrs. ROUKEMA, and Mr. TANCREDO) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

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) OBVERSE OF COIN.—The obverse of each coin  
21          minted under this title shall bear the likeness of—

- 22               (1) the Pentagon; and  
23               (2) the flag of the United States.

1 (d) REVERSE OF COIN.—The reverse of each coin  
2 minted under this title shall bear the likeness of the World  
3 Trade Center in New York City.

4 (e) SELECTION.—The design for the coins minted  
5 under this title shall be selected by the Secretary after  
6 consultation with the Commission of Fine Arts.

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

8 (a) QUALITY OF COINS.—

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

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

15 (b) MINT FACILITY.—

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

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

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

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

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

7   **SEC. 205. SALE OF COINS.**

8           (a) SALE PRICE.—The coins issued under section  
9   202(a) (other than the 50 dollar gold coins referred to  
10   in subsection (d)) shall be sold by the Secretary at a price  
11   equal to the sum of—

12           (1) the face value of the coins;

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

15           (3) the cost of designing and issuing the coins  
16   (including labor, materials, dies, use of machinery,  
17   overhead expenses, marketing, and shipping).

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

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

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

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

10       (a) ASSESSMENT.—Any sale by the Secretary of a  
 11     coin minted under this title shall include a surcharge of  
 12     an amount determined by the Secretary to be sufficient  
 13     to cover the cost of the gold coins minted under section  
 14     202(a)(1) (including labor, materials, dies, use of machin-  
 15     ery, overhead expenses, and shipping) for presentment in  
 16     accordance with section 205(d), which charge may not be  
 17     less than—

- 18               (1) \$100 per coin for the 50 dollar gold coins;
- 19               (2) \$10 per coin for the 1 dollar coin; and
- 20               (3) \$5 per coin for the half dollar coin.

21       (b) DISTRIBUTION OF EXCESS PROCEEDS.—Any pro-  
 22     ceeds from the surcharges received by the Secretary from  
 23     the sale of coins issued under this title in excess of the  
 24     cost of producing all coins issued under this title (includ-

1 ing coins issued for individuals identified pursuant to sec-  
2 tion 202(b)(2)) shall be—

3 (1) used to cover the costs incurred in the pro-  
4 duction of gold medals under title I that have not  
5 been recovered from the sale of duplicate bronze  
6 medals under such title; and

7 (2) with respect to any amount remaining after  
8 the costs described in paragraph (1) are covered,  
9 transferred to any fund for victims of the tragedies  
10 of September 11, 2001, that the Secretary of the  
11 Treasury and the Attorney General jointly determine  
12 to be appropriate.

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