

108TH CONGRESS
2^D SESSION

H. R. 2768

IN THE SENATE OF THE UNITED STATES

JULY 19, 2004

Received

AN ACT

To require the Secretary of the Treasury to mint coins
in commemoration of Chief Justice John Marshall.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “John Marshall Com-
3 memorative Coin Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress hereby finds as follows:

6 (1) John Marshall served as the Chief Justice
7 of the United States Supreme Court from 1801 to
8 1835, the longest tenure of any Chief Justice in the
9 Nation’s history.

10 (2) John Marshall authored more than 500
11 opinions, including virtually all of the most impor-
12 tant cases decided by the Supreme Court during his
13 tenure.

14 (3) Under his leadership, the Supreme Court of
15 the United States gave shape to the fundamental
16 principles of the Constitution, most notably the prin-
17 ciple of judicial review.

18 (4) John Marshall’s service to the United
19 States—not only as a Chief Justice, but also as a
20 soldier in the Revolutionary War, as a Member of
21 Congress, and as Secretary of State—truly makes
22 him one of the most important figures in our Na-
23 tion’s history.

24 **SEC. 3. COIN SPECIFICATIONS.**

25 (a) DENOMINATION.—In commemoration of the
26 250th anniversary of the birth of Chief Justice John Mar-

1 shall, the Secretary of the Treasury (hereafter in this Act
2 referred to as the “Secretary”) shall mint and issue not
3 more than 400,000 \$1 coins, each of which shall—

- 4 (1) weigh 26.73 grams;
- 5 (2) have a diameter of 1.500 inches; and
- 6 (3) contain 90 percent silver and 10 percent
7 copper.

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

11 (c) **NUMISMATIC ITEMS.**—For purposes of sections
12 5134 and 5136 of title 31, United States Code, all coins
13 minted under this Act shall be considered to be numis-
14 matic items.

15 **SEC. 4. DESIGN OF COINS.**

16 (a) **DESIGN REQUIREMENTS.**—

17 (1) **IN GENERAL.**—The design of the coins
18 minted under this Act shall be emblematic of Chief
19 Justice John Marshall and his immeasurable con-
20 tributions to the Constitution of the United States
21 and the Supreme Court of the United States.

22 (2) **DESIGNATION AND INSCRIPTIONS.**—On
23 each coin minted under this Act there shall be—

- 24 (A) a designation of the value of the coin;
- 25 (B) an inscription of the year “2005”; and

1 (C) inscriptions of the words “Liberty”,
2 “In God We Trust”, “United States of Amer-
3 ica”, and “E Pluribus Unum”.

4 (b) SELECTION.—The design for the coins minted
5 under this Act shall be—

6 (1) selected by the Secretary after consultation
7 with the Commission of Fine Arts, and the Supreme
8 Court Historical Society; and

9 (2) reviewed by the Citizens Coin Advisory
10 Committee.

11 **SEC. 5. ISSUANCE OF COINS.**

12 (a) QUALITY OF COINS.—Coins minted under this
13 Act shall be issued in uncirculated and proof qualities.

14 (b) MINT FACILITY.—Only 1 facility of the United
15 States Mint may be used to strike any particular quality
16 of the coins minted under this Act.

17 (c) COMMENCEMENT OF ISSUANCE.—The Secretary
18 may issue coins minted under this Act beginning January
19 1, 2005.

20 (d) TERMINATION OF MINTING AUTHORITY.—No
21 coins may be minted under this Act after December 31,
22 2005.

1 **SEC. 6. SALE OF COINS.**

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

5 (1) the face value of the coins;

6 (2) the surcharge provided in section 7(a) with
7 respect to such coins; and

8 (3) the cost of designing and issuing the coins
9 (including labor, materials, dies, use of machinery,
10 overhead expenses, marketing, and shipping).

11 (b) BULK SALES.—The Secretary shall make bulk
12 sales of the coins issued under this Act at a reasonable
13 discount.

14 (c) PREPAID ORDERS.—

15 (1) IN GENERAL.—The Secretary shall accept
16 prepaid orders for the coins minted under this Act
17 before the issuance of such coins.

18 (2) DISCOUNT.—Sale prices with respect to pre-
19 paid orders under paragraph (1) shall be at a rea-
20 sonable discount.

21 (d) MARKETING.—The Secretary, in cooperation with
22 the Legacy Fund of the Library of Congress, shall develop
23 and implement a marketing program to promote and sell
24 the coins issued under this Act both within the United
25 States and internationally.

1 **SEC. 7. SURCHARGES.**

2 (a) IN GENERAL.—All sales of coins minted under
3 this Act shall include a surcharge of \$10 per coin.

4 (b) DISTRIBUTION.—Subject to section 5134(f) of
5 title 31, United States Code, all surcharges received by
6 the Secretary from the sale of coins issued under this Act
7 shall be promptly paid by the Secretary to the Supreme
8 Court Historical Society for the purposes of—

9 (1) supporting historical research and edu-
10 cational programs about the Supreme Court and the
11 Constitution of the United States and related topics;

12 (2) supporting fellowship programs, internships,
13 and docents at the Supreme Court; and

14 (3) collecting and preserving antiques, artifacts,
15 and other historical items related to the Supreme
16 Court and the Constitution of the United States and
17 related topics.

18 (c) AUDITS.—The Supreme Court Historical Society
19 shall be subject to the audit requirements of section
20 5134(f)(2) of title 31, United States Code, with regard
21 to the amounts received by the Society under subsection
22 (b).

23 (d) LIMITATION.—Notwithstanding subsection (a),
24 no surcharge may be included with respect to the issuance
25 under this Act of any coin during a calendar year if, as
26 of the time of such issuance, the issuance of such coin

1 would result in the number of commemorative coin pro-
2 grams issued during such year to exceed the annual 2
3 commemorative coin program issuance limitation under
4 section 5112(m)(1) of title 31, United States Code (as in
5 effect on the date of the enactment of this Act). The Sec-
6 retary of the Treasury may issue guidance to carry out
7 this subsection.

Passed the House of Representatives July 14, 2004.

Attest:

JEFF TRANDAHL,

Clerk.