

108TH CONGRESS
1ST SESSION

H. R. 258

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2003

Mr. CANTOR (for himself, Mr. GOODE, Mr. SCHROCK, Mr. TOM DAVIS of Virginia, Mr. GOODLATTE, Mr. SCOTT of Virginia, Mr. FORBES, Mr. MORAN of Virginia, Mr. BOUCHER, Mrs. JO ANN DAVIS of Virginia, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory 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”.

1 **TITLE I—U.S. 5-CENT COIN**
2 **DESIGN CONTINUITY**

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

4 (a) IN GENERAL.—Subject to subsection (b) and
5 after consulting with the Citizens Coinage Advisory Com-
6 mittee and the Commission of Fine Arts, the Secretary
7 of the Treasury may change the design on the obverse and
8 the reverse of the 5-cent coin for coins issued in 2003,
9 2004, and 2005 in recognition of the bicentennial of the
10 Louisiana Purchase and the expedition of Meriwether
11 Lewis and William Clark.

12 (b) DESIGN SPECIFICATIONS.—

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

22 (2) REVERSE.—If the Secretary of the Treas-
23 ury elects to change the reverse of the 5-cent coins
24 issued during 2003, 2004, and 2005, the design se-
25 lected shall depict images that are emblematic of the

1 Louisiana Purchase or the expedition of Meriwether
2 Lewis and William Clark.

3 (3) OTHER INSCRIPTIONS.—5-cent coins issued
4 during 2003, 2004, and 2005 shall continue to meet
5 all other requirements for inscriptions and designa-
6 tions applicable to circulating coins under section
7 5112(d)(1) of title 31, United States Code.

8 **SEC. 102. DESIGNS ON THE 5-CENT COIN SUBSEQUENT TO**
9 **THE RECOGNITION OF THE BICENTENNIAL**
10 **OF THE LOUISIANA PURCHASE AND THE**
11 **LEWIS AND CLARK EXPEDITION.**

12 (a) IN GENERAL.—Section 5112(d)(1) of title 31,
13 United States Code, is amended by inserting after the 4th
14 sentence the following new sentences: “Subject to other
15 provisions of this subsection, the obverse of any 5-cent
16 coin issued after December 31, 2005, shall bear the like-
17 ness of Thomas Jefferson. The reverse of any 5-cent coin
18 issued after December 31, 2005, shall bear an image of
19 the home of Thomas Jefferson at Monticello.”.

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

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

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

4 **“§ 5135. Citizens Coinage Advisory Committee**

5 “(a) ESTABLISHMENT.—

6 “(1) IN GENERAL.—There is hereby established
7 the Citizens Coinage Advisory Committee (in this
8 section referred to as the “Advisory Committee”) to
9 advise the Secretary of the Treasury on the selection
10 of themes and designs for coins.

11 “(2) OVERSIGHT OF ADVISORY COMMITTEE.—

12 The Advisory Committee shall be subject to the au-
13 thority of the Secretary of the Treasury (hereafter
14 in this section referred to as the ‘Secretary’).

15 “(b) MEMBERSHIP.—

16 (1) APPOINTMENT.—The Advisory Committee
17 shall consist of 9 members appointed by the Sec-
18 retary as follows:

19 “(A) 5 persons appointed by the Sec-
20 retary—

21 “(i) 1 of whom shall be appointed
22 from among individuals who are specially
23 qualified to serve on the Advisory Com-
24 mittee by virtue of their education, train-
25 ing, or experience as a nationally or inter-

1 nationally recognized curator in the United
2 States of a numismatic collection;

3 “(ii) 1 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 experience in the
7 medallic arts or sculpture;

8 “(iii) 1 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 American history;

13 “(iv) 1 of whom shall be appointed
14 from among individuals who are specially
15 qualified to serve on the Advisory Com-
16 mittee by virtue of their education, train-
17 ing, or experience in numismatics; and

18 “(v) 1 of whom shall be appointed
19 from among individuals who can represent
20 the interests of the general public in the
21 coinage of the United States.

22 “(B) 4 persons appointed by the Secretary
23 on the basis of the recommendations of the fol-
24 lowing officials who shall make the selection for
25 such recommendation from among citizens who

1 are specially qualified to serve on the Advisory
2 Committee by virtue of their education, train-
3 ing, or experience:

4 “(i) 1 person recommended by the
5 Speaker of the House of Representatives.

6 “(ii) 1 person recommended by the
7 minority leader of the House of Represent-
8 atives.

9 “(iii) 1 person recommended by the
10 majority leader of the Senate.

11 “(iv) 1 person recommended by the
12 minority leader of the Senate.

13 “(2) TERMS.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), members of the Advisory
16 Committee shall be appointed for a term of 4
17 years.

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

21 “(i) 3 of the members appointed
22 under paragraph (1)(A) shall be appointed
23 for a term of 4 years;

1 “(ii) the 4 members appointed under
2 paragraph (1)(B) shall be appointed for a
3 term of 3 years; and

4 “(ii) 2 of the members appointed
5 under paragraph (1)(A) shall be appointed
6 for a term of 2 years.

7 “(3) PRESERVATION OF PUBLIC ADVISORY STA-
8 TUS.—No individual may be appointed to the Advi-
9 sory Committee while serving as an officer or em-
10 ployee in the Executive branch of the Federal Gov-
11 ernment.

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

17 “(5) VACANCY AND REMOVAL.—

18 “(A) IN GENERAL.—Any vacancy on the
19 Advisory Committee shall be filled in the man-
20 ner in which the original appointment was
21 made.

22 “(B) REMOVAL.—Advisory Committee
23 members shall serve at the discretion of the
24 Secretary and may be removed at any time for
25 good cause shown.

1 “(6) CHAIRPERSON.—The Chairperson of the
2 Advisory Committee shall be appointed for a term of
3 1 year by the Secretary from among the members of
4 the Advisory Committee.

5 “(7) PAY AND EXPENSES.—Members of the Ad-
6 visory Committee shall serve without pay for such
7 service but each member of the Advisory Committee
8 shall be reimbursed from the United States Mint
9 Public Enterprise Fund for travel, lodging, meals,
10 and incidental expenses incurred in connection with
11 attendance of such members at meetings of the Ad-
12 visory Committee in the same amounts and under
13 the same conditions as employees of the United
14 States Mint who engage in official travel, as deter-
15 mined by the Secretary.

16 “(8) MEETINGS.—

17 “(A) IN GENERAL.—The Advisory Com-
18 mittee shall meet, not less frequently than 3
19 times each year, at the call of the chairperson
20 or a majority of the members.

21 “(B) OPEN MEETINGS.—Each meeting of
22 the Advisory Committee shall be open to the
23 public.

24 “(C) PRIOR NOTICE OF MEETINGS.—Time-
25 ly notice of each meeting of the Advisory Com-

1 committee shall be published in the Federal Reg-
2 ister, and timely notice of each meeting shall be
3 made to trade publications and publications of
4 general circulation.

5 “(9) QUORUM.—7 members of the Advisory
6 Committee shall constitute a quorum.

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

9 “(1) Advising the Secretary of the Treasury on
10 any theme or design proposals relating to circulating
11 coinage, bullion coinage, congressional gold medals
12 and national and other medals produced by the Sec-
13 retary of the Treasury in accordance with section
14 5111 of title 31, United States Code.

15 “(2) Advising the Secretary of the Treasury
16 with regard to any other proposals or issues relating
17 to any items produced or sold by the United States
18 Mint that the Secretary may request of the Advisory
19 Committee.

20 “(d) EXPENSES.—The expenses of the Advisory
21 Committee that the Secretary of the Treasury determines
22 to be reasonable and appropriate shall be paid by the Sec-
23 retary from the United States Mint Public Enterprise
24 Fund.

1 “(e) ADMINISTRATIVE SUPPORT AND TECHNICAL
2 SERVICES.—Upon the request of the Advisory Committee,
3 the Director of the United States Mint shall provide to
4 the Advisory Committee the administrative support and
5 technical services necessary for the Advisory Committee
6 to carry out its responsibilities under this section.

7 “(f) ANNUAL REPORT.—

8 “(1) REQUIRED.—Not later than January 30 of
9 each year, the Advisory Committee shall submit a
10 report to the Secretary, the Committee on Financial
11 Services of the House of Representatives and the
12 Committee on Banking, Housing, and Urban Affairs
13 of the Senate.

14 “(2) CONTENTS.—The report required by para-
15 graph (1) shall describe the activities of the Advisory
16 Committee during the preceding year and the re-
17 ports and recommendations made by the Advisory
18 Committee to the Secretary of the Treasury.

19 “(g) FEDERAL ADVISORY COMMITTEE ACT DOES
20 NOT APPLY.—Subject to the requirements of subsection
21 (b)(8), the Federal Advisory Committee Act shall not
22 apply with respect to the Committee.”.

23 “(b) ABOLISHMENT OF CITIZENS COMMEMORATIVE
24 COIN ADVISORY COMMITTEE.—Effective on the date of
25 the enactment of this Act, the Citizens Commemorative

1 Coin Advisory Committee (established by section 5135 of
2 title 31, United States Code, as in effect before the
3 amendment made by subsection (a)) is hereby abolished.

4 (c) ELIGIBILITY OF MEMBERS OF CITIZENS COM-
5 MEMORATIVE COIN ADVISORY COMMITTEE.—Any person
6 who is a member of the Citizens Commemorative Coin Ad-
7 visory Committee on the date of the enactment of this Act,
8 other than the member of such committee who is ap-
9 pointed from among the officers or employees of the
10 United States Mint, shall be eligible for appointment by
11 the Secretary of the Treasury to serve on the Citizens
12 Coinage Advisory Committee in one of the positions pro-
13 vided for under section 5135(b)(1)(A) of title 31, United
14 States Code, as amended by subsection (a).

15 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

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

20 (2) Section 5136(b) of title 31, United States
21 Code, as amended by section 502(a) of this Act, is
22 amended—

23 (A) by striking paragraph (5); and

24 (B) by redesignating paragraph (6) as
25 paragraph (5).

1 **TITLE II—TECHNICAL AND**
2 **CLARIFYING PROVISIONS**

3 **SEC. 201. CLARIFICATION OF EXISTING LAW.**

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

6 “(1) PAYMENT OF SURCHARGES.—

7 “(A) IN GENERAL.—Notwithstanding any
8 other provision of law, no amount derived from
9 the proceeds of any surcharge imposed on the
10 sale of any numismatic item shall be paid from
11 the fund to any designated recipient organiza-
12 tion unless—

13 “(i) all numismatic operation and pro-
14 gram costs allocable to the program under
15 which such numismatic item is produced
16 and sold have been recovered; and

17 “(ii) the designated recipient organi-
18 zation submits an audited financial state-
19 ment that demonstrates, to the satisfaction
20 of the Secretary, the amount of funds the
21 organization has raised from private
22 sources for all projects or purposes for
23 which the proceeds of such surcharge may
24 be used.

1 “(B) MATCHING FUND REQUIREMENT.—
2 Notwithstanding any other provision of law, the
3 amount derived from the proceeds of any sur-
4 charge imposed on the sale of any numismatic
5 item that may otherwise be paid from the fund,
6 under any provision of law relating to such nu-
7 mismatic item, to any designated recipient or-
8 ganization shall not exceed the amount the or-
9 ganization has demonstrated, in accordance
10 with subparagraph (A)(ii), that the organization
11 has raised from private sources for all projects
12 or purposes for which the proceeds of such sur-
13 charge may be used.

14 “(C) UNPAID AMOUNTS.—If any amount
15 derived from the proceeds of any surcharge im-
16 posed on the sale of any numismatic item that
17 may otherwise be paid from the fund, under
18 any provision of law relating to such numis-
19 matic item, to any designated recipient organi-
20 zation remains unpaid to such organization
21 solely by reason of the matching fund require-
22 ment contained in subparagraph (B) after the
23 end of the 2-year period beginning on the later
24 of—

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

3 “(ii) the date of the enactment of the
4 American 5-Cent Coin Design Continuity
5 Act of 2003,

6 such unpaid amount shall be deposited in the
7 Treasury as miscellaneous receipts.”.

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

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