

108TH CONGRESS
1ST SESSION

H. R. 258

AN ACT

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

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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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American 5-Cent Coin
3 Design Continuity Act of 2003”.

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

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

7 (a) IN GENERAL.—Subject to subsection (b) and
8 after consulting with the Citizens Coinage Advisory Com-
9 mittee and the Commission of Fine Arts, the Secretary
10 of the Treasury may change the design on the obverse and
11 the reverse of the 5-cent coin for coins issued in 2003,
12 2004, and 2005 in recognition of the bicentennial of the
13 Louisiana Purchase and the expedition of Meriwether
14 Lewis and William Clark.

15 (b) DESIGN SPECIFICATIONS.—

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

25 (2) REVERSE.—If the Secretary of the Treas-
26 ury elects to change the reverse of the 5-cent coins

1 issued during 2003, 2004, and 2005, the design se-
 2 lected shall depict images that are emblematic of the
 3 Louisiana Purchase or the expedition of Meriwether
 4 Lewis and William Clark.

5 (3) OTHER INSCRIPTIONS.—5-cent coins issued
 6 during 2003, 2004, and 2005 shall continue to meet
 7 all other requirements for inscriptions and designa-
 8 tions applicable to circulating coins under section
 9 5112(d)(1) of title 31, United States Code.

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

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

22 (b) DESIGN CONSULTATION.— The 2d sentence of
 23 section 5112(d)(2) of title 31, United States Code, is
 24 amended by inserting “, after consulting with the Citizens

1 Coinage Advisory Committee and the Commission of Fine
2 Arts,” after “The Secretary may”.

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

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

6 **“§ 5135. Citizens Coinage Advisory Committee**

7 “(a) ESTABLISHMENT.—

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

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

17 “(b) MEMBERSHIP.—

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

21 “(A) Seven persons appointed by the
22 Secretary—

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

mittee by virtue of their education, training, or experience as a nationally or internationally recognized curator in the United States of a numismatic collection;

“(ii) one of whom shall be appointed from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their experience in the medallic arts or sculpture;

“(iii) one of whom shall be appointed from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience in American history;

“(iv) one of whom shall be appointed from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience in numismatics; and

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

“(B) Four persons appointed by the Secretary on the basis of the recommendations of

1 the following officials who shall make the selec-
2 tion for such recommendation from among citi-
3 zens who are specially qualified to serve on the
4 Advisory Committee by virtue of their edu-
5 cation, training, or experience:

6 “(i) One person recommended by the
7 Speaker of the House of Representatives.

8 “(ii) One person recommended by the
9 minority leader of the House of Represent-
10 atives.

11 “(iii) One person recommended by the
12 majority leader of the Senate.

13 “(iv) One person recommended by the
14 minority leader of the Senate.

15 “(2) TERMS.—

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

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

23 “(i) four of the members appointed
24 under paragraph (1)(A) shall be appointed
25 for a term of 4 years;

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

4 “(iii) three 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 of the Federal Government.

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

16 “(5) VACANCY AND REMOVAL.—

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

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

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 at the call of the Secretary,
19 the chairperson, or a majority of the members,
20 but not less frequently than twice annually.

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 mittee 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.—Seven 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—

17 “(A) the events, persons, or places that the
18 Advisory Committee recommends be commemo-
19 rated by the issuance of commemorative coins
20 in each of the 5 calendar years succeeding the
21 year in which a commemorative coin designa-
22 tion is made;

23 “(B) the mintage level for any commemo-
24 rative coin recommended under subparagraph
25 (A); and

1 “(C) the proposed designs for commemora-
2 tive coins.

3 “(d) EXPENSES.—The expenses of the Advisory
4 Committee that the Secretary of the Treasury determines
5 to be reasonable and appropriate shall be paid by the Sec-
6 retary from the United States Mint Public Enterprise
7 Fund.

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

17 “(f) CONSULTATION AUTHORITY.—In carrying out
18 the duties of the Advisory Committee under this section,
19 the Advisory Committee may consult with the Commission
20 of Fine Arts.

21 “(g) ANNUAL REPORT.—

22 “(1) REQUIRED.—Not later than September 30
23 of each year, the Advisory Committee shall submit
24 a report to the Secretary, the Committee on Finan-
25 cial Services of the House of Representatives and

1 the Committee on Banking, Housing, and Urban Af-
2 fairs of the Senate. Should circumstances arise in
3 which the Advisory Committee cannot meet the Sep-
4 tember 30 deadline in any year, the Secretary shall
5 advise the Chairpersons of the Committee on Finan-
6 cial Services of the House of Representatives and
7 the Committee on Banking, Housing, and Urban Af-
8 fairs of the Senate of the reasons for such delay and
9 the date on which the submission of the report is an-
10 ticipated.

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

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

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

1 (c) CONTINUITY OF MEMBERS OF CITIZENS COM-
2 MEMORATIVE COIN ADVISORY COMMITTEE.—Subject to
3 paragraphs (1) and (2) of section 5135(b) of title 31,
4 United States Code, any person who is a member of the
5 Citizens Commemorative Coin Advisory Committee on the
6 date of the enactment of this Act, other than the member
7 of such committee who is appointed from among the offi-
8 cers or employees of the United States Mint, may continue
9 to serve the remainder of the term to which such member
10 was appointed as a member of the Citizens Coinage Advi-
11 sory Committee in one of the positions as determined by
12 the Secretary.

13 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

21 (B) by redesignating paragraph (5) as
22 paragraph (4).

TITLE II—TECHNICAL AND CLARIFYING PROVISIONS

SEC. 201. CLARIFICATION OF EXISTING LAW.

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

“(1) PAYMENT OF SURCHARGES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall be paid from the fund to any designated recipient organization unless—

“(i) all numismatic operation and program costs allocable to the program under which such numismatic item is produced and sold have been recovered; and

“(ii) the designated recipient organization submits an audited financial statement that demonstrates, to the satisfaction of the Secretary, that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the organization has raised funds from private sources for such projects and purposes in an amount that is equal to or greater than

1 the total amount of the proceeds of such
2 surcharge derived from the sale of such
3 numismatic item.

4 “(B) UNPAID AMOUNTS.—If any amount
5 derived from the proceeds of any surcharge im-
6 posed on the sale of any numismatic item that
7 may otherwise be paid from the fund, under
8 any provision of law relating to such numis-
9 matic item, to any designated recipient organi-
10 zation remains unpaid to such organization
11 solely by reason of the matching fund require-
12 ment contained in subparagraph (A)(ii) after
13 the end of the 2-year period beginning on the
14 later of—

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

17 “(ii) the date of the enactment of the
18 American 5-Cent Coin Design Continuity
19 Act of 2003,

20 such unpaid amount shall be deposited in the
21 Treasury as miscellaneous receipts.”.

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

Passed the House of Representatives February 26,
2003.

Attest:

Clerk.