

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

Subsec. (e). Pub. L. 102-390, §224, struck out subsec. (e) which read as follows: “The Secretary shall operate, maintain, and have custody of, the mint at Philadelphia. However, the Administrator of General Services shall make repairs and improvements to the mint.”

1988—Subsec. (a)(3). Pub. L. 100-274, §2(b), substituted “mint at West Point, New York” for “assay office at New York, New York”.

Subsec. (a)(4). Pub. L. 100-274, §2(a), substituted “mint” for “assay office”.

Subsec. (b). Pub. L. 100-274, §2(c)(1), struck out “and assay offices, except that only bars may be made at the assay offices” before period at end of first sentence.

Subsec. (c). Pub. L. 100-274, §2(c)(2), substituted “Each mint has” for “Each mint and the assay office at New York have”.

Statutory Notes and Related Subsidiaries

AUTHORITY OF SPECIAL POLICE OFFICERS

For authority of special police officers of United States Mint over buildings and land under control and in vicinity of the Mint and to protection in transit of bullion, coins, dies, and other property and assets of the Mint, see section 101(f) [title V, §517(2), (3)] of Pub. L. 104-208, set out as a note under section 5141 of this title.

§ 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 not less than 90 percent silver; 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; Pub. L. 114-94, div. G, title LXXIII, §73001(2), Dec. 4, 2015, 129 Stat. 1786.)

**HISTORICAL AND REVISION NOTES
1982 ACT**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5132(a)	31:273(1st, 2d sentences). 31:369.	R.S. §3506(1st, 2d sentences). 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.)

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 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”.

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5133(a)	31:354(1st 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.
	31:355(last sentence).	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.
5133(b)	31:283(2d, last sentences).	R.S. §3558(2d, last sentences); restated July 11, 1962, Pub. L. 87-534, §2, 76 Stat. 155.
	31:354(last sentence).	
	31:355(1st, 2d sentences).	
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).