

coins” are substituted for “silver or minor coinage” for consistency with section 5112 of the revised title. The words “made by law” are omitted as surplus. The words “on estimates furnished by the Secretary of the Treasury” are omitted because of section 1108 of the revised title. The text of 31:273(1st, 2d sentences) is omitted because of section 321 of the revised title and the other source provisions restated in this chapter.

In subsection (a)(2), the words “ending September 30” are added for clarity and consistency in the revised title. The words “to pay costs” are substituted for “for all expenditures (salaries and expenses)” for consistency in the revised title and to eliminate unnecessary words. The words “not herein otherwise provided for” are omitted as surplus.

In subsection (b), the word “refining” is substituted for “parting and refining” for consistency in the revised chapter. The words “mints and assay offices” are substituted for “coinage mints and assay office at New York” because of the source provisions restated in section 5131(b) of the revised title. The words “pursuant to law” are omitted as surplus.

In subsection (c), the text of 31:253(less 18th–38th words) is omitted as superseded by the source provisions restated in section 321(c) of the revised title.

## 1983 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5132(a)(2)	31 App.:369.	Sept. 8, 1982, Pub. L. 97-253, § 202, 96 Stat. 790.

## 1984 ACT

This is necessary because the language was restated by section 382(h)(1) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35, 95 Stat. 432) but inadvertently codified as 31:5132(a)(1) (last sentence) by section 1 of the Act of September 13, 1982 (Pub. L. 97-258, 96 Stat. 989.)

## Editorial Notes

## REFERENCES IN TEXT

The Strategic and Critical Materials Stock Piling Act, referred to in subsec. (a)(2)(D), is act June 7, 1939, ch. 190, as revised generally by Pub. L. 96-41, § 2, July 30, 1979, 93 Stat. 319, which is classified generally to subchapter III (§98 et seq.) of chapter 5 of Title 50, War and National Defense. For complete classification of this Act to the Code, see section 98 of Title 50 and Tables.

## AMENDMENTS

2015—Subsec. (a)(2)(B)(i). Pub. L. 114-94 substituted “not less than 90 percent silver” for “90 percent silver and 10 percent copper”.

2000—Subsec. (a)(2)(B)(i). Pub. L. 106-445 substituted “paragraphs (2)” for “paragraphs (1)”.

1992—Subsec. (a)(1). Pub. L. 102-390, § 225(b)(3), substituted “United States Mint” for “Bureau of the Mint” in two places.

Pub. L. 102-390, § 221(c)(1)(A), amended second sentence generally. Prior to amendment, second sentence read as follows: “However, amounts from numismatic items shall be reimbursed to the current appropriation used to pay the cost of preparing and selling the items.”

Pub. L. 102-390, § 221(c)(1)(B), amended last sentence generally. Prior to amendment, last sentence read as follows: “The Secretary may not use amounts the Secretary receives from profits on minting coins or from charges on gold or silver bullion under section 5122 of this title to pay officers and employees.”

Subsec. (a)(3) to (5). Pub. L. 102-390, § 211, which directed the substitution of “\$54,208,000” for “\$46,511,000” and “1993” for “1988” in par. (2), and the striking out of pars. (3) and (4), was executed by making the substitution in par. (3) and striking out pars. (4) and (5) to re-

flect the probable intent of Congress and the intervening amendment by Pub. L. 101-585 redesignating pars. (2) to (4) as (3) to (5). See 1990 Amendment note below. Prior to being struck out, par. (4) provided that not more than \$75,000 be expended for purpose of hosting International Mint Directors’ Conference in the United States in 1988, and par. (5) authorized Director of the Mint to collect from participants at Conference reasonable fees and assessments in connection with Conference, administer such amounts, and spend such amounts to pay expenses incurred in connection with Conference.

Subsec. (c). Pub. L. 102-390, § 225(b)(4), substituted “United States Mint” for “Bureau”.

1990—Subsec. (a)(2) to (5). Pub. L. 101-585 added par. (2), redesignated former pars. (2) to (4) as (3) to (5), respectively, and substituted “(3)” for “(2)” in par. (4).

1988—Subsec. (a)(2) to (4). Pub. L. 100-274, § 1, added pars. (2) to (4) and struck out former par. (2) which read as follows: “Not more than \$50,165,000 may be appropriated to the Secretary for the fiscal year ending September 30, 1983, to pay costs of the mints and assay offices.”

Subsec. (b). Pub. L. 100-274, § 2(c)(3), struck out “and assay offices” after “amounts appropriated for the mints” in last sentence.

1985—Subsec. (a)(1). Pub. L. 99-185 inserted “paragraphs (1) through (6) of” before “section 5112(a) of this title”.

Pub. L. 99-61 inserted “minted under section 5112(a) of this title” after “proof coins”.

1984—Subsec. (a)(1). Pub. L. 98-216 struck out provision requiring the Secretary to pay the costs of the mints and assay offices not provided for in this subsection out of appropriations.

1983—Subsec. (a)(1). Pub. L. 98-151 inserted provisions relating to authority of Secretary to sell sets of uncirculated and proof coins and solicitation of such sales through the customer lists of the Bureau of the Mint.

Subsec. (a)(2). Pub. L. 97-452 substituted “\$50,165,000” for “\$54,706,000”, and “1983” for “1982”.

## Statutory Notes and Related Subsidiaries

## EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-390, title II, § 221(e), Oct. 6, 1992, 106 Stat. 1629, provided that: “The amendments made by this section [enacting section 5134 of this title, amending this section, amending and repealing provisions set out as notes under section 5112 of this title] shall apply with respect to fiscal years beginning after fiscal year 1992.”

## EFFECTIVE DATE OF 1985 AMENDMENTS

Amendment by Pub. L. 99-185 effective Oct. 1, 1985, except that no coins may be issued or sold under section 5112(i) of this title before Oct. 1, 1986, see section 3 of Pub. L. 99-185, set out as a note under section 5112 of this title.

Amendment by Pub. L. 99-61 effective Oct. 1, 1985, with exception as to issuance or sale of coins under section 5112(e) of this title, see section 205 of Pub. L. 99-61, set out as a note under section 5112 of this title.

## EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-216 effective Sept. 13, 1982, see section 4(c) of Pub. L. 98-216, set out as a note under section 490 of Title 18, Crimes and Criminal Procedure.

## TERMINATION OF NUMISMATIC PUBLIC ENTERPRISE FUND

All assets and liabilities of Numismatic Public Enterprise Fund transferred to United States Mint Public Enterprise Fund and Numismatic Public Enterprise Fund to cease to exist as separate fund as its activities and functions are subsumed under and subject to United States Mint Public Enterprise Fund, see section 5136 of this title.

## § 5133. Settlement of accounts

(a) The Secretary of the Treasury shall—

(1) charge the superintendent of each mint with the amount in weight of standard metal of bullion the superintendent receives from the Secretary;

(2) credit each superintendent with the amount in weight of coins, clippings, and other bullion the superintendent returns to the Secretary; and

(3) charge separately to each superintendent, who shall account for, copper to be used in the alloy of gold and silver bullion.

(b) SETTLEMENT OF ACCOUNTS.—

(1) IN GENERAL.—At least once each year, the Secretary of the Treasury shall settle the accounts of the superintendents of the mints.

(2) PROCEDURE.—At any settlement under this subsection, the superintendent shall—

(A) return to the Secretary any coin, clipping, or other bullion in the possession of the superintendent; and

(B) present the Secretary with a statement of bullion received and returned since the last settlement (including any bullion returned for settlement).

(3) AUDIT.—The Secretary shall—

(A) audit the accounts of each superintendent; and

(B) allow each superintendent the waste of precious metals that the Secretary determines is necessary—

(i) for refining and minting (within the limitations which the Secretary shall prescribe); and

(ii) for casting fine gold and silver bars (within the limit prescribed for refining), except that any waste allowance under this clause may not apply to deposit operations.

(c) After settlement, the Secretary shall compare the amount of gold and silver bullion and coins on hand with the total liabilities of the mints. The Secretary also shall make a statement of the ordinary expense account.

(d) The Secretary shall procure for each mint a series of standard weights corresponding to the standard troy pound of the National Institute of Standards and Technology of the Department of Commerce. The series shall include a one pound weight and multiples and subdivisions of one pound from .01 grain to 25 pounds. At least once a year, the Secretary shall test the weights normally used in transactions at the mints against the standard weights.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 989; Pub. L. 100-274, §2(c)(4)-(7), (9), (10), Mar. 31, 1988, 102 Stat. 49; Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433.)

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5133(b) .....	31:283(2d, last sentences).  31:354(last sentence). 31:355(1st, 2d sentences).	R.S. §3558(2d, last sentences); restated July 11, 1962, Pub. L. 87-534, §2, 76 Stat. 155.
5133(c) .....	31:356.	R.S. §3543.
5133(d) .....	31:365.	R.S. §3549; restated Mar. 4, 1911, ch. 268, §2, 36 Stat. 1354.

In the section, the word "Secretary" is substituted for "superintendent" and "Director of the Mint" in 31:354, 356, 365, and the word "Superintendent" is substituted for "superintendent of coining department" in 31:354 and 355 and "superintendent of melting and refining", because of the source provisions restated in section 321(c) of the revised title.

In subsection (a), the words "superintendent of each mint and the assay office at New York and the officer in charge of the assay office at San Francisco" are added because of the source provisions restated in section 5131(b) and (c) of the revised title.

In subsection (b), before clause (1), the words "shall settle" are substituted for "and at such time as the . . . shall appoint, there shall be an accurate and full settlement" in 31:354(last sentence) to eliminate unnecessary words. In clause (1), the words "The Secretary shall audit" are substituted for "When all the coins, clippings, and other bullion have been delivered to the superintendent, it shall be his duty to examine" in 31:355(1st, 2d sentences) to eliminate unnecessary words. In clause (2), the words "the waste of precious metals . . . decides is necessary for refining and minting" are substituted for "The difference between the amount charged and credited to each officer . . . as necessary wastage, if . . . shall be satisfied that there has been a bona fide waste of the precious metals" for consistency in the subsection and to eliminate unnecessary words. In clause (3), the words "limitations prescribed for refining" are substituted for "that provided for the melter and refiner" in 31:283(2d, last sentences) for consistency in the subsection. The word "bona fide" is omitted as being included in "necessary".

In subsection (c), the words "It shall also be the duty of the superintendent to forward a correct statement of his balance sheet" are omitted as superseded by the source provisions restated in section 321(c) of the revised title. The words "mints and assay offices" are substituted for "mint" for consistency in the section.

In subsection (d), the words "National Bureau of Standards of the Department of Commerce" are substituted for "Bureau of Standards of the United States" because of 15:1511. The words "from .01 grain" are substituted for "from the hundredths part of a grain" for consistency. The words "under the inspection of the superintendent and assayer" are omitted as superseded by the source provisions restated in section 321(c) of the revised title. The words "and the accuracy of those used at the mint at Philadelphia shall be tested annually in the presence of the assay commissioners, at the time of the annual examination and test of coins" are omitted because the position of assay commissioner was abolished by section 201 of the Act of March 14, 1980 (Pub. L. 96-209, 94 Stat. 98).

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5133(a) .....	31:354(1st sentence).  31:355(last sentence).	R.S. §3541; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384. R.S. §3542; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384; July 23, 1965, Pub. L. 89-81, §207, 79 Stat. 257.

Editorial Notes

AMENDMENTS

1988—Subsec. (a)(1). Pub. L. 100-274, §2(c)(4), substituted "each mint" and "superintendent receives" for "each mint and the assay office at New York and the officer in charge of the assay office at San Francisco" and "superintendent or officer receives", respectively.

Subsec. (a)(2). Pub. L. 100-274, §2(c)(5), substituted "credit each superintendent with the amount" and "superintendent returns" for "credit each superintendent

and the officer with the amount” and “superintendent or officer returns”, respectively.

Subsec. (a)(3). Pub. L. 100-274, §2(c)(6), substituted “superintendent, who” for “superintendent and the officer, who”.

Subsec. (b). Pub. L. 100-274, §2(c)(7), inserted heading and amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “At least once a year, the Secretary shall settle the accounts of the superintendents and the officer in charge. At settlement, each superintendent and the officer shall return to the Secretary coins, clippings, and other bullion in their possession with a statement of bullion received and returned since the last settlement (including bullion returned for settlement). The Secretary shall—

“(1) audit the accounts and statements of each superintendent and the officer;

“(2) allow each superintendent the waste of precious metals, within limitations prescribed by the Secretary, that the Secretary decides is necessary for refining and minting; and

“(3) allow the officer the waste, within the limitations prescribed for refining, that the Secretary decides is necessary in casting fine gold and silver bars, except that the waste allowance may not apply to deposit operations.”

Subsec. (c). Pub. L. 100-274, §2(c)(9), struck out “and assay offices” after “total liabilities of the mints”.

Subsec. (d). Pub. L. 100-418 substituted “National Institute of Standards and Technology” for “National Bureau of Standards”.

Pub. L. 100-274, §2(c)(10), struck out “and assay office” after “procure for each mint” and “and assay offices” after “transactions at the mints”.

#### § 5134. Numismatic Public Enterprise Fund

(a) DEFINITIONS.—For purposes of this section—

(1) FUND.—The term “Fund” means the Numismatic Public Enterprise Fund.

(2) MINT.—The term “Mint” means the United States Mint.

(3) NUMISMATIC ITEM.—The term “numismatic item” means any medal, proof coin, uncirculated coin, bullion coin, or other coin specifically designated by statute as a numismatic item, including products and accessories related to any such medal, coin, or item.

(4) NUMISMATIC OPERATIONS AND PROGRAMS.—The term “numismatic operations and programs”—

(A) means the activities concerning, and assets utilized in, the production, administration, sale, and management of numismatic items and the Numismatic Public Enterprise Fund; and

(B) includes capital, personnel salaries, functions relating to operations, marketing, distribution, promotion, advertising, and official reception and representation, the acquisition or replacement of equipment, and the renovation or modernization of facilities (other than the construction or acquisition of new buildings).

(5) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(b) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury of the United States a revolving Numismatic Public Enterprise Fund consisting of amounts deposited in the fund<sup>1</sup> under subsection (c)(2) of this section or section

221(b) of the United States Mint Reauthorization and Reform Act of 1992 which shall be available to the Secretary for numismatic operations and programs of the United States Mint without fiscal year limitation.

(c) OPERATIONS OF THE FUND.—

(1) PAYMENT OF EXPENSES.—Any expense incurred by the Secretary for numismatic operations and programs which the Secretary determines, in the Secretary’s sole discretion, to be ordinary and reasonable incidents of the numismatic business shall be paid out of the Fund, including any expense incurred pursuant to any obligation or other commitment of Mint numismatic operations and programs which was entered into before the beginning of fiscal year 1993.

(2) DEPOSIT OF RECEIPTS.—All receipts from numismatic operations and programs shall be deposited into the Fund, including amounts attributable to any surcharge imposed with respect to the sale of any numismatic item.

(3) TRANSFER OF SEIGNIORAGE.—The Secretary shall transfer monthly from the Fund to the general fund of the Treasury an amount equal to the total amount on the seigniorage of numismatic items sold since the date of any preceding transfer.

(4) TRANSFER OF EXCESS AMOUNTS TO THE TREASURY.—

(A) IN GENERAL.—At such times as the Secretary determines to be appropriate, the Secretary shall transfer any amount in the Fund which the Secretary determines to be in excess of the amount required by the Fund to the Treasury for deposit as miscellaneous receipts.

(B) REPORT TO CONGRESS.—The Secretary shall submit an annual report to the Congress containing—

(i) a statement of the total amount transferred to the Treasury pursuant to subparagraph (A) during the period covered by the report;

(ii) a statement of the amount by which the amount on deposit in the Fund at the end of the period covered by the report exceeds the estimated operating costs of the Fund for the 1-year period beginning at the end of such period; and

(iii) an explanation of the specific purposes for which such excess amounts are being retained in the Fund.

(d) BUDGET TREATMENT.—

(1) IN GENERAL.—The Secretary shall prepare budgets for the Fund, and estimates and statements of financial condition of the Fund in accordance with the requirements of section 9103 which shall be submitted to the President for inclusion in the budget submitted under section 1105.

(2) INCLUSION IN ANNUAL REPORT.—Statements of the financial condition of the Fund shall be included in the Secretary’s annual report on the operation of the Mint.

(3) TREATMENT AS WHOLLY OWNED GOVERNMENT CORPORATION FOR CERTAIN PURPOSES.—Section 9104 shall apply to the Fund to the same extent such section applies to wholly owned Government corporations.

(e) FINANCIAL STATEMENTS, AUDITS, AND REPORTS.—

<sup>1</sup> So in original. Probably should be capitalized.