

110TH CONGRESS
2D SESSION

H. R. 5714

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17 (legislative day, SEPTEMBER 17), 2008

Received

AN ACT

To require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the Colonial period to today.

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 “United States Army
5 Commemorative Coin Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) the United States Army, founded in 1775,
9 has served this country well for over 230 years;

10 (2) the United States Army has played a deci-
11 sive role in protecting and defending freedom
12 throughout the history of the United States, from
13 the Colonial period to today, in wartime and in
14 peace, and has consistently answered the call to
15 serve the American people at home and abroad since
16 the Revolutionary War;

17 (3) the sacrifice of the American soldier, of all
18 ranks, since the earliest days of the Republic has
19 been immense and is deserving of the unique rec-
20 ognition bestowed by commemorative coinage;

21 (4) the Army, the Nation’s oldest and largest
22 military service, is the only service branch that cur-
23 rently does not have a comprehensive national mu-
24 seum celebrating, preserving, and displaying its her-
25 itage and honoring its veterans;

1 (5) the National Museum of the United States
2 Army will be—

3 (A) the Army’s only service-wide, national
4 museum honoring all soldiers, of all ranks, in
5 all branches since 1775; and

6 (B) located at Fort Belvoir, Virginia,
7 across the Potomac River from the Nation’s
8 Capitol, a 10-minute drive from Mount Vernon,
9 the home of the Army’s first Commander-in-
10 Chief, and astride the Civil War’s decisive
11 Washington-Richmond corridor;

12 (6) the Army Historical Foundation (hereafter
13 in this Act referred to as the “Foundation”), found-
14 ed in 1983—

15 (A) is dedicated to preserving the history
16 and heritage of the American soldier; and

17 (B) seeks to educate future Americans to
18 fully appreciate the sacrifices that generations
19 of American soldiers have made to safeguard
20 the freedoms of this Nation;

21 (7) the completion and opening to the public of
22 the National Museum of the United States Army
23 will immeasurably help in fulfilling that mission;

24 (8) the Foundation is a nongovernmental, mem-
25 ber-based, and publicly supported nonprofit organi-

1 zation that is dependent on funds from members,
2 donations, and grants for support;

3 (9) the Foundation uses such support to help
4 create the National Museum of the United States
5 Army, refurbish historical Army buildings, acquire
6 and conserve Army historical art and artifacts, sup-
7 port Army history educational programs, for re-
8 search, and publication of historical materials on the
9 American soldier, and to provide support and coun-
10 sel to private and governmental organizations com-
11 mitted to the same goals as the Foundation;

12 (10) in 2000, the Secretary of the Army des-
13 igned the Foundation as its primary partner in the
14 building of the National Museum of the United
15 States Army; and

16 (11) the Foundation is actively engaged in exe-
17 cuting a major capital campaign to support the Na-
18 tional Museum of the United States Army.

19 **SEC. 3. COIN SPECIFICATIONS.**

20 (a) DENOMINATIONS.—In recognition and celebration
21 of the founding of the United States Army in 1775, and
22 notwithstanding any other provision of law, the Secretary
23 of the Treasury (hereafter in this Act referred to as the
24 “Secretary”) shall mint and issue the following coins:

1 (1) \$5 GOLD COINS.—Not more than 100,000
2 \$5 coins, which shall—

3 (A) weigh 8.359 grams;

4 (B) have a diameter of 0.850 inches; and

5 (C) contain 90 percent gold and 10 percent
6 alloy.

7 (2) \$1 SILVER COINS.—Not more than 500,000
8 \$1 coins, which shall—

9 (A) weigh 26.73 grams;

10 (B) have a diameter of 1.500 inches; and

11 (C) contain 90 percent silver and 10 per-
12 cent copper.

13 (3) HALF DOLLAR CLAD COINS.—Not more
14 than 750,000 half dollar coins, which shall—

15 (A) weigh 11.34 grams;

16 (B) have a diameter of 1.205 inches; and

17 (C) be minted to the specifications for half
18 dollar coins, contained in section 5112(b) of
19 title 31, United States Code.

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

23 (c) NUMISMATIC ITEMS.—For purposes of sections
24 5134 and 5136 of title 31, United States Code, all coins

1 minted under this Act shall be considered to be numis-
2 matic items.

3 **SEC. 4. DESIGN OF COINS.**

4 (a) DESIGN REQUIREMENTS.—

5 (1) IN GENERAL.—The design of the coins
6 minted under this Act shall be emblematic of the
7 traditions, history, and heritage of the United States
8 Army, and its role in American society from the Co-
9 lonial period to today.

10 (2) DESIGNATIONS AND INSCRIPTIONS.—On
11 each coin minted under this Act, there shall be—

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

13 (B) an inscription of the year “2011”; and

14 (C) inscriptions of the words “Liberty”,

15 “In God We Trust”, “United States of Amer-

16 ica”, and “E Pluribus Unum”.

17 (b) SELECTION.—The design for the coins minted
18 under this Act shall—

19 (1) contain motifs that specifically honor the
20 American soldier of both today and yesterday, in
21 wartime and in peace, such designs to be consistent
22 with the traditions and heritage of the United States
23 Army, the mission and goals of the National Mu-
24 seum of the United States Army, and the missions
25 and goals of the Foundation;

1 (2) be selected by the Secretary, after consulta-
2 tion with the Secretary of the Army, the Founda-
3 tion, and the Commission of Fine Arts; and

4 (3) be reviewed by the Citizens Coinage Advi-
5 sory 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 FACILITIES.—For each of the 3 coins mint-
10 ed under this Act, at least 1 facility of the United States
11 Mint shall be used to strike proof quality coins, while at
12 least 1 other such facility shall be used to strike the uncir-
13 culated quality coins.

14 (c) PERIOD FOR ISSUANCE.—The Secretary may
15 issue coins minted under this Act only during the 1-year
16 period beginning on January 1, 2011.

17 **SEC. 6. SALE OF COINS.**

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

21 (1) the face value of the coins;

22 (2) the surcharge provided in section 7(a) with
23 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 **SEC. 7. SURCHARGES.**

15 (a) IN GENERAL.—All sales of coins minted under
16 this Act shall include a surcharge as follows:

17 (1) A surcharge of \$35 per coin for the \$5 coin.

18 (2) A surcharge of \$10 per coin for the \$1 coin.

19 (3) A surcharge of \$5 per coin for the half dol-
20 lar coin.

21 (b) DISTRIBUTION.—Subject to section 5134(f) of
22 title 31, United States Code, all surcharges received by
23 the Secretary from the sale of coins issued under this Act
24 shall be promptly paid by the Secretary to the Foundation

1 to help finance the National Museum of the United States
2 Army.

3 (c) AUDITS.—The Foundation shall be subject to the
4 audit requirements of section 5134(f)(2) of title 31,
5 United States Code, with regard to the amounts received
6 by the Foundation under subsection (b).

7 (d) LIMITATION.—Notwithstanding subsection (a),
8 no surcharge may be included with respect to the issuance
9 under this Act of any coin during a calendar year if, as
10 of the time of such issuance, the issuance of such coin
11 would result in the number of commemorative coin pro-
12 grams issued during such year to exceed the annual 2
13 commemorative coin program issuance limitation under
14 section 5112(m)(1) of title 31, United States Code (as in
15 effect on the date of the enactment of this Act). The Sec-
16 retary of the Treasury may issue guidance to carry out
17 this subsection.

Passed the House of Representatives October 3,
2008.

Attest: LORRAINE C. MILLER,
Clerk.