

108TH CONGRESS  
1ST SESSION

# S. 471

To ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Committee, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2003

Mr. ALLEN 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 ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Committee, and for other purposes.

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 “American 5-Cent Coin  
5 Design Continuity Act of 2003”.

6 **TITLE I—UNITED STATES 5-CENT**  
7 **COIN DESIGN CONTINUITY**

8 **SEC. 101. DESIGNS ON THE 5-CENT COIN.**

9 (a) IN GENERAL.—Subject to subsection (b) and  
10 after consulting with the Citizens Coinage Advisory Com-

1 mittee and the Commission of Fine Arts, the Secretary  
2 of the Treasury may change the design on the obverse and  
3 the reverse of the 5-cent coin for coins issued in 2003,  
4 2004, and 2005 in recognition of the bicentennial of the  
5 Louisiana Purchase and the expedition of Meriwether  
6 Lewis and William Clark.

7 (b) DESIGN SPECIFICATIONS.—

8 (1) OBVERSE.—If the Secretary of the Treas-  
9 ury elects to change the obverse of 5-cent coins  
10 issued during 2003, 2004, and 2005, the design  
11 shall depict a likeness of President Thomas Jeffer-  
12 son, different from the likeness that appeared on the  
13 obverse of the 5-cent coins issued during 2002, in  
14 recognition of his role with respect to the Louisiana  
15 Purchase and the commissioning of the Lewis and  
16 Clark expedition.

17 (2) REVERSE.—If the Secretary of the Treas-  
18 ury elects to change the reverse of the 5-cent coins  
19 issued during 2003, 2004, and 2005, the design se-  
20 lected shall depict images that are emblematic of the  
21 Louisiana Purchase or the expedition of Meriwether  
22 Lewis and William Clark.

23 (3) OTHER INSCRIPTIONS.—5-cent coins issued  
24 during 2003, 2004, and 2005 shall continue to meet  
25 all other requirements for inscriptions and designa-

1 tions applicable to circulating coins under section  
2 5112(d)(1) of title 31, United States Code.

3 **SEC. 102. DESIGNS ON THE 5-CENT COIN SUBSEQUENT TO**  
4 **THE RECOGNITION OF THE BICENTENNIAL**  
5 **OF THE LOUISIANA PURCHASE AND THE**  
6 **LEWIS AND CLARK EXPEDITION.**

7 (a) IN GENERAL.—Section 5112(d)(1) of title 31,  
8 United States Code, is amended by inserting after the 4th  
9 sentence the following new sentence: “Subject to other  
10 provisions of this subsection, the obverse of any 5-cent  
11 coin issued after December 31, 2005, shall bear the like-  
12 ness of Thomas Jefferson and the reverse of any such 5-  
13 cent coin shall bear an image of the home of Thomas Jef-  
14 ferson at Monticello.”.

15 (b) DESIGN CONSULTATION.—The 2d sentence of  
16 section 5112(d)(2) of title 31, United States Code, is  
17 amended by inserting “, after consulting with the Citizens  
18 Coinage Advisory Committee and the Commission of Fine  
19 Arts,” after “The Secretary may”.

20 **SEC. 103. CITIZENS COINAGE ADVISORY COMMITTEE.**

21 (a) IN GENERAL.—Section 5135 of title 31, United  
22 States Code, is amended to read as follows:

23 **“§ 5135. Citizens Coinage Advisory Committee**

24 **“(a) ESTABLISHMENT.—**

1           “(1) IN GENERAL.—There is hereby established  
2 the Citizens Coinage Advisory Committee (in this  
3 section referred to as the ‘Advisory Committee’) to  
4 advise the Secretary of the Treasury on the selection  
5 of themes and designs for coins.

6           “(2) OVERSIGHT OF ADVISORY COMMITTEE.—  
7 The Advisory Committee shall be subject to the au-  
8 thority of the Secretary of the Treasury (hereafter  
9 in this section referred to as the ‘Secretary’).

10          “(b) MEMBERSHIP.—

11           “(1) APPOINTMENT.—The Advisory Committee  
12 shall consist of 11 members appointed by the Sec-  
13 retary as follows:

14           “(A) Seven persons appointed by the Sec-  
15 retary—

16           “(i) one of whom shall be appointed  
17 from among individuals who are specially  
18 qualified to serve on the Advisory Com-  
19 mittee by virtue of their education, train-  
20 ing, or experience as a nationally or inter-  
21 nationally recognized curator in the United  
22 States of a numismatic collection;

23           “(ii) one of whom shall be appointed  
24 from among individuals who are specially  
25 qualified to serve on the Advisory Com-

1                   mittee by virtue of their experience in the  
2                   medallic arts or sculpture;

3                   “(iii) one of whom shall be appointed  
4                   from among individuals who are specially  
5                   qualified to serve on the Advisory Com-  
6                   mittee by virtue of their education, train-  
7                   ing, or experience in American history;

8                   “(iv) one of whom shall be appointed  
9                   from among individuals who are specially  
10                  qualified to serve on the Advisory Com-  
11                  mittee by virtue of their education, train-  
12                  ing, or experience in numismatics; and

13                  “(v) three of whom shall be appointed  
14                  from among individuals who can represent  
15                  the interests of the general public in the  
16                  coinage of the United States.

17                  “(B) Four persons appointed by the Sec-  
18                  retary on the basis of the recommendations of  
19                  the following officials who shall make the selec-  
20                  tion for such recommendation from among citi-  
21                  zens who are specially qualified to serve on the  
22                  Advisory Committee by virtue of their edu-  
23                  cation, training, or experience:

24                          “(i) One person recommended by the  
25                          Speaker of the House of Representatives.

1                   “(ii) One person recommended by the  
2                   minority leader of the House of Represent-  
3                   atives.

4                   “(iii) One person recommended by the  
5                   majority leader of the Senate.

6                   “(iv) One person recommended by the  
7                   minority leader of the Senate.

8                   “(2) TERMS.—

9                   “(A) IN GENERAL.—Except as provided in  
10                  subparagraph (B), members of the Advisory  
11                  Committee shall be appointed for a term of 4  
12                  years.

13                  “(B) TERMS OF INITIAL APPOINTEES.—As  
14                  designated by the Secretary at the time of ap-  
15                  pointment, of the members first appointed—

16                  “(i) four of the members appointed  
17                  under paragraph (1)(A) shall be appointed  
18                  for a term of 4 years;

19                  “(ii) the four members appointed  
20                  under paragraph (1)(B) shall be appointed  
21                  for a term of 3 years; and

22                  “(iii) three of the members appointed  
23                  under paragraph (1)(A) shall be appointed  
24                  for a term of 2 years.

1           “(3) PRESERVATION OF PUBLIC ADVISORY STA-  
2           TUS.—No individual may be appointed to the Advi-  
3           sory Committee while serving as an officer or em-  
4           ployee of the Federal Government.

5           “(4) CONTINUATION OF SERVICE.—Each ap-  
6           pointed member may continue to serve for up to 6  
7           months after the expiration of the term of office to  
8           which such member was appointed until a successor  
9           has been appointed.

10          “(5) VACANCY AND REMOVAL.—

11                 “(A) IN GENERAL.—Any vacancy on the  
12                 Advisory Committee shall be filled in the man-  
13                 ner in which the original appointment was  
14                 made.

15                 “(B) REMOVAL.—Advisory Committee  
16                 members shall serve at the discretion of the  
17                 Secretary and may be removed at any time for  
18                 good cause.

19          “(6) CHAIRPERSON.—The Chairperson of the  
20                 Advisory Committee shall be appointed for a term of  
21                 1 year by the Secretary from among the members of  
22                 the Advisory Committee.

23          “(7) PAY AND EXPENSES.—Members of the Ad-  
24                 visory Committee shall serve without pay for such  
25                 service but each member of the Advisory Committee

1 shall be reimbursed from the United States Mint  
2 Public Enterprise Fund for travel, lodging, meals,  
3 and incidental expenses incurred in connection with  
4 attendance of such members at meetings of the Ad-  
5 visory Committee in the same amounts and under  
6 the same conditions as employees of the United  
7 States Mint who engage in official travel, as deter-  
8 mined by the Secretary.

9 “(8) MEETINGS.—

10 “(A) IN GENERAL.—The Advisory Com-  
11 mittee shall meet at the call of the Secretary,  
12 the chairperson, or a majority of the members,  
13 but not less frequently than twice annually.

14 “(B) OPEN MEETINGS.—Each meeting of  
15 the Advisory Committee shall be open to the  
16 public.

17 “(C) PRIOR NOTICE OF MEETINGS.—Time-  
18 ly notice of each meeting of the Advisory Com-  
19 mittee shall be published in the Federal Reg-  
20 ister, and timely notice of each meeting shall be  
21 made to trade publications and publications of  
22 general circulation.

23 “(9) QUORUM.—Seven members of the Advisory  
24 Committee shall constitute a quorum.

1       “(c) DUTIES OF THE ADVISORY COMMITTEE.—The  
2 duties of the Advisory Committee are as follows:

3           “(1) Advising the Secretary of the Treasury on  
4 any theme or design proposals relating to circulating  
5 coinage, bullion coinage, congressional gold medals  
6 and national and other medals produced by the Sec-  
7 retary of the Treasury in accordance with section  
8 5111 of title 31, United States Code.

9           “(2) Advising the Secretary of the Treasury  
10 with regard to—

11           “(A) the events, persons, or places that the  
12 Advisory Committee recommends be commemo-  
13 rated by the issuance of commemorative coins  
14 in each of the 5 calendar years succeeding the  
15 year in which a commemorative coin designa-  
16 tion is made;

17           “(B) the mintage level for any commemo-  
18 rative coin recommended under subparagraph  
19 (A); and

20           “(C) the proposed designs for commemora-  
21 tive coins.

22       “(d) EXPENSES.—The expenses of the Advisory  
23 Committee that the Secretary of the Treasury determines  
24 to be reasonable and appropriate shall be paid by the Sec-

1 retary from the United States Mint Public Enterprise  
2 Fund.

3       “(e) ADMINISTRATIVE SUPPORT, TECHNICAL SERV-  
4 ICES, AND ADVICE.—Upon the request of the Advisory  
5 Committee, or as necessary for the Advisory Committee  
6 to carry out the responsibilities of the Advisory Committee  
7 under this section, the Director of the United States Mint  
8 shall provide to the Advisory Committee the administra-  
9 tive support, technical services, and advice that the Sec-  
10 retary of the Treasury determines to be reasonable and  
11 appropriate.

12       “(f) CONSULTATION AUTHORITY.—In carrying out  
13 the duties of the Advisory Committee under this section,  
14 the Advisory Committee may consult with the Commission  
15 of Fine Arts.

16       “(g) ANNUAL REPORT.—

17               “(1) REQUIRED.—Not later than September 30  
18 of each year, the Advisory Committee shall submit  
19 a report to the Secretary, the Committee on Finan-  
20 cial Services of the House of Representatives and  
21 the Committee on Banking, Housing, and Urban Af-  
22 fairs of the Senate. Should circumstances arise in  
23 which the Advisory Committee cannot meet the Sep-  
24 tember 30 deadline in any year, the Secretary shall  
25 advise the Chairpersons of the Committee on Finan-

1       cial Services of the House of Representatives and  
2       the Committee on Banking, Housing, and Urban Af-  
3       fairs of the Senate of the reasons for such delay and  
4       the date on which the submission of the report is  
5       anticipated.

6               “(2) CONTENTS.—The report required by para-  
7       graph (1) shall describe the activities of the Advisory  
8       Committee during the preceding year and the re-  
9       ports and recommendations made by the Advisory  
10      Committee to the Secretary of the Treasury.

11      “(h) FEDERAL ADVISORY COMMITTEE ACT DOES  
12      NOT APPLY.—Subject to the requirements of subsection  
13      (b)(8), the Federal Advisory Committee Act shall not  
14      apply with respect to the Committee.”.

15      (b) ABOLISHMENT OF CITIZENS COMMEMORATIVE  
16      COIN ADVISORY COMMITTEE.—Effective on the date of  
17      the enactment of this Act, the Citizens Commemorative  
18      Coin Advisory Committee (established by section 5135 of  
19      title 31, United States Code, as in effect before the  
20      amendment made by subsection (a)) is hereby abolished.

21      (c) CONTINUITY OF MEMBERS OF CITIZENS COM-  
22      MEMORATIVE COIN ADVISORY COMMITTEE.—Subject to  
23      paragraphs (1) and (2) of section 5135(b) of title 31,  
24      United States Code, any person who is a member of the  
25      Citizens Commemorative Coin Advisory Committee on the

1 date of the enactment of this Act, other than the member  
2 of such committee who is appointed from among the offi-  
3 cers or employees of the United States Mint, may continue  
4 to serve the remainder of the term to which such member  
5 was appointed as a member of the Citizens Coinage Advi-  
6 sory Committee in one of the positions as determined by  
7 the Secretary.

8 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

9 (1) Section 5112(l)(4)(A)(ii) of title 31, United  
10 States Code, is amended by striking “Citizens Com-  
11 memorative Coin Advisory Committee” and inserting  
12 “Citizens Coinage Advisory Committee”.

13 (2) Section 5134(c) of title 31, United States  
14 Code, is amended—

15 (A) by striking paragraph (4); and

16 (B) by redesignating paragraph (5) as  
17 paragraph (4).

## 18 **TITLE II—TECHNICAL AND** 19 **CLARIFYING PROVISIONS**

### 20 **SEC. 201. CLARIFICATION OF EXISTING LAW.**

21 (a) IN GENERAL.—Section 5134(f)(1) of title 31,  
22 United States Code, is amended to read as follows:

23 “(1) PAYMENT OF SURCHARGES.—

24 “(A) IN GENERAL.—Notwithstanding any  
25 other provision of law, no amount derived from

1 the proceeds of any surcharge imposed on the  
2 sale of any numismatic item shall be paid from  
3 the fund to any designated recipient organiza-  
4 tion unless—

5 “(i) all numismatic operation and pro-  
6 gram costs allocable to the program under  
7 which such numismatic item is produced  
8 and sold have been recovered; and

9 “(ii) the designated recipient organi-  
10 zation submits an audited financial state-  
11 ment that demonstrates, to the satisfaction  
12 of the Secretary, that, with respect to all  
13 projects or purposes for which the proceeds  
14 of such surcharge may be used, the organi-  
15 zation has raised funds from private  
16 sources for such projects and purposes in  
17 an amount that is equal to or greater than  
18 the total amount of the proceeds of such  
19 surcharge derived from the sale of such  
20 numismatic item.

21 “(B) UNPAID AMOUNTS.—If any amount  
22 derived from the proceeds of any surcharge im-  
23 posed on the sale of any numismatic item that  
24 may otherwise be paid from the fund, under  
25 any provision of law relating to such numis-

1           matic item, to any designated recipient organi-  
2           zation remains unpaid to such organization  
3           solely by reason of the matching fund require-  
4           ment contained in subparagraph (A)(ii) after  
5           the end of the 2-year period beginning on the  
6           later of—

7                       “(i) the last day any such numismatic  
8                       item is issued by the Secretary; or

9                       “(ii) the date of the enactment of the  
10                      American 5-Cent Coin Design Continuity  
11                      Act of 2003,

12           such unpaid amount shall be deposited in the  
13           Treasury as miscellaneous receipts.”.

14       (b) EFFECTIVE DATE.—The amendment made by  
15       subsection (a) shall apply as of the date of the enactment  
16       of Public Law 104–208.

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