

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-

mittee 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 Com-  
mittee by virtue of their education, train-  
ing, or experience in American history;

“(iv) one of whom shall be appointed  
from among individuals who are specially  
qualified to serve on the Advisory Com-  
mittee by virtue of their education, train-  
ing, 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 Sec-  
retary on the basis of the recommendations of  
the following officials who shall make the selec-  
tion for such recommendation from among citi-  
zens who are specially qualified to serve on the  
Advisory Committee by virtue of their edu-  
cation, training, or experience:

“(i) One person recommended by the  
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

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

“(B) UNPAID AMOUNTS.—If any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item that may otherwise be paid from the fund, under 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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