

111TH CONGRESS  
1ST SESSION

# H. R. 1209

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IN THE SENATE OF THE UNITED STATES

MAY 18, 2009

Received; read twice and referred to the Committee on Banking, Housing, and  
Urban Affairs

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## 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: LORRAINE C. MILLER,  
*Clerk.*