

106TH CONGRESS
2D SESSION

H. R. 3866

To reestablish the annual assay commission.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2000

Mr. ROTHMAN introduced the following bill; which was referred to the
Committee on Banking and Financial Services

A BILL

To reestablish the annual assay commission.

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 “Annual Assay Commis-
5 sion Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) It is in the national interest for the citizens
9 of the Nation, and those who purchase products of
10 the United States Mint, to know that gold, silver,
11 and platinum coinage produced by the several

1 United States mints are of the proper size, weight,
2 and purity provided for by law.

3 (2) From 1792 until 1977, an annual assay
4 commission, as first required by the Act entitled
5 “An Act establishing a Mint, and regulating the
6 Coins of the United States” and approved April 2,
7 1792, performed such functions, until such time as
8 there were no precious metal coins regularly being
9 produced by the United States mints.

10 (3) Since 1977, the United States Mint has
11 begun regular production of bullion coinage com-
12 prised of .999 fine silver, .9995 fine platinum, and
13 gold of either .900 or .999 fine.

14 (4) Since 1982, the United States Mint has
15 produced millions of gold and silver commemorative
16 coins that have sold to collectors and others on the
17 primary market for more than \$1,000,000,000.

18 (5) It is desirable to involve numismatists, and
19 others, in the process of marketing and merchan-
20 dising of coins, of which an annual assay is an im-
21 portant component part.

22 (6) There is a marketing need for an annual
23 ceremony to attest that the coins produced by the
24 several United States mints are manufactured in
25 conformity with their statutory requirements, to

1 publicize the same, and to involve the general and
2 numismatic public in the annual assay and its re-
3 port.

4 **SEC. 3. ANNUAL ASSAY REQUIRED.**

5 (a) IN GENERAL.—To secure conformity in the com-
6 position and weight of the minor coinage of the United
7 States, subsidiary denominations, dollar coins, and coins
8 struck in silver, gold, platinum and other precious metals,
9 an annual assay shall be held in the manner provided in
10 subsection (b)(4) to test and examine, in the presence of
11 the Director of the Mint, the fineness and weight of the
12 coins reserved by the several mints for this purpose.

13 (b) ASSAY COMMISSION.—

14 (1) MEMBERSHIP AND APPOINTMENT.—

15 (A) IN GENERAL.—The annual assay re-
16 quired under subsection (a) shall be conducted
17 by an assay commission consisting of such
18 number of members as the President may de-
19 termine to be appropriate, not to exceed 25,
20 who shall be appointed by the President.

21 (B) REPRESENTATION OF NUMIS-
22 MATISTS.—At least $\frac{1}{2}$ of the members of the
23 assay commission shall be appointed from
24 among individuals who are, by reason of edu-

1 cation, training, or experience, amateur or pro-
2 fessional numismatists.

3 (2) TERMS.—Members of the assay commission
4 shall—

5 (A) be appointed each year by the Presi-
6 dent to serve for that year only; and

7 (B) not be eligible for re-appointment until
8 a period of not less than 5 years has passed
9 since their most recent appointment expired.

10 (3) SERVICE WITHOUT COMPENSATION.—Mem-
11 bers of the assay commission shall serve without
12 pay, except that such members shall be entitled to
13 receive, in accordance with section 5703 of title 5,
14 United States Code, travel or transportation ex-
15 penses, or a per diem allowance in lieu of expenses,
16 while away from such member's home or place of
17 business in connection with such member's service
18 on the assay commission.

19 (4) MEETINGS OF ASSAY COMMISSION.—

20 (A) IN GENERAL.—The assay commission
21 shall meet on the second Wednesday in Feb-
22 ruary of each year, to carry out the duties of
23 the commission under this section.

24 (B) LOCATION.—The meeting of the assay
25 commission shall be convened at any United

1 States mint, or at the United States Mint in
2 Washington, D.C., as determined by the Direc-
3 tor of the Mint.

4 (C) CONTINUATION FOLLOWING ADJOURN-
5 MENT.—The meeting of the assay commission
6 may continue following adjournment if nec-
7 essary.

8 (D) OTHER MEETINGS.—If a majority of
9 the members of the assay commission fail to at-
10 tend any meeting scheduled pursuant to sub-
11 paragraph (A), the Director of the Mint shall
12 call a meeting of the commissioners at such
13 other time as the Director determines to be
14 convenient.

15 (5) EXPENSES OF ASSAY COMMISSION.—The
16 expenses of the assay commission which the Sec-
17 retary determines are reasonable and appropriate
18 shall be paid by the Secretary from the United
19 States Mint Public Enterprise Fund under section
20 5136 of title 31, United States Code.

21 (c) SELECTION AND TRANSFER OF COINS.—

22 (1) IN GENERAL.—In accordance with regula-
23 tions prescribed by the Secretary of the Treasury,
24 each superintendent of a United States mint shall
25 select and transfer, without examination and dis-

1 crimination, specimens of coins in the manner de-
2 scribed in paragraphs (2) and (3) for assay at trial
3 to the Office of the Director of the Mint in Wash-
4 ington, D.C.

5 (2) CERTAIN CIRCULATING COINS.—For each
6 issue of circulating coins, other than 1-cent and 5-
7 cent coins, by any United States mint, specimen
8 coins for special assay and testing shall be taken at
9 random as follows:

10 (A) In the case of dollar coins, half dollar
11 coins, and quarter dollar coins, not less than 2
12 coins for each 200,000 pieces or fraction there-
13 of issued.

14 (B) In the case of dime coins, not less than
15 2 coins for each 400,000 pieces or fraction
16 thereof issued.

17 (3) OTHER COINS.—For each issue of coins not
18 described in subparagraph (A) by any United States
19 mint, including bullion coins and special numismatic
20 coins, specimen coins for the examination and test-
21 ing shall be taken at random in such quantities as
22 the Secretary of the Treasury shall direct, but not
23 less than 10 coins of each quality of coin struck at
24 each facility of the United States Mint producing
25 such coins.

1 (4) MANNER OF SELECTION AND TRANSFER.—

2 The selection of specimen coins under this sub-
3 section shall be made by a superintendent of a
4 United States mint under this section, or by a rep-
5 resentative designated by such superintendent, in
6 the presence of the assayer or person who performs
7 such assay function, or by a representative des-
8 ignated by the assayer or other person, without test-
9 ing and the coins so selected selection shall be pro-
10 tected from attrition and enclosed in envelopes which
11 shall be sealed and labeled to show the place of coin-
12 age, the date, number, and amount of delivery, and
13 the number and denomination of the pieces enclosed.

14 (d) PROCEDURE FOLLOWING EXAMINATION AND
15 TESTING.—

16 (1) STANDARDIZED FINENESS AND WEIGHT.—

17 If it appears to the assay commission, after exam-
18 ination and testing, that the coins presented to the
19 assay commission coins do not differ from the stand-
20 ard fineness and weight by a greater quantity than
21 is permitted by such regulations as the Secretary of
22 the Treasury may from time to time prescribe, the
23 trial by the assay commission shall be considered
24 and reported as satisfactory.

1 (2) DEVIATION.—If, after the examination and
2 testing referred to in paragraph (1), it appears to
3 the assay commission that any coin differs from the
4 standard fineness and weight by a greater quantity
5 than is permitted by the regulations referred to in
6 such paragraph, this fact shall be certified to the Di-
7 rector of the Mint and the Secretary of the Treas-
8 ury, and the Secretary shall take such action as is
9 appropriate to rectify the cause.

10 (e) LABORATORY TESTS OF ADDITIONAL SPECIMEN
11 COINS.—In addition to the specimen coins selected under
12 other provisions of this subsection, specimen coins, as ei-
13 ther proof or uncirculated pieces, may be forwarded
14 promptly to the Director of the Mint for laboratory testing
15 as to their conformity in composition and weight with the
16 requirements of law.

17 (f) ANNUAL REPORT.—

18 (1) REPORT REQUIRED.—The Director of the
19 Mint shall prepare and publish an annual report
20 containing the report of the assay commission for
21 such year and the results of laboratory tests con-
22 ducted pursuant to subsection (e).

23 (2) SUBMISSION TO THE CONGRESS.—Each re-
24 port prepared pursuant to paragraph (1) shall be
25 submitted to the Congress.

1 **SEC. 4. PRODUCTION OF ASSAY COMMISSION MEDALS.**

2 The Director of the Mint may continue the practice
3 of producing assay commission medals for the members
4 of the assay commission, if bronze copies of such medals
5 are made available for sale to the general public.

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