

Union Calendar No. 348

108TH CONGRESS
2D SESSION

H. R. 2768

[Report No. 108-473, Parts I and II]

To require the Secretary of the Treasury to mint coins in commemoration
of Chief Justice John Marshall.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2003

Mr. BACHUS (for himself, Mr. LEACH, Mr. MARSHALL, Mr. MICHAUD, Mr. ISAKSON, Mr. GINGREY, Mr. FROST, Mr. BURNS, Mr. MORAN of Virginia, Ms. MAJETTE, Mr. DAVIS of Florida, Mrs. CAPITO, Mr. GERLACH, Mrs. WILSON of New Mexico, Mr. ALLEN, Mr. COOPER, Mr. DUNCAN, Mr. CULBERSON, Mr. CANTOR, Mr. MATHESON, Mr. GEPHARDT, Mr. TERRY, Mr. WILSON of South Carolina, Mr. GOODE, and Mr. JENKINS) introduced the following bill; which was referred to the Committee on Financial Services

APRIL 27, 2004

Reported from the Committee on Financial Services

APRIL 27, 2004

Referred sequentially to the House Committee on Ways and Means for a period ending not later than July 6, 2004 for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X

JULY 6, 2004

Additional sponsors: Mr. FORBES, Mr. KNOLLENBERG, Mr. PORTMAN, Mr. HOEFFEL, Mr. SCHROCK, Mrs. MYRICK, Mr. KINGSTON, Mr. CONYERS, Mr. RANGEL, Mr. DEMINT, Mr. WOLF, Mr. ROGERS of Michigan, Mr. NORWOOD, Mr. MCCOTTER, Mr. TURNER of Texas, Mr. LANGEVIN, Mr. CARTER, Mr. EMANUEL, Mr. BISHOP of Georgia, Mr. DELAHUNT, Mrs. MALONEY, Mr. MOORE, Mr. UDALL of Colorado, Mr. COBLE, Mr. GREEN of Texas, Mr. SKELTON, Mr. SPRATT, Mr. BROWN of South Carolina, Mr. DOGGETT, Mrs. LOWEY, Mr. NADLER, Mr. LYNCH, Mrs. CUBIN, Ms. VELÁZQUEZ, Mr. UDALL of New Mexico, Mr. SANDERS, Mr. LARSON of

Connecticut, Mr. BARRETT of South Carolina, Mr. CLYBURN, Ms. DEGETTE, Mr. CLAY, Mr. CROWLEY, Mr. SESSIONS, Mr. CAPUANO, Mr. HINCHEY, Mr. CARSON of Oklahoma, Mr. MCGOVERN, Mr. PEARCE, Mr. HULSHOF, Mr. McDERMOTT, Mr. LAMPSON, Ms. SLAUGHTER, Mr. TOWNS, Mr. MANZULLO, Mr. EVERETT, Mr. BOEHNER, Ms. HARRIS, Mrs. BLACKBURN, Mr. DEAL of Georgia, Ms. HART, Mr. WICKER, Mr. PICKERING, Mr. TAUZIN, Mrs. KELLY, Mr. NEUGEBAUER, Mr. COLE, Mr. LUCAS of Oklahoma, Mrs. MILLER of Michigan, Mrs. MUSGRAVE, Mr. GREENWOOD, Mr. NUNES, Mr. POMBO, Mr. BLUNT, Mr. CRENSHAW, Mr. GIBBONS, Ms. HOOLEY of Oregon, Ms. WATERS, Mr. BAIRD, Mr. FOSSELLA, Mr. LEVIN, Mrs. JO ANN DAVIS of Virginia, Mr. LAHOOD, Mr. HYDE, Mr. SHADEGG, Mr. HENSARLING, Mr. REGULA, Mr. LINDER, Mr. HOBSON, Mr. BEREUTER, Mr. SMITH of Michigan, Mr. SHAYS, Mr. LEWIS of California, Mr. BALLENGER, Mr. TOOMEY, Mr. SWEENEY, Mr. RADANOVICH, Mr. LATOURETTE, Mr. ENGLISH, Mr. KOLBE, Mr. SABO, Mr. BONNER, Mr. SCOTT of Virginia, Mr. HOEKSTRA, Mr. KING of New York, Mr. MORAN of Kansas, Ms. PRYCE of Ohio, Mr. BOUCHER, Mr. BERMAN, Mr. GOODLATTE, Mr. JONES of North Carolina, Mr. INSLEE, Mr. PETRI, Mr. OSBORNE, Mr. BAKER, Mr. COSTELLO, Mr. SULLIVAN, Mr. BERRY, Ms. PELOSI, Mr. SNYDER, Mr. PLATTS, Mr. CUMMINGS, Mr. RAMSTAD, Mr. HOUGHTON, Mr. WEINER, Mr. EHLERS, Mr. McKEON, Ms. DELAURO, Mrs. MCCARTHY of New York, Mr. HALL, Mr. McNULTY, Mr. GONZALEZ, Mr. VAN HOLLEN, Mr. VISCLOSKY, Mr. SERRANO, Mr. POMEROY, Mr. BISHOP of New York, Mr. TAYLOR of Mississippi, Mr. DAVIS of Alabama, Mr. MENENDEZ, Mr. PASTOR, Mr. BLUMENAUER, Ms. ROYBAL-ALLARD, Mr. PALLONE, Mr. HOLT, Mr. BROWN of Ohio, Mr. DOOLEY of California, Mr. FRANK of Massachusetts, Mr. ISRAEL, Mr. RYAN of Ohio, Ms. MCCOLLUM, Mr. SMITH of Washington, Mr. KENNEDY of Rhode Island, Mr. WAXMAN, Mr. DINGELL, Mr. ANDREWS, Mr. LUCAS of Kentucky, Mr. BOOZMAN, Mr. BOYD, Mr. OBERSTAR, Mr. SMITH of Texas, Mr. STARK, Mr. LEWIS of Georgia, Mr. AKIN, Ms. KILPATRICK, Mr. DAVIS of Tennessee, Mr. MARKEY, Mr. MEEKS of New York, Mr. KILDEE, Mr. BOEHLERT, Mr. GORDON, Mr. SHAW, Mr. BURR, Mr. SCOTT of Georgia, Mr. TANNER, Mr. KLINE, Mr. McINTYRE, Mr. HOYER, Mr. STUPAK, Mr. McHUGH, Mr. KENNEDY of Minnesota, Mr. CARDIN, Mr. WYNN, Mr. RUPPERSBERGER, Mr. TOM DAVIS of Virginia, Mr. MEEHAN, Mr. ADERHOLT, Mrs. CAPPS, Mr. RODRIGUEZ, Mr. COLLINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYNOLDS, Mr. CAMP, Mr. ACKERMAN, Mr. BACA, Mrs. JONES of Ohio, Mr. ROSS, Mr. BECERRA, Ms. JACKSON-LEE of Texas, Mr. WATT, Mr. FARR, Mr. MOLLOHAN, Mr. BURGESS, Mrs. DAVIS of California, Mr. WAMP, Mr. MILLER of North Carolina, Mr. SANDLIN, Mr. EDWARDS, Mr. ETHERIDGE, Mr. HAYES, Mr. HOLDEN, Mr. GUTIERREZ, Mr. CRAMER, Mr. ABERCROMBIE, Mr. CASTLE, Mr. DAVIS of Illinois, Mr. EVANS, Mr. HILL, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. KAPTUR, Ms. LEE, Mr. SHERMAN, Ms. MILLENDER-McDONALD, Mr. BRADLEY of New Hampshire, Mr. OWENS, Mr. KLECZKA, Mr. PRICE of North Carolina, Mr. RUSH, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Mr. YOUNG of Alaska, Mr. CARDOZA, Ms. MCCARTHY of Missouri, Mr. KANJORSKI, Ms. LOFGREN, Mr. REYES, Mr. YOUNG of Florida, Mr. GEORGE MILLER of California, Mr. BILIRAKIS,

Mr. OBEY, Mr. DICKS, Mr. ROTHMAN, Mr. KUCINICH, Mr. BELL, Mr. FOLEY, Mr. BISHOP of Utah, Mr. STENHOLM, Mr. KIRK, Ms. LORETTA SANCHEZ of California, Mr. CANNON, Mrs. TAUSCHER, Mr. FILNER, Mr. FORD, Mr. OTTER, Mr. SCHIFF, Mr. WEXLER, Ms. BERKLEY, Mr. GUTKNECHT, Mr. OLVER, Mr. FRANKS of Arizona, Mrs. EMERSON, Mr. GILCHREST, Mr. MEEK of Florida, Mr. JOHN, Mr. BOSWELL, Mr. TIERNEY, Mr. THOMPSON of Mississippi, Mr. BRADY of Texas, Ms. ESHOO, Mr. SENSENBRENNER, Ms. SOLIS, Mr. RENZI, Mr. SHIMKUS, Mrs. JOHNSON of Connecticut, Mr. SIMMONS, Mr. WU, Mr. BEAUPREZ, Mr. BASS, and Mr. PORTER

JULY 6, 2004

Reported from the Committee on Ways and Means with an amendment; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Insert the part printed in italic]

A BILL

To require the Secretary of the Treasury to mint coins
in commemoration of Chief Justice John Marshall.

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 “John Marshall Com-
5 memorative Coin Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress hereby finds as follows:

8 (1) John Marshall served as the Chief Justice
9 of the United States Supreme Court from 1801 to
10 1835, the longest tenure of any Chief Justice in the
11 Nation’s history.

1 (2) John Marshall authored more than 500
2 opinions, including virtually all of the most impor-
3 tant cases decided by the Supreme Court during his
4 tenure.

5 (3) Under his leadership, the Supreme Court of
6 the United States gave shape to the fundamental
7 principles of the Constitution, most notably the prin-
8 ciple of judicial review.

9 (4) John Marshall's service to the United
10 States—not only as a Chief Justice, but also as a
11 soldier in the Revolutionary War, as a Member of
12 Congress, and as Secretary of State—truly makes
13 him one of the most important figures in our Na-
14 tion's history.

15 **SEC. 3. COIN SPECIFICATIONS.**

16 (a) DENOMINATION.—In commemoration of the
17 250th anniversary of the birth of Chief Justice John Mar-
18 shall, the Secretary of the Treasury (hereafter in this Act
19 referred to as the “Secretary”) shall mint and issue not
20 more than 400,000 \$1 coins, each of which shall—

21 (1) weigh 26.73 grams;

22 (2) have a diameter of 1.500 inches; and

23 (3) contain 90 percent silver and 10 percent
24 copper.

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

4 (c) NUMISMATIC ITEMS.—For purposes of sections
5 5134 and 5136 of title 31, United States Code, all coins
6 minted under this Act shall be considered to be numis-
7 matic items.

8 **SEC. 4. DESIGN OF COINS.**

9 (a) DESIGN REQUIREMENTS.—

10 (1) IN GENERAL.—The design of the coins
11 minted under this Act shall be emblematic of Chief
12 Justice John Marshall and his immeasurable con-
13 tributions to the Constitution of the United States
14 and the Supreme Court of the United States.

15 (2) DESIGNATION AND INSCRIPTIONS.—On
16 each coin minted under this Act there shall be—

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

18 (B) an inscription of the year “2005”; and

19 (C) inscriptions of the words “Liberty”,
20 “In God We Trust”, “United States of Amer-
21 ica”, and “E Pluribus Unum”.

22 (b) SELECTION.—The design for the coins minted
23 under this Act shall be—

1 (1) selected by the Secretary after consultation
2 with the Commission of Fine Arts, and the Supreme
3 Court Historical Society; and

4 (2) reviewed by the Citizens Coin Advisory
5 Committee.

6 **SEC. 5. ISSUANCE OF COINS.**

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

9 (b) **MINT FACILITY.**—Only 1 facility of the United
10 States Mint may be used to strike any particular quality
11 of the coins minted under this Act.

12 (c) **COMMENCEMENT OF ISSUANCE.**—The Secretary
13 may issue coins minted under this Act beginning January
14 1, 2005.

15 (d) **TERMINATION OF MINTING AUTHORITY.**—No
16 coins may be minted under this Act after December 31,
17 2005.

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

19 (a) **SALE PRICE.**—The coins issued under this Act
20 shall be sold by the Secretary at a price equal to the sum
21 of—

22 (1) the face value of the coins;

23 (2) the surcharge provided in 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 this Act at a reasonable
6 discount.

7 (c) PREPAID ORDERS.—

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

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

14 (d) MARKETING.—The Secretary, in cooperation with
15 the Legacy Fund of the Library of Congress, shall develop
16 and implement a marketing program to promote and sell
17 the coins issued under this Act both within the United
18 States and internationally.

19 **SEC. 7. SURCHARGES.**

20 (a) IN GENERAL.—All sales of coins minted under
21 this Act shall include a surcharge of \$10 per 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

1 shall be promptly paid by the Secretary to the Supreme
2 Court Historical Society for the purposes of—

3 (1) supporting historical research and edu-
4 cational programs about the Supreme Court and the
5 Constitution of the United States and related topics;

6 (2) supporting fellowship programs, internships,
7 and docents at the Supreme Court; and

8 (3) collecting and preserving antiques, artifacts,
9 and other historical items related to the Supreme
10 Court and the Constitution of the United States and
11 related topics.

12 (c) AUDITS.—The Supreme Court Historical Society
13 shall be subject to the audit requirements of section
14 5134(f)(2) of title 31, United States Code, with regard
15 to the amounts received by the Society under subsection
16 (b).

17 (d) *LIMITATION.*—*Notwithstanding subsection (a), no*
18 *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 would*
21 *result in the number of commemorative coin programs*
22 *issued during such year to exceed the annual 2 commemora-*
23 *tive coin program issuance limitation under section*
24 *5112(m)(1) of title 31, United States Code (as in effect on*

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

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