

111TH CONGRESS
1ST SESSION

H. R. 1209

AN ACT

To require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

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 “Medal of Honor Com-
5 memorative Coin Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) The Medal of Honor, first authorized by the
9 Congress in 1861 as the United States Navy’s high-
10 est personal decoration, the Army Medal of Honor
11 was authorized by the Congress in 1862, and the Air
12 Force Medal of Honor was authorized by Congress
13 in 1956.

14 (2) The Medal of Honor is presented by the
15 President of the United States in the name of the
16 Congress, to a person who, while a member of the
17 United States Armed Forces, distinguishes himself
18 or herself conspicuously by gallantry and intrepidity
19 at the risk of his or her life above and beyond the
20 call of duty while engaged in action against an
21 enemy of the United States; while engaged in mili-
22 tary operations involving conflict with an opposing
23 foreign force; or while serving with friendly foreign
24 forces engaged in an armed conflict against an op-

1 posing armed force in which the United States is not
2 a belligerent party.

3 (3) The deed performed must have been one of
4 personal bravery or self-sacrifice so conspicuous as
5 to clearly distinguish the individual above his or her
6 comrades and must have involved risk of life.

7 (4) Incontestable proof of the performance of
8 the service will be exacted and each recommendation
9 for the award of this decoration will be considered
10 on the standard of extraordinary merit.

11 (5) Fewer than 3,500 Medals of Honor have
12 been awarded to members of the United States
13 Armed Forces.

14 (6) The Congressional Medal of Honor Society
15 is a not-for-profit organization chartered by the 85th
16 Congress under a legislative act signed into law by
17 President Dwight D. Eisenhower on August 14,
18 1958, and membership in the Society is restricted to
19 recipients of the Medal of Honor.

20 (7) Society members are joined together for the
21 purpose of forming and maintaining friendship
22 among all living recipients of the Medal of Honor
23 and remembrance of posthumous and deceased re-
24 cipients.; they are dedicated to the protection and
25 preservation of the dignity, honor and name of the

1 Medal of Honor; service to others; service to Nation;
2 and the promotion of allegiance to the Constitution
3 and the Government of the United States.

4 (8) Members of the Society act to foster patri-
5 otism and to inspire and encourage the youth of
6 America to become worthy citizens.

7 (9) The Congressional Medal of Honor Founda-
8 tion, a 501(c)(3) not-for-profit organization founded
9 by the Society in 1999, is dedicated to—

10 (A) perpetuating the Medal of Honor’s leg-
11 acy through outreach and collaborative efforts;

12 (B) raising funds for initiatives that pro-
13 mote what the Medal of Honor represents, op-
14 eration of the Congressional Medal of Honor
15 Society headquarters, and the public outreach
16 activities of the Medal of Honor Society’s mem-
17 bership; and

18 (C) promoting American values and the
19 qualities of courage, sacrifice and patriotism
20 through increased awareness, education, schol-
21 arships, behavior and example.

22 (10) Through its educational and outreach pro-
23 grams, the Congressional Medal of Honor Founda-
24 tion promotes heroism, selflessness and distinguished
25 citizenship among American youth and brings public

1 awareness to the actions of ordinary Americans who
2 have made and are making a profound difference in
3 preserving our freedoms.

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

5 (a) DENOMINATIONS.—In recognition and celebration
6 of the founding of the Medal of Honor in 1861, and not-
7 withstanding any other provision of law, the Secretary of
8 the Treasury (hereafter in this Act referred to as the “Sec-
9 retary”) shall mint and issue the following coins:

10 (1) \$5 GOLD COINS.—Not more than 100,000

11 \$5 gold coins, which shall—

12 (A) weigh 8.359 grams;

13 (B) have a diameter of 0.850 inches; and

14 (C) contain 90 percent gold and 10 percent
15 alloy.

16 (2) \$1 SILVER COINS.—Not more than 500,000

17 \$1 coins , which shall—

18 (A) weigh 26.73 grams;

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

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

22 (b) LEGAL TENDER.—The coins minted under this
23 Act shall be legal tender, as provided in section 5103 of
24 title 31, United States Code.

1 (c) NUMISMATIC ITEMS.—For purposes of sections
2 5134 and 5136 of title 31, United States Code, all coins
3 minted under this Act shall be considered to be numis-
4 matic items.

5 **SEC. 4. DESIGN OF COINS.**

6 (a) DESIGN REQUIREMENTS.—

7 (1) IN GENERAL.—The design of the coins
8 minted under this Act shall be emblematic of the
9 traditions, legacy, and heritage of the Medal of
10 Honor, and the distinguished service of its recipients
11 in the Nation’s history.

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

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

15 (B) an inscription of the year “2011”; and

16 (C) inscriptions of the words “Liberty”,

17 “In God We Trust”, “United States of Amer-
18 ica”, and “E Pluribus Unum”.

19 (b) SELECTION.—The design for the coins minted
20 under this Act shall—

21 (1) contain motifs that represent the 3 Medal
22 of Honor designs (Army, Navy, and Air Force) and
23 specifically honor the Medal of Honor recipients of
24 both today and yesterday, such designs to be con-
25 sistent with the traditions and heritage of the

1 United States Armed Services, the mission and goals
2 of the Congressional Medal of Honor Society, and
3 the mission and goals of the Congressional Medal of
4 Honor Foundation;

5 (2) be selected by the Secretary, after consulta-
6 tion with the Boards of the Congressional Medal of
7 Honor Society and Congressional Medal of Honor
8 Foundation and the Commission of Fine Arts; and

9 (3) be reviewed by the Citizens Coin Advisory
10 Committee.

11 **SEC. 5. ISSUANCE.**

12 (a) QUALITY OF COINS.—Coins minted under this
13 Act shall be issued in uncirculated and proof qualities.

14 (b) MINT FACILITY.—For each of the 2 denomina-
15 tion of coins minted under this Act, at least 1 facility of
16 the United States Mint shall be used to strike proof qual-
17 ity coins, while at least 1 other such facility shall be used
18 to strike the uncirculated quality coins.

19 (c) PERIOD FOR ISSUANCE.—The Secretary of the
20 Treasury may issue coins minted under this Act only dur-
21 ing the 1-year period beginning on January 1, 2011.

22 **SEC. 6. SALE OF COINS.**

23 (a) SALE PRICE.—The coins issued under this Act
24 shall be sold by the Secretary at a price equal to the sum
25 of—

1 (1) the face value of the coins;

2 (2) the surcharge provided in section 7(a) with
3 respect to such coins; and

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

7 (b) BULK SALES.—The Secretary shall make bulk
8 sales of the coins issued under this Act at a reasonable
9 discount.

10 (c) PREPAID ORDERS.—

11 (1) IN GENERAL.—The Secretary shall accept
12 prepaid orders for the coins minted under this Act
13 before the issuance of such coins.

14 (2) DISCOUNT.—Sale prices with respect to pre-
15 paid orders under paragraph (1) shall be at a rea-
16 sonable discount.

17 **SEC. 7. SURCHARGES.**

18 (a) IN GENERAL.—All sales of coins minted under
19 this Act shall include a surcharge as follows:

20 (1) A surcharge of \$35 per coin for the \$5 coin.

21 (2) A surcharge of \$10 per coin for the \$1 coin.

22 (b) DISTRIBUTION.—Subject to section 5134(f) of
23 title 31, United States Code, all surcharges received by
24 the Secretary from the sale of coins issued under this Act
25 shall be promptly paid by the Secretary to the Congres-

1 sional Medal of Honor Foundation to help finance the edu-
2 cational, scholarship and outreach programs of the Foun-
3 dation.

4 (c) AUDITS.—The Congressional Medal of Honor
5 Foundation shall be subject to the audit requirements of
6 section 5134(f)(2) of title 31, United States Code, with
7 regard to the amounts received under subsection (b).

8 (d) LIMITATION.—Notwithstanding subsection (a),
9 no surcharge may be included with respect to the issuance
10 under this Act of any coin during a calendar year if, as
11 of the time of such issuance, the issuance of such coin
12 would result in the number of commemorative coin pro-
13 grams issued during such year to exceed the annual 2
14 commemorative coin program issuance limitation under
15 section 5112(m)(1) of title 31, United States Code (as in
16 effect on the date of the enactment of this Act). The Sec-
17 retary may issue guidance to carry out this subsection.

Passed the House of Representatives May 14, 2009.

Attest:

Clerk.

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