

graphs (1) and (2) of section 5135(b) of title 31, United States Code, any person who is a member of the Citizens Commemorative Coin Advisory Committee on the date of the enactment of this Act [Apr. 23, 2003], other than the member of such committee who is appointed from among the officers or employees of the United States Mint, may continue to serve the remainder of the term to which such member was appointed as a member of the Citizens Coinage Advisory Committee in one of the positions as determined by the Secretary."

STAGGERED TERMS FOR MEMBERS OF CITIZENS  
COMMEMORATIVE COIN ADVISORY COMMITTEE

Pub. L. 104-329, title III, §303(b), Oct. 20, 1996, 110 Stat. 4014, provided that members serving on the Citizens Commemorative Coin Advisory Committee as of Oct. 20, 1996, would be deemed to have been appointed to terms which ended on Dec. 31, 1997, 1998, or 1999.

STATUS OF MEMBERS OF CITIZENS COMMEMORATIVE  
COIN ADVISORY COMMITTEE

Pub. L. 104-329, title III, §303(c), Oct. 20, 1996, 110 Stat. 4015, provided that members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of subsec. (a)(3)(A) of this section would not be treated as special Government employees.

**§ 5136. United States Mint Public Enterprise  
Fund**

There shall be established in the Treasury of the United States, a United States Mint Public Enterprise Fund (the "Fund") for fiscal year 1996 and hereafter: *Provided*, That all receipts from Mint operations and programs, including the production and sale of numismatic items, the production and sale of circulating coinage, the protection of Government assets, and gifts and bequests of property, real or personal shall be deposited into the Fund and shall be available without fiscal year limitations: *Provided further*, That all expenses incurred by the Secretary of the Treasury for operations and programs of the United States Mint that the Secretary of the Treasury determines, in the Secretary's sole discretion, to be ordinary and reasonable incidents of Mint operations and programs, and any expense incurred pursuant to any obligation or other commitment of Mint operations and programs that was entered into before the establishment of the Fund, shall be paid out of the Fund: *Provided further*, That not to exceed 6.2415 percent of the nominal value of the coins minted, shall be paid out of the Fund for the circulating coin operations and programs in fiscal year 1996 for those operations and programs previously provided for by appropriation: *Provided further*, That the Secretary of the Treasury may borrow such funds from the General Fund as may be necessary to meet existing liabilities and obligations incurred prior to the receipt of revenues into the Fund: *Provided further*, That the General Fund shall be reimbursed for such funds by the Fund within one year of the date of the loan: *Provided further*, That the Fund may retain receipts from the Federal Reserve System from the sale of circulating coins at face value for deposit into the Fund (retention of receipts is for the circulating operations and programs): *Provided further*, That the Secretary of the Treasury shall transfer to the Fund all assets and liabilities of the Mint operations and programs, including all Numismatic Public Enterprise Fund assets and liabilities, all

receivables, unpaid obligations and unobligated balances from the Mint's appropriation, the Coinage Profit Fund, and the Coinage Metal Fund, and the land and buildings of the Philadelphia Mint, Denver Mint, and the Fort Knox Bullion Depository: *Provided further*, That the Numismatic Public Enterprise Fund, the Coinage Profit Fund and the Coinage Metal Fund shall cease to exist as separate funds as their activities<sup>1</sup> and functions are subsumed under and subject to the Fund, and the requirements of 31 USC<sup>2</sup> 5134(c)(4), (c)(5)(B), and (d) and (e)<sup>3</sup> of the Numismatic Public Enterprise Fund shall apply to the Fund: *Provided further*, That at such times as the Secretary of the Treasury determines appropriate, but not less than annually, any amount in the Fund that is determined to be in excess of the amount required by the Fund shall be transferred to the Treasury for deposit as miscellaneous receipts: *Provided further*, That the term "Mint operations and programs" means (1) the activities concerning, and assets utilized in, the production, administration, distribution, marketing, purchase, sale, and management of coinage, numismatic items, the protection and safeguarding of Mint assets and those non-Mint assets in the custody of the Mint, and the Fund; and (2) includes capital, personnel salaries and compensation, functions relating to operations, marketing, distribution, promotion, advertising, official reception and representation, the acquisition or replacement of equipment, the renovation or modernization of facilities, and the construction or acquisition of new buildings: *Provided further*, That the term "numismatic item" includes any medal, proof coin, uncirculated coin, bullion coin, numismatic collectible, other monetary issuances and products and accessories related to any such medal or coin: *Provided further*, That provisions of law governing procurement or public contracts shall not be applicable to the procurement of goods or services necessary for carrying out Mint programs and operations.

(Added Pub. L. 104-52, title V, §522, Nov. 19, 1995, 109 Stat. 494.)

**Editorial Notes**

REFERENCES IN TEXT

Section 5134(c) of this title, referred to in text, was amended by Pub. L. 108-15, title I, §103(d)(2), Apr. 23, 2003, 117 Stat. 619, which struck out par. (4) and redesignated par. (5) as (4).

CODIFICATION

Section 522 of Pub. L. 104-52, which directed the amendment of subchapter III of chapter 51 of this title by adding at the end thereof a new section, but had the ending quotation marks following the section catchline, was executed by adding this section as set out above, to reflect the probable intent of Congress.

SUBCHAPTER IV—BUREAU OF ENGRAVING  
AND PRINTING

**§ 5141. Operation of the Bureau**

(a) The Secretary of the Treasury shall prepare and submit to the President an annual

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

<sup>2</sup> So in original. Probably should be "U.S.C."

<sup>3</sup> See References in Text note below.

business-type budget for the Bureau of Engraving and Printing.

(b)(1) The Secretary shall maintain in the Bureau an integrated accounting system with internal controls that—

(A) ensures adequate control over assets and liabilities of the Bureau of Engraving and Printing Fund described in section 5142 of this title;

(B) develops accurate production costs to enable the Bureau to recover those costs on the basis of the work requisitioned;

(C) provides for replacement of capitalized equipment and other fixed assets by maintaining adequate depreciation reserves based on original cost or appraised values;

(D) discloses the financial condition and operations of the Fund on an accrual basis of accounting; and

(E) provides information for the prior fiscal year on the annual budget of the Bureau.

(2) The accounting system shall conform to principles and standards prescribed by the Comptroller General to carry out this subsection. The Comptroller General may review the system to ensure conformity to the principles and standards and its effectiveness of operation.

(c) An officer or employee in the clerical-mechanical service of the Bureau assigned to an established shift or tour of duty at least half of which occurs between 6 p.m. and 6 a.m. is entitled to pay for the regular 40-hour week (except when on leave) at a rate of pay 15 percent higher than the day rate for the same work.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 990.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5141(a) .....	31:181b.	Aug. 4, 1950, ch. 558, §§ 4, 5, 64 Stat. 409.
5141(b) .....	31:181c.	
5141(c) .....	31:180.	July 1, 1944, ch. 357, 58 Stat. 648.

In subsection (a), the word “budget” is substituted for “budget program” to eliminate unnecessary words. The words “to the President” are added because of chapter 11 of the revised title.

In subsection (b)(1), before clause (A), the words “Secretary shall maintain” are substituted for “There shall be installed and maintained” because of sections 301 and 303 of the revised title and to eliminate executed words. The words “internal controls” are substituted for “including proper features of internal control” to eliminate unnecessary words. In clause (B), the word “costs” is substituted for “direct and indirect costs” to eliminate unnecessary words. In clause (D), the word “basis” is substituted for “method” for clarity. In clause (E), the words “provides information” are substituted for “supply on the basis of accounting results the data” to eliminate unnecessary words. The word “prior” is substituted for “last completed” for consistency in the revised title.

In subsection (c), the words “An officer or employee” are substituted for “employees” for consistency in the revised title and with other titles of the United States Code. The words “assigned to an established shift or tour of duty at least half of which occurs between the hours of 6 p.m. and 6 a.m.” are substituted for “assigned to perform their work at night” and 31:180(proviso) to eliminate unnecessary words.

Statutory Notes and Related Subsidiaries

AUTHORITY OF SPECIAL POLICE OFFICERS

Pub. L. 104-208, div. A, title I, §101(f) [title V, §517], Sept. 30, 1996, 110 Stat. 3009-314, 3009-346, provided that: “Notwithstanding any other provision of law or regulation during the fiscal year ending September 30, 1997, and thereafter:

“(1) The authority of the special police officers of the Bureau of Engraving and Printing, in the Washington, DC Metropolitan area, extends to buildings and land under the custody and control of the Bureau; to buildings and land acquired by or for the Bureau through lease, unless otherwise provided by the acquisition agency; to the streets, sidewalks and open areas immediately adjacent to the Bureau along Wallenberg Place (15th Street) and 14th Street between Independence and Maine Avenues and C and D Streets between 12th and 14th Streets; to areas which include surrounding parking facilities used by Bureau employees, including the lots at 12th and C Streets, SW, Maine Avenue and Water Streets, SW, Maiden Lane, the Tidal Basin and East Potomac Park; to the protection in transit of United States securities, plates and dies used in the production of United States securities, or other products or implements of the Bureau of Engraving and Printing which the Director of that agency so designates.

“(2) The authority of the special police officers of the United States Mint extends to the buildings and land under the custody and control of the Mint; to the streets, sidewalks and open areas in the vicinity to such facilities; to surrounding parking facilities used by Mint employees; and to the protection in transit of bullion, coins, dies, and other property and assets of, or in the custody of, the Mint.

“(3) The exercise of police authority by Bureau or Mint officers, with the exception of the exercise of authority upon property under the custody and control of the Bureau or the Mint, respectively, shall be deemed supplementary to the Federal police force with primary jurisdictional responsibility. This authority shall be in addition to any other law enforcement authority which has been provided to these officers under other provisions of law or regulations.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104-52, title V, §520, Nov. 19, 1995, 109 Stat. 494.  
 Pub. L. 103-329, title V, §535, Sept. 30, 1994, 108 Stat. 2414.

§ 5142. Bureau of Engraving and Printing Fund

(a) The Department of the Treasury has a Bureau of Engraving and Printing Fund. Amounts—

- (1) in the Fund are available to operate the Bureau of Engraving and Printing;
- (2) in the Fund remain available until expended; and
- (3) may be appropriated to the Fund.

(b) The Fund consists of—

- (1) property and physical assets (except buildings and land) acquired by the Bureau;
- (2) all amounts received by the Bureau; and
- (3) proceeds from the disposition of property and assets acquired by the Fund.

(c) The capital of the Fund consists of—

- (1) amounts appropriated to the Fund;
- (2) physical assets of the Bureau (except buildings and land) as of the close of business June 30, 1951; and
- (3) all payments made after June 30, 1974, under section 5143 of this title at prices adjusted to permit buying capital equipment and to provide future working capital.