

111TH CONGRESS  
1ST SESSION

# S. 883

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.

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## IN THE SENATE OF THE UNITED STATES

APRIL 23, 2009

Mr. KERRY (for himself and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

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 pa-

triotism, 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 was first authorized by  
 9       the Congress in 1861, as the United States Navy’s  
 10      highest personal decoration.

11              (2) The Army Medal of Honor was authorized  
 12      by the Congress in 1862, and the Air Force Medal  
 13      of Honor was authorized by Congress in 1956.

14              (3) 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 or  
 18      herself conspicuously by gallantry and intrepidity, at  
 19      the risk of his or her life, and above and beyond the  
 20      call of duty—

21                      (A) while engaged in action against an  
 22                      enemy of the United States;

1 (B) while engaged in military operations  
2 involving conflict with an opposing foreign  
3 force; or

4 (C) while serving with friendly foreign  
5 forces engaged in an armed conflict against an  
6 opposing armed force in which the United  
7 States is not a belligerent party.

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

12 (5) Incontestable proof of the performance of  
13 the service is required, and each recommendation for  
14 the award of the Medal of Honor is considered on  
15 the standard of extraordinary merit.

16 (6) Fewer than 3,500 Medals of Honor have  
17 been awarded to members of the United States  
18 Armed Forces.

19 (7) The Congressional Medal of Honor Society  
20 is a not-for-profit organization chartered by the 85th  
21 Congress under a legislative act signed into law by  
22 President Dwight D. Eisenhower on August 14,  
23 1958, and membership in the Society is restricted to  
24 recipients of the Medal of Honor.

25 (8) Society members—

1 (A) are joined together for the purpose of  
2 forming and maintaining friendship among all  
3 living recipients of the Medal of Honor and re-  
4 membrance of posthumous and deceased recipi-  
5 ents; and

6 (B) are dedicated to the protection and  
7 preservation of the dignity, honor, and name of  
8 the Medal of Honor, service to others, service to  
9 Nation, and the promotion of allegiance to the  
10 Constitution and the Government of the United  
11 States.

12 (9) Members of the Society act to foster patri-  
13 otism and to inspire and encourage the youth of  
14 America to become worthy citizens.

15 (10) The Congressional Medal of Honor Foun-  
16 dation, a 501(c)(3) not-for-profit organization  
17 founded by the Society in 1999, is dedicated to—

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

20 (B) raising funds for initiatives that pro-  
21 mote what the Medal of Honor represents, op-  
22 eration of the Congressional Medal of Honor  
23 Society headquarters, and the public outreach  
24 activities of the Medal of Honor Society’s mem-  
25 bership; and

1 (C) promoting American values and the  
2 qualities of courage, sacrifice, and patriotism  
3 through increased awareness, education, schol-  
4 arships, behavior, and example.

5 (11) Through its educational and outreach pro-  
6 grams, the Congressional Medal of Honor Founda-  
7 tion promotes heroism, selflessness and distinguished  
8 citizenship among American youth, and brings public  
9 awareness to the actions of ordinary Americans who  
10 have made and are making a profound difference in  
11 preserving our freedoms.

12 **SEC. 3. COIN SPECIFICATIONS.**

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

18 (1) \$5 GOLD COINS.—Not more than 100,000  
19 \$5 gold coins, which shall—

20 (A) weigh 8.359 grams;

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

22 (C) contain 90 percent gold and 10 percent  
23 alloy.

24 (2) \$1 SILVER COINS.—Not more than 500,000  
25 \$1 coins, which shall—

- 1 (A) weigh 26.73 grams;
- 2 (B) have a diameter of 1.500 inches; and
- 3 (C) contain 90 percent silver and 10 per-
- 4 cent copper.

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

8 (c) **NUMISMATIC ITEMS.**—For purposes of sections  
9 5134 and 5136 of title 31, United States Code, all coins  
10 minted under this Act shall be considered to be numis-  
11 matic items.

12 **SEC. 4. DESIGN OF COINS.**

13 (a) **DESIGN REQUIREMENTS.**—

14 (1) **IN GENERAL.**—The design of the coins  
15 minted under this Act shall be emblematic of the  
16 traditions, legacy, and heritage of the Medal of  
17 Honor, and the distinguished service of its recipients  
18 in the Nation’s history.

19 (2) **DESIGNATION AND INSCRIPTIONS.**—On  
20 each coin minted under this Act, there shall be—

- 21 (A) a designation of the value of the coin;
- 22 (B) an inscription of the year “2011”; and
- 23 (C) inscriptions of the words “Liberty”,  
24 “In God We Trust”, “United States of Amer-  
25 ica”, and “E Pluribus Unum”.

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

3 (1) contain motifs that represent the 3 Medal  
4 of Honor designs (Army, Navy, and Air Force) and  
5 specifically honor the Medal of Honor recipients,  
6 both past and present, such designs to be consistent  
7 with the traditions and heritage of the United States  
8 Armed Services, the mission and goals of the Con-  
9 gressional Medal of Honor Society, and the mission  
10 and goals of the Congressional Medal of Honor  
11 Foundation;

12 (2) be selected by the Secretary, after consulta-  
13 tion with the Boards of the Congressional Medal of  
14 Honor Society and Congressional Medal of Honor  
15 Foundation and the Commission of Fine Arts; and

16 (3) be reviewed by the Citizens Coin Advisory  
17 Committee.

18 **SEC. 5. ISSUANCE.**

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

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

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

4 **SEC. 6. SALE OF COINS.**

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

8           (1) the face value of the coins;

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

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

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

17       (c) PREPAID ORDERS.—

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

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



1 **SEC. 7. SURCHARGES.**

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

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

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

6 (b) DISTRIBUTION.—Subject to section 5134(f) of  
7 title 31, United States Code, all surcharges received by  
8 the Secretary from the sale of coins issued under this Act  
9 shall be promptly paid by the Secretary to the Congres-  
10 sional Medal of Honor Foundation to help finance the edu-  
11 cational, scholarship, and outreach programs of the Foun-  
12 dation.

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

17 (d) LIMITATION.—Notwithstanding subsection (a),  
18 no surcharge may be included with respect to the issuance  
19 under this Act of any coin during a calendar year if, as  
20 of the time of such issuance, the issuance of such coin  
21 would result in the number of commemorative coin pro-  
22 grams issued during such year to exceed the annual 2  
23 commemorative coin program issuance limitation under  
24 section 5112(m)(1) of title 31, United States Code (as in

- 1 effect on the date of enactment of this Act). The Secretary
- 2 may issue guidance to carry out this subsection.

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