

**Amendment in the Nature of a Substitute
to H.R. 258**

Offered by Mr. Oxley

Strike all after the enacting clause and insert the following:

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—U.S. 5-CENT COIN**
5 **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.

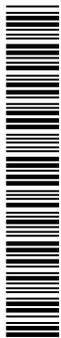
15 (b) DESIGN SPECIFICATIONS.—



1 (1) OBVERSE.—If the Secretary of the Treas-
2 ury elects to change the obverse of 5-cent coins
3 issued during 2003, 2004, and 2005, the design
4 shall depict a likeness of President Thomas Jeffer-
5 son, different from the likeness that appeared on the
6 obverse of the 5-cent coins issued during 2002, in
7 recognition of his role with respect to the Louisiana
8 Purchase and the commissioning of the Lewis and
9 Clark expedition.

10 (2) REVERSE.—If the Secretary of the Treas-
11 ury elects to change the reverse of the 5-cent coins
12 issued during 2003, 2004, and 2005, the design se-
13 lected shall depict images that are emblematic of the
14 Louisiana Purchase or the expedition of Meriwether
15 Lewis and William Clark.

16 (3) OTHER INSCRIPTIONS.—5-cent coins issued
17 during 2003, 2004, and 2005 shall continue to meet
18 all other requirements for inscriptions and designa-
19 tions applicable to circulating coins under section
20 5112(d)(1) of title 31, United States Code.



1 **SEC. 102. DESIGNS ON THE 5-CENT COIN SUBSEQUENT TO**
2 **THE RECOGNITION OF THE BICENTENNIAL**
3 **OF THE LOUISIANA PURCHASE AND THE**
4 **LEWIS AND CLARK EXPEDITION.**

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

13 (b) DESIGN CONSULTATION.— The 2d sentence of
14 section 5112(d)(2) of title 31, United States Code, is
15 amended by inserting “, after consulting with the Citizens
16 Coinage Advisory Committee and the Commission of Fine
17 Arts,” after “The Secretary may”.

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

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

21 **“§ 5135. Citizens Coinage Advisory Committee**

22 **“(a) ESTABLISHMENT.—**

23 **“(1) IN GENERAL.—**There is hereby established
24 the Citizens Coinage Advisory Committee (in this
25 section referred to as the “Advisory Committee”) to



1 advise the Secretary of the Treasury on the selection
2 of themes and designs for coins.

3 “(2) OVERSIGHT OF ADVISORY COMMITTEE.—

4 The Advisory Committee shall be subject to the au-
5 thority of the Secretary of the Treasury (hereafter
6 in this section referred to as the ‘Secretary’).

7 “(b) MEMBERSHIP.—

8 (1) APPOINTMENT.—The Advisory Committee
9 shall consist of 11 members appointed by the Sec-
10 retary as follows:

11 “(A) 7 persons appointed by the
12 Secretary—

13 “(i) 1 of whom shall be appointed
14 from among individuals who are specially
15 qualified to serve on the Advisory Com-
16 mittee by virtue of their education, train-
17 ing, or experience as a nationally or inter-
18 nationally recognized curator in the United
19 States of a numismatic collection;

20 “(ii) 1 of whom shall be appointed
21 from among individuals who are specially
22 qualified to serve on the Advisory Com-
23 mittee by virtue of their experience in the
24 medallic arts or sculpture;



1 “(iii) 1 of whom shall be appointed
2 from among individuals who are specially
3 qualified to serve on the Advisory Com-
4 mittee by virtue of their education, train-
5 ing, or experience in American history;

6 “(iv) 1 of whom shall be appointed
7 from among individuals who are specially
8 qualified to serve on the Advisory Com-
9 mittee by virtue of their education, train-
10 ing, or experience in numismatics; and

11 “(v) 3 of whom shall be appointed
12 from among individuals who can represent
13 the interests of the general public in the
14 coinage of the United States.

15 “(B) 4 persons appointed by the Secretary
16 on the basis of the recommendations of the fol-
17 lowing officials who shall make the selection for
18 such recommendation from among citizens who
19 are specially qualified to serve on the Advisory
20 Committee by virtue of their education, train-
21 ing, or experience:

22 “(i) 1 person recommended by the
23 Speaker of the House of Representatives.



1 “(ii) 1 person recommended by the
2 minority leader of the House of Represent-
3 atives.

4 “(iii) 1 person recommended by the
5 majority leader of the Senate.

6 “(iv) 1 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) 4 of the members appointed
17 under paragraph (1)(A) shall be appointed
18 for a term of 4 years;

19 “(ii) the 4 members appointed under
20 paragraph (1)(B) shall be appointed for a
21 term of 3 years; and

22 “(ii) 3 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.

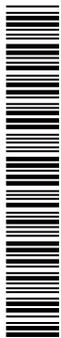
10 “(5) VACANCY AND REMOVAL.—

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.—7 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, commemorative coins, bullion coinage, con-
6 gressional gold medals and national and other med-
7 als produced by the Secretary of the Treasury in ac-
8 cordance with section 5111 of title 31, United States
9 Code.

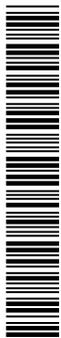
10 “(2) Advising the Secretary of the Treasury
11 with regard to—

12 (A) the events, persons, or places that the
13 Advisory Committee recommends be commemo-
14 rated by the issuance of commemorative coins
15 in each of the 5 calendar years succeeding the
16 year in which a commemorative coin designa-
17 tion is made;

18 (B) the mintage level for any commemora-
19 tive coin recommended under subparagraph
20 (A); and

21 (C) the proposed designs for commemora-
22 tive coins..

23 “(d) EXPENSES.—The expenses of the Advisory
24 Committee that the Secretary of the Treasury determines
25 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 AND TECHNICAL
4 SERVICES.—Upon the request of the Advisory Committee,
5 or as necessary for the Advisory Committee to carry out
6 the responsibilities of the Advisory Committee under this
7 section, the Director of the United States Mint shall pro-
8 vide to the Advisory Committee the administrative sup-
9 port, technical services, and advice that the Secretary of
10 the Treasury determines to be reasonable and appropriate.

11 “(f) CONSULTATION AUTHORITY.—In carrying out
12 the duties of the Advisory Committee under this section,
13 the Advisory Committee may consult with the Commission
14 of Fine Arts.

15 “(g) ANNUAL REPORT.—

16 “(1) REQUIRED.—Not later than September 30
17 of each year, the Advisory Committee shall submit
18 a report to the Secretary, the Committee on Finan-
19 cial Services of the House of Representatives and
20 the Committee on Banking, Housing, and Urban Af-
21 fairs of the Senate. Should circumstances arise in
22 which the Advisory Committee cannot meet the Sep-
23 tember 30 deadline in any year, the Secretary shall
24 advise the Chairpersons of 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 of the reasons for such delay and
3 the date on which the submission of the report is an-
4 ticipated.

5 “(2) CONTENTS.—The report required by para-
6 graph (1) shall describe the activities of the Advisory
7 Committee during the preceding year and the re-
8 ports and recommendations made by the Advisory
9 Committee to the Secretary of the Treasury.

10 “(g) FEDERAL ADVISORY COMMITTEE ACT DOES
11 NOT APPLY.—Subject to the requirements of subsection
12 (b)(8), the Federal Advisory Committee Act shall not
13 apply with respect to the Committee.”.

14 (b) ABOLISHMENT OF CITIZENS COMMEMORATIVE
15 COIN ADVISORY COMMITTEE.—Effective on the date of
16 the enactment of this Act, the Citizens Commemorative
17 Coin Advisory Committee (established by section 5135 of
18 title 31, United States Code, as in effect before the
19 amendment made by subsection (a)) is hereby abolished.

20 (c) CONTINUITY OF MEMBERS OF CITIZENS COM-
21 MEMORATIVE COIN ADVISORY COMMITTEE.—Subject to
22 subparagraphs (A), (B), (C), and (D) of section
23 5135(b)(1) of title 31, United States Code, and section
24 5135(b)(2) of such title, any person who is a member of
25 the Citizens Commemorative Coin Advisory Committee on



1 the date of the enactment of this Act, other than the mem-
2 ber of such committee who is appointed from among the
3 officers or employees of the United States Mint, may con-
4 tinue to serve the remainder of the term to which such
5 member was appointed as a member of the Citizens Coin-
6 age Advisory Committee in one of the positions as deter-
7 mined by 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



1 the proceeds of any surcharge imposed on the
2 sale of any numismatic item shall be paid from
3 the fund to any designated recipient organiza-
4 tion unless—

5 “(i) all numismatic operation and pro-
6 gram costs allocable to the program under
7 which such numismatic item is produced
8 and sold have been recovered; and

9 “(ii) the designated recipient organi-
10 zation submits an audited financial state-
11 ment that demonstrates, to the satisfaction
12 of the Secretary, the amount of funds the
13 organization has raised from private
14 sources for all projects or purposes for
15 which the proceeds of such surcharge may
16 be used.

17 “(B) MATCHING FUND REQUIREMENT.—
18 Notwithstanding any other provision of law, the
19 amount derived from the proceeds of any sur-
20 charge imposed on the sale of any numismatic
21 item that may otherwise be paid from the fund,
22 under any provision of law relating to such nu-
23 mismatic item, to any designated recipient or-
24 ganization shall not exceed the amount the or-
25 ganization has demonstrated, in accordance



1 with subparagraph (A)(ii), that the organization
2 has raised from private sources for all projects
3 or purposes for which the proceeds of such sur-
4 charge may be used.

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

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

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

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

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

