

TITLE 31 - MONEY AND FINANCE
SUBTITLE IV - MONEY
CHAPTER 51 - COINS AND CURRENCY
SUBCHAPTER III - UNITED STATES MINT

§ 5132. Administrative

- (a) (1) Except as provided in this chapter, the Secretary of the Treasury shall deposit in the Treasury as miscellaneous receipts amounts the Secretary receives from the operations of the United States Mint. Expenditures made from appropriated funds which are subsequently determined to be properly chargeable to the Numismatic Public Enterprise Fund established by section 5134 shall be reimbursed by such Fund to the appropriation. The Secretary shall annually sell to the public, directly and by mail, sets of uncirculated and proof coins minted under paragraphs (1) through (6) of section 5112 (a) of this title, and shall solicit such sales through the use of the customer list of the United States Mint. Except with respect to amounts deposited in the Numismatic Public Enterprise Fund in accordance with section 5134, 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 to pay officers and employees.
- (2) (A) In addition to the coins described in paragraph (1), the Secretary shall sell annually to the public directly and by mail, sets of proof coins minted under paragraphs (1) through (6) of section 5112 (a).
- (B) Notwithstanding any other provision of law, for purposes of this paragraph—
- (i) the coins described in paragraphs (2) through (4) of section 5112 (a) shall be made of an alloy of 90 percent silver and 10 percent copper; and
 - (ii) all coins minted under this paragraph shall have a mint mark indicating the place of manufacture.
- (C) All coins minted under this paragraph shall be considered to be—
- (i) numismatic items for purposes of paragraph (1) and section 5111 (a)(3); and
 - (ii) legal tender, as provided in section 5103.
- (D) The Secretary shall obtain silver for coins minted under this paragraph by purchase from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.). At such time as the silver stockpile is depleted, the Secretary shall obtain silver for such coins by purchase of silver mined from natural deposits in the United States or in a territory or possession of the United States not more than 1 year following the month in which the ore from which it is derived was mined. The Secretary shall pay not more than the average world price for such silver. The Secretary may issue such regulations as may be necessary to carry out this subparagraph.
- (3) Not more than \$54,208,000 may be appropriated to the Secretary for the fiscal year ending on September 30, 1993, to pay costs of the mints. Not more than \$965,000 of amounts appropriated pursuant to the preceding sentence shall remain available until expended for research and development.
- (b) To the extent the Secretary decides is necessary, the Secretary may use amounts received from depositors for refining bullion and the proceeds from the sale of byproducts (including spent acids from surplus bullion recovered in refining processes) to pay the costs of refining the bullion (including labor, material, waste, and loss on the sale of sweeps). The Secretary may not use amounts appropriated for the mints to pay those costs.
- (c) The Secretary shall make an annual report at the end of each fiscal year on the operation of the United States Mint.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 988; Pub. L. 97–452, § 1(21), Jan. 12, 1983, 96 Stat. 2477; Pub. L. 98–151, § 123, Nov. 14, 1983, 97 Stat. 979; Pub. L. 98–216, § 1(7), Feb. 14, 1984, 98 Stat. 4; Pub. L. 99–61, title II, § 204, July 9, 1985, 99 Stat. 116; Pub. L. 99–185, § 2(e), Dec. 17, 1985, 99 Stat. 1178; Pub. L. 100–274, §§ 1, 2 (c)(3), Mar. 31, 1988, 102 Stat. 48; Pub. L. 101–585, § 2, Nov. 15, 1990, 104 Stat. 2874; Pub. L. 102–390, title II, §§ 211, 221 (c)(1), 225 (b)(3), (4), Oct. 6, 1992, 106 Stat. 1624, 1628, 1629; Pub. L. 106–445, § 2(a), Nov. 6, 2000, 114 Stat. 1931.)

Historical and Revision Notes

1982 Act

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5132(a)	31:273(1st, 2d sentences).	R.S. § 3506(1st, 2d sentences).
	31:369.	R.S. § 3552; restated May 10, 1950, ch. 172, 64 Stat. 157; Sept. 5, 1962, Pub. L. 87–643, § 2, 76 Stat. 440; Aug. 13, 1981, Pub. L. 97–35, § 382(b)(1), 95 Stat. 432.
5132(b)	31:361(1st sentence words after 1st comma, last sentence).	June 19, 1878, ch. 329, § 1(2d sentence words before last semicolon on p. 191), 20 Stat. 191.
	July 7, 1898, ch. 571(7th par. 1st sentence words after 1st comma, last sentence under heading “Mints and Assay Offices”), 30 Stat. 661.	
5132(c)	31:253.	R.S. § 345.

In subsection (a)(1), the words “Secretary of the Treasury shall deposit in the Treasury as miscellaneous receipts” are substituted for “shall . . . be covered into the Treasury” in 31:369 because of the source provisions restated in section 321(c) of the revised title. The words “amounts the Secretary receives from the operations of the Bureau of the Mint” are substituted for “The money arising from all charges and deductions on and from gold and silver bullion and from all other sources” for clarity and to eliminate unnecessary words. The words “amounts from” are substituted for “money arising from the manufacture and sale of” to eliminate unnecessary words. The words “numismatic items” are substituted for “medals, proof coins, and uncirculated coins” for consistency with section 5111(a)(3) of the revised title. The words “minting 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.)

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

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 reflect 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”.

Effective Date of 1992 Amendment

Section 221(e) of Pub. L. 102–390 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.