

Public Law 102-406
102d Congress

An Act

Oct. 12, 1992
[H.R. 2448]

To provide for the minting of medals in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Benjamin Franklin National Memorial Commemorative Medal and Fire Service Bill of Rights Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) America's fire services should be acknowledged as our first responder to domestic emergencies.

(2) Members of America's fire services deserve every protection from the dangers associated with emergency response.

(3) Family members of those in the fire services should be provided for in the event of the service-connected loss or disability of any member of a fire service.

(4) Members of fire services should be educated in the latest fire and life safety sciences, and should have access to ongoing training programs to be able to take full advantage of the latest information.

(5) Fire services should be provided with state-of-the-art equipment and apparatus to handle all emergency situations.

(6) America's fire services deserve to have access to up-to-date fire and life safety programs to enable them to protect the public with minimal risk to the safety of their members.

(7) Responding fire services have a right to know the kind of danger presented by hazardous materials they face in all emergency responses.

(8) Fire services should be fully informed of the threat of infectious diseases their members face during the course of life safety activities.

(9) America's fire services have the right to expect that the American people will be full partners in the struggle to preserve life and property from the ravages of fire and other disasters.

(10) The history of American fire services and the sacrifices their members have made to protect lives and property in communities across the Nation deserve to be commemorated and honored.

(11) A commemorative medal would help recognize the achievements and needs of America's fire services.

SEC. 3. AUTHORIZATION.

(a) **ISSUANCE.**—The Secretary of the Treasury (in this title referred to as the "Secretary") shall issue not more than 1,500,000 medals each of which shall contain 1 ounce of silver.

Benjamin
Franklin
National
Memorial
Commemorative
Medal and Fire
Service Bill of
Rights Act.
31 USC 5111
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(b) **DESIGN.**—The design of the medals shall contain suitable emblems, devices, and inscriptions in commemoration of Benjamin Franklin's contributions to the American Fire Service. Such design shall be selected by the Secretary after consultation with the Chairman of the Benjamin Franklin National Memorial at the Franklin Institute, the Chairman of the Congressional Fire Services Institute, and the Chairman of the Commission of Fine Arts.

(c) **NATIONAL MEDALS.**—The medals issued under subsection (a) are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 4. SOURCES OF BULLION.

31 USC 5111
note.

The Secretary shall obtain silver for the medals authorized under section 3 from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 5. SALE OF MEDALS.

31 USC 5111
note.

(a) **IN GENERAL.**—The medals authorized under section 3 shall be sold by the Secretary at a price equal to the cost of production, plus the cost of designing and issuing such medals (including labor, materials, dies, use of machinery, and overhead expenses), and the surcharge provided for in subsection (d).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the medals authorized under section 3 at a reasonable discount.

(c) **PREPAID ORDERS.**—The Secretary shall accept prepaid orders for the medals authorized under section 3 prior to the issuance of such medals. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

(d) **SURCHARGES.**—All sales of the medals authorized under section 3 shall include a surcharge of \$15 per medal.

SEC. 6. MARKETING.

31 USC 5111
note.

The Secretary shall develop a domestic marketing program to promote and sell the medals authorized under section 3 in the United States.

SEC. 7. ISSUANCE OF MEDALS.

31 USC 5111
note.

(a) **IN GENERAL.**—The medals authorized under section 3 may be issued in uncirculated and proof qualities, except that not more than 1 facility of the United States Mint may be used to strike any particular quality.

(b) **COMMENCEMENT OF ISSUANCE.**—The Secretary may issue the medals authorized under section 3 beginning on July 1, 1993.

(c) **TERMINATION OF AUTHORITY.**—No medals authorized under section 3 may be minted after June 30, 1994.

SEC. 8. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

31 USC 5111
note.

(a) **IN GENERAL.**—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for issuing the medals authorized under section 3.

(b) **EQUAL EMPLOYMENT OPPORTUNITY.**—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

31 USC 5111
note.

SEC. 9. DISTRIBUTION OF SURCHARGES.

(a) **IN GENERAL.**—Except as provided in section 11, all surcharges described in section 5(d) which are received by the Secretary shall be promptly paid by the Secretary as follows:

(1) **AMOUNTS PAID FOR THE BENJAMIN FRANKLIN NATIONAL MEMORIAL.**—Subject to section 10, the Secretary shall pay to the Franklin Institute (custodian of the Benjamin Franklin National Memorial) 12.5 percent of the amount of such surcharges received. Such amounts shall be used—

(A) to restore and renovate the Benjamin Franklin National Memorial (in this section referred to as the “Memorial”);

(B) for exhibits and programs in the Memorial or in the adjoining areas of the Franklin Institute relating to the Memorial, Benjamin Franklin, or to science and education;

(C) for funds for the acquisition and preservation of artifacts relating to Benjamin Franklin; and

(D) to establish, in consultation with the Secretary of the Interior, an endowment in an amount determined sufficient for the Memorial, to ensure the continued upkeep and maintenance of the Memorial.

(2) **AMOUNTS PAID FOR OTHER PURPOSES.**—Subject to section 10, the Secretary shall pay, of the amount of the surcharges received—

(A) 12.5 percent to the Institute of Life Safety Technology and Emergency Management Education to provide grants to colleges and universities for fire training courses at no cost to participants (such Institute shall not require the use of specific course materials as a condition for the receipt of a grant by a college or university);

(B) 12.5 percent to the International Association of Fire Chiefs Foundation to award scholarships for college level courses in fire science, engineering, and related fields;

(C) 12.5 percent to the International Association of Fire Fighters Burn Foundation for burn injury research at hospital burn centers and other qualified medical research organizations;

(D) 12.5 percent to the National Fire Protection Associations’ Learn Not To Burn Foundation to deliver public education programs and resources to low income residents in rural and urban communities which have high fire injury and death rates;

(E) 12.5 percent to the National Volunteer Fire Council Foundation to establish and maintain programs to promote the health and safety of all firefighters;

(F) 12.5 percent to the National Association of State Fire Marshals to establish and maintain the “John Heinz Memorial Scholarship Fund” to provide educational scholarships to the surviving children and spouses of fallen firefighters and emergency medical personnel as qualified under the Public Safety Officers Benefit Program; and

(G) 12.5 percent to the International Association of Arson Investigators Educational Foundation to design and maintain arson prevention programs.

(b) **AVAILABILITY OF LIST OF SURVIVING CHILDREN AND SPOUSES TO NATIONAL ASSOCIATION OF STATE FIRE MARSHALS.**—For purposes

of providing educational scholarships described in subsection (a)(2)(F), the Attorney General shall make a list of surviving children and spouses referred to in such subsection available to the National Association of State Fire Marshals on a timely basis.

SEC. 10. AUDITS.

31 USC 5111
note.

(a) **FRANKLIN INSTITUTE.**—As a condition for receiving the proceeds of the surcharges pursuant to section 9(a)(1), the Franklin Institute shall allow the Comptroller General to examine such books, records, documents, and other data of the Institute as may be related to the expenditure of amounts paid, and the management and expenditures of the endowment established under subparagraph (F) of such section.

(b) **INSTITUTE OF LIFE SAFETY TECHNOLOGY AND EMERGENCY MANAGEMENT EDUCATION, NATIONAL ASSOCIATION OF STATE FIRE MARSHALS, AND THE FIVE FIRE SERVICE FOUNDATIONS.**—As a condition for receiving the proceeds of the surcharges pursuant to section 9(a)(2), the Institute of Life Safety Technology and Emergency Management Education, the National Association of State Fire Marshals, and the 5 fire service foundations described in subparagraphs (B), (C), (D), (E), and (G) of section 9(a)(2), shall allow the Comptroller General to examine such books, records, documents, and other data as may be related to the expenditure of amounts paid.

(c) **ADMINISTRATIVE, OVERHEAD, OR OTHER EXPENSES PROHIBITED.**—No funds received under section 9, and no interest accruing on any such funds, may be used for administrative purposes, overhead expenses, or for any other purpose not described in such section.

SEC. 11. FINANCIAL ASSURANCES.

31 USC 5111
note.

(a) **NO NET COST TO THE GOVERNMENT.**—The Secretary shall take all actions necessary to ensure that the issuance of the medals authorized under section 3 shall result in no net cost to the Federal Government.

(b) **RECOVERY OF COSTS TO FEDERAL GOVERNMENT.**—

(1) **RELEASE OF SURCHARGES UPON RECEIPT OF FUNDS.**—The Secretary shall not distribute the amount of any surcharge under section 9 until the Secretary has received funds, either from the sale of medals authorized under this Act or from private donations, sufficient to ensure that the issuance of medals under this Act shall result in no net cost to the Federal Government.

(2) **RECOVERY OF EXPENSES FROM SURCHARGES.**—If all costs to the Federal Government in connection with the issuance of medals under this Act are not recovered from the sale of such medals or from private donations as of the termination of the program in accordance with section 7, the Secretary shall reduce the amount of the surcharges retained pursuant to paragraph (1) by the amount of such shortfall and apply such amount to the cost of issuing such medals.

(3) **DISTRIBUTION OF BALANCE OF SURCHARGES.**—Any surcharges remaining after any reduction in the amount of such surcharges pursuant to paragraph (2) shall be distributed in accordance with section 9.

(c) **PAYMENT FOR MEDALS.**—No medal authorized under section 3 shall be issued unless the Secretary has received—

(1) full payment, as determined under section 5;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

Approved October 12, 1992.

LEGISLATIVE HISTORY—H.R. 2448:

CONGRESSIONAL RECORD, Vol. 138 (1992):

Oct. 3, considered and passed House.

Oct. 7, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):

Oct. 12, Presidential remarks.