

107TH CONGRESS  
1ST SESSION

# H. R. 3244

To require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America and to establish the Victims of September 11th Fund.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 2001

Mr. ENGEL (for himself, Mr. WATTS of Oklahoma, Mrs. ROUKEMA, Mr. STEARNS, Mrs. MORELLA, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. HINCHEY, Mr. SERRANO, Mr. LARSEN of Washington, Mr. LATOURETTE, Mr. PALLONE, Mr. CUNNINGHAM, Mr. POMEROY, Mr. JOHNSON of Illinois, Ms. LEE, Ms. MILLENDER-MCDONALD, Mr. DICKS, Mr. PASCRELL, Mr. TOWNS, Mr. REYNOLDS, Mr. SANDLIN, Mrs. THURMAN, Mrs. CAPPS, Mr. MCGOVERN, Mrs. CLAYTON, Mrs. MALONEY of New York, Mr. LOBIONDO, Mr. CALLAHAN, Mr. TIBERI, Mr. VISCLOSKY, Mr. GALLEGLY, Mr. STUMP, Mr. BOUCHER, Mr. SHOWS, Mr. OWENS, Mr. DEFazio, Ms. VELÁZQUEZ, Mr. GILMAN, Mr. WOLF, Mr. GRUCCI, Mr. ISRAEL, Mr. HAYWORTH, Mr. MASCARA, Mrs. MYRICK, Mr. BALLENGER, Mr. CROWLEY, Mr. McNULTY, Mr. COSTELLO, Mr. KENNEDY of Rhode Island, Mr. FROST, Ms. ROS-LEHTINEN, Mr. FARR of California, Ms. LOFGREN, Mr. UDALL of Colorado, Mr. CALVERT, Mr. PLATTS, Mr. HONDA, Mr. WALSH, Mr. FILNER, Mr. MEEHAN, Ms. MCKINNEY, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mrs. CAPITO, Mr. JONES of North Carolina, Mr. CANNON, Mr. WYNN, Mr. BALDACCIO, Mr. ACEVEDO-VILÁ, Mr. SIMMONS, Mr. OSBORNE, Mr. GONZALEZ, Ms. KAPTUR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HART, Mr. NADLER, Mr. KING, Mr. KILDEE, Mr. FATTAH, Mr. COBLE, Ms. ESHOO, Ms. SOLIS, Mr. DAVIS of Illinois, Mr. MORAN of Virginia, Mr. KIRK, Mr. ISSA, Mr. CLAY, Mr. HILLIARD, Mr. SHAYS, Mrs. MINK of Hawaii, Ms. KILPATRICK, Mr. HOYER, Mr. CONDIT, Mr. RADANOVICH, Mr. BACA, Mr. GREENWOOD, Mr. MCDERMOTT, Mr. SMITH of Washington, Mr. HORN, Mr. MENENDEZ, Ms. BERKLEY, Mr. BAIRD, Mr. LIPINSKI, Mrs. BONO, Mr. BERMAN, Ms. PELOSI, Mr. SKEEN, Mr. QUINN, Mr. SWEENEY, Mr. BONIOR, Mr. GEKAS, Mr. TAYLOR of Mississippi, Mr. FOSSELLA, Mr. TERRY, Mr. FALEOMAVAEGA, Mrs. LOWEY, Mr. WAMP, Mr. GIBBONS, Mr. FLETCHER, Mr. RUSH, Mrs. KELLY, Mr. BOEHLERT, Mr. WEINER, Mr. RANGEL, Mr. UDALL of New Mexico, Mr. CARSON of Oklahoma, Mr. KENNEDY of Minnesota, Mr. CAMP, Mr. ROGERS of Kentucky, Ms. SLAUGHTER, Mr. PHELPS, Mr. HOUGHTON, Ms. SCHAKOWSKY, Mr. LAFALCE, Mr.

McHUGH, and Mr. SOUDER) 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 Spirit of America and to establish the Victims of September 11th Fund.

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 “Spirit of America Com-  
5 memorative Coin Act of 2001”.

6 **SEC. 2. FINDINGS.**

7       The Congress finds as follows:

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

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

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

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

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

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

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

19 **SEC. 3. COIN SPECIFICATIONS.**

20           (a) DENOMINATIONS.—In commemoration of the  
21 Spirit of America, the Secretary of the Treasury (hereafter  
22 in this Act referred to as the “Secretary”) shall mint and  
23 issue the following coins:

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

4                   (A) weigh 1 ounce;

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

6                   (C) contain 91.67 percent gold and 8.33  
7           percent alloy.

8           (2) \$1 SILVER COINS.—Such number of 1 dollar  
9           coins as the Secretary determines appropriate to  
10          meet demand, which shall—

11                   (A) weigh 26.73 grams;

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

13                   (C) contain 90 percent silver and 10 per-  
14          cent copper.

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

18                   (A) weigh 11.34 grams;

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

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

23          (b) NUMBER OF GOLD COINS.—The Secretary, in  
24          consultation with the Attorney General of the United  
25          States and the Governors of New York, Pennsylvania, and

1 Virginia shall determine the number of innocent individ-  
2 uals confirmed or presumed to have been killed as a result  
3 of the terrorist attacks against the United States that oc-  
4 curred on September 11, 2001, and shall identify such in-  
5 dividuals. The Secretary, under subsection (a)(1), shall  
6 mint and issue a number of 50 dollar coins equal to the  
7 number of such individuals.

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

11 (d) NUMISMATIC ITEMS.—For purposes of section  
12 5136 of title 31, United States Code, all coins minted  
13 under this Act shall be considered to be numismatic items.

14 (e) SOURCES OF BULLION.—For the purpose of  
15 minting coins under this Act, the Secretary may only use  
16 metals that are from natural deposits in the United States  
17 or any territory or possession of the United States.

18 (f) SPECIAL TREATMENT UNDER EXIGENT CIR-  
19 CUMSTANCES.—

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

21 (A) The limitations contained in para-  
22 graphs (1) and (2)(A) of section 5112(m) of  
23 title 31, United States Code, and section  
24 5134(f)(1)(B) of such title have well served,  
25 and continue to serve, their purpose of bringing

1 greater stability to the markets for commemo-  
2 rative coins, maximizing demand and participa-  
3 tion in such programs, and ensuring that such  
4 programs have a broad base of private support  
5 and are not used as the primary means of fund-  
6 raising by organizations that are the recipients  
7 of surcharges.

8 (B) The shocking circumstances of Sep-  
9 tember 11, 2001, the broad base of public inter-  
10 est in showing the Spirit of America and par-  
11 ticipating in the raising of funds for the victims  
12 of the crimes committed on that date, and the  
13 importance of implementing this coin program  
14 as quickly as possible, notwithstanding the fact  
15 that 2 commemorative coin programs are al-  
16 ready in effect for 2001 and 2002, justify ex-  
17 emption the coins produced under this Act from  
18 such limitations.

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

23 **SEC. 4. DESIGN OF COINS.**

24 (a) IN GENERAL.—The design of the coins minted  
25 under this Act shall be emblematic of the tragic events

1 that occurred at the Pentagon, in New York City, and in  
2 Pennsylvania, on September 11, 2001.

3 (b) DESIGNATION AND INSCRIPTIONS.—On each coin  
4 minted under this Act there shall be—

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

6 (2) an inscription of the date “September 11,  
7 2001” (and such coin shall bear no other date); and

8 (3) inscriptions of the words “Liberty”, “In  
9 God We Trust”, “United States of America”, and  
10 “E Pluribus Unum”.

11 (c) OBVERSE OF COIN.—The obverse of each coin  
12 minted under this Act shall bear the likeness of—

13 (1) the Pentagon; and

14 (2) the flag of the United States.

15 (d) REVERSE OF COIN.—The reverse of each coin  
16 minted under this Act shall bear the likeness of the World  
17 Trade Center in New York City.

18 (e) SELECTION.—The design for the coins minted  
19 under this Act shall be selected by the Secretary after con-  
20 sultation with the Commission of Fine Arts.

21 **SEC. 5. STRIKING AND ISSUANCE OF COINS.**

22 (a) QUALITY OF COINS.—

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

1           (2) GOLD COINS.—50 dollar coins minted under  
2 section 3(a)(1) shall be issued only in proof quality.

3           (b) MINT FACILITY.—

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

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

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

12           (1) shall commence issuing coins minted under  
13 this Act as soon as possible after the date of the en-  
14 actment of this Act; and

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

18 **SEC. 6. SALE OF COINS.**

19          (a) SALE PRICE.—The coins issued under para-  
20 graphs (2) and (3) of section 3(a) shall be sold by the  
21 Secretary at a price equal to the sum of—

22           (1) the face value of the coins;

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

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

4           (b) BULK SALES.—The Secretary shall make bulk  
5 sales of the coins issued under paragraphs (2) and (3) of  
6 section 3(a) at a reasonable discount.

7           (c) PREPAID ORDERS.—The Secretary shall accept  
8 prepaid orders received before the issuance of the coins  
9 minted under paragraphs (2) and (3) of section 3(a). The  
10 sale prices with respect to such prepaid orders shall be  
11 at a reasonable discount.

12          (d) GOLD COINS.—Notwithstanding section 5(c)(2),  
13 the Secretary may issue a 50 dollar coin minted under  
14 section 3(a)(1) free of charge to the next of kin of each  
15 individual identified under section 3(b). The Secretary  
16 may not sell any 50 dollar coin minted under section  
17 3(a)(1) and may not issue any such coin except as pro-  
18 vided in the preceding sentence.

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

20          (a) ASSESSMENT.—Any sale by the Secretary of a  
21 coin minted under this Act shall include a surcharge of  
22 an amount determined by the Secretary to be sufficient  
23 to cover the cost of the gold coins minted under section  
24 3(a)(1) (including labor, materials, dies, use of machinery,

1 overhead expenses, and shipping), which charge may not  
2 be less than—

3 (1) \$10 per coin for the 1 dollar coin; and

4 (2) \$5 per coin for the half dollar coin.

5 (b) DISTRIBUTION OF EXCESS PROCEEDS.—To the  
6 extent provided in advance in appropriation Acts, any pro-  
7 ceeds from the surcharges received by the Secretary from  
8 the sale of coins issued under this Act in excess of the  
9 cost of producing all coins issued under this Act shall be  
10 paid promptly by the Secretary to the Office for Victims  
11 of Crime, in the Department of Justice, for the purpose  
12 of providing assistance to individuals who were injured,  
13 and to the families of individuals who were killed or in-  
14 jured, in the terrorist attacks against the United States  
15 on September 11, 2001.

16 **SEC. 8. VICTIMS OF SEPTEMBER 11TH FUND.**

17 (a) ESTABLISHMENT.—There is hereby established  
18 on the books of the Treasury a fund to be known as the  
19 “Victims of September 11th Fund” (hereinafter in this  
20 section referred to as the “Fund”), to be administered by  
21 the Attorney General, acting through the Director of the  
22 Office for Victims of Crime.

23 (b) AMOUNTS.—The Fund shall consist of the  
24 amounts transferred to the Office for Victims of Crime  
25 pursuant to section 7(b).

1           (c) USE.—Subject to subsection (d), amounts in the  
2 Fund shall be used to provide assistance to individuals  
3 who were injured, and to the families of individuals who  
4 were killed or injured, in the terrorist attacks against the  
5 United States on September 11, 2001.

6           (d) ADMINISTRATIVE COSTS.—No cost incurred in  
7 providing assistance under subsection (c), or in admin-  
8 istering the Fund, shall be paid from the Fund or set off  
9 against or otherwise deducted from any assistance to any  
10 individual.

11          (e) INVESTMENT.—Amounts in the Fund shall be in-  
12 vested in accordance with section 9702 of title 31, United  
13 States Code, and any interest on, and proceeds from, any  
14 such investment shall be credited to and become a part  
15 of the Fund.

16          (f) COORDINATION WITH SEPTEMBER 11TH VICTIM  
17 COMPENSATION FUND OF 2001.—No assistance provided  
18 under subsection (c), including assistance in the form of  
19 cash, shall be considered collateral source compensation  
20 for purposes of title IV of the Air Transportation Safety  
21 and System Stabilization Act (Public Law 107–42).

22          (g) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to the Attorney General  
24 such sums as may be necessary to carry out this section.

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