

## APPENDIX A TO CHAPTER 2

MODEL CONGRESSIONAL ACT FOR THE PROTECTION OF PERSONS WHO RECEIVE,  
PAY, AND EXCHANGE VARIOUS FORMS OF UNITED STATES COIN AND CURRENCYPublic Law \_\_\_\_-\_\_\_\_  
\_\_\_\_ Congress

## An Act

To enounce the rights of all persons to receive all forms of United States coin and currency and to exchange some forms thereof for others without discrimination or burden, to effectuate the monetary powers and disabilities of Article I, Section 8, Clause 5 and Article I, Section 10, Clause 1 of the Constitution of the United States, to ensure the supremacy of the laws of the United States under Article VI, Clause 2, and to enforce privileges and immunities protected by Sections 1 and 5 of the Fourteenth Amendment.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. Where the amount of any tax, fee, assessment, or other public charge or due of the United States or of any State or political subdivision thereof arising out of or in consequence of or relation to any transaction or activity of an individual, partnership, corporation, or other entity, whether denominated a tax or charge on "income", "sales", "gross receipts", or otherwise, shall be calculated on the basis of or otherwise depend upon the value of coin or currency of the United States received or paid out in that transaction or activity by the individual, partnership, corporation, or other entity liable for such tax, fee, assessment, or other public charge or due, no public officer, agency, employee, or other individual or entity exercising any authority of the United States or of any State or political subdivision thereof shall use as the basis for such calculation, assessment, levy, or collection any value other than the nominal or face value of the coin or currency received or paid out.

SECTION 2. No public officer, agency, employee, or other individual or entity exercising authority of the United States or of any State or political subdivision thereof shall assess, demand, or levy any tax, fee, assessment, or other charge or due on, or collect, mandate the collection, or enter any judgment or other order providing for, enforcing, or otherwise facilitating or allowing under color of law the collection or any tax, fee, assessment, or other charge or due as a consequence of, as a license for, or in any other relation to the exchange of any form of United States coin or currency for any other form thereof by any individual, partnership, corporation, or other entity, notwithstanding that such exchange is performed for profit in the course of a business, trade, profession, or any other pursuit, or that the nominal or face value of one form of such coin or currency involved in the transaction exceeds the nominal or face value of another form thereof so involved.

SECTION 3. Any individual who shall violate SECTION 1 or 2 of this Act shall be civilly liable to the individual, partnership, corporation, or other entity upon or from whom the tax, fee, assessment, or other charge or due has been assessed, demanded, levied, collected, ordered, or made the subject of any judgment or like action, and upon the proof of such assessment, demand, levy, collection, order, judgment, or like action shall be subject to a judgment, in his individual capacity, for

(a) restitution to the complaining party of any tax, fee, assessment, or other charge or due the same has been assessed, has paid, has otherwise delivered, or has suffered to be taken from him, plus interest from the date of assessment or other loss; and

(b) damages of ten times the tax, fee, assessment, or other charge or due assessed, demanded, levied, collected, ordered, or adjudicated, or \$5,000, whichever is greater, the same to be imposed for each transaction subjected to such tax, fee, assessment, or other charge or due.

*Provided*, that if the tax, fee, assessment, or other charge or due has been collected and paid in to any public treasury, office, or fiscal agent of the United States or of any State or political subdivision thereof, upon order of the court hearing the case it shall be returned to the complaining party, and such payment shall be credited against the restitution required under subsection (a) of this SECTION. For the purposes of this proviso, the court hearing the cause shall have jurisdiction to join as parties defendant public officials having authority to order the disbursement of funds held in or by such public treasury, office, or fiscal agent.

*Provided further*, that no portion of any damages imposed upon any individual found liable under this Act shall be paid by any public treasury, office, fiscal agent, or other authority of the United States or of any State or political subdivision thereof; nor shall any such public treasury, office, fiscal agent, or other authority reimburse or make whole any individual against whom a judgment shall be entered under this Act, either directly or through insurance or other third-party payment, for any portion of restitution or damages imposed upon such individual.

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(c) The term "foreign silver and gold coin" shall include the following coins:  
 (1) gold coin — Austrian 100 coronas, 20 coronas, 4 ducats, 1 ducat; British sovereign; Canadian 1, 1/2, 1/4, 1/10 maple leaf; French 20 francs; Swiss 20 francs; Mexican 50, 20, 10, 5, 2-1/2, 2 peso; South African 2, 1, 1/2, 1/4, 1/10 Krugerrand;  
 (2) silver coin — Canadian 1 maple leaf.<sup>[1]</sup>

*Provided, however,* that this Act shall not apply to any domestic or foreign silver or gold coin the numismatic or collectors' character of which renders its economic value (expressed in "dollars") in the market for numismatic or collectors' coins greater by at least      per centum than the "value" calculated simply on the basis of the coin's content of silver or gold, pursuant to SECTIONS 3 and 4 of this Act.

SECTION 3. For all purposes of this Act, the unit and measure of "value" shall be the constitutional, or standard, silver "dollar" of the United States of America, containing 371.25 grains (troy) fine silver, as originally adopted in Article I, Section 9, Clause 1 of the Constitution of the United States, and the Seventh Amendment thereto; historically determined in Section 9 of the Coinage Act of 2 April 1792, chapter 16, 1 *Statutes at Large* 246, 248; and coined or minted in the aforesaid weight of silver by authority of Congress from time to time pursuant to Article I, Section 8, Clause 5 of the Constitution of the United States.

SECTION 4. For all purposes of this Act, the "value" of any silver and gold coin shall be denominated in "dollars" (\$), such denomination to be calculated as follows:

(a) the value of any silver coin shall be determined by dividing the weight in grains (troy) of fine silver that the said coin shall contain by 371.25 grains, and expressing the quotient in "dollars"; and

(b) the value of any gold coin shall be determined by multiplying the weight in grains (troy) of fine gold that the said coin contains by the proportion by weight by which silver exchanges against gold in the markets for precious metals, as determined by the Treasurer of this State as provided in SECTION 5 of this Act, dividing the product of such multiplication by 371.25 grains, and expressing the quotient in "dollars".

*Provided, however,* that if in the market for numismatic or collectors' coins any domestic or foreign silver or gold coin shall have a value (expressed in "dollars") greater by at least      per centum than its "value" calculated simply on the basis of that coin's content of silver or gold, pursuant to SECTION 3 and SUBSECTIONS (a) and (b) of this SECTION of this Act, then the "value" for such coin shall be its numismatic or collectors' value (expressed in "dollars").

SECTION 5. At the beginning, midpoint, and end of each business day, the Treasurer of this State shall determine both (i) the average proportion by weight by which silver exchanges against gold in the major markets for precious metals in     ,<sup>[2]</sup> and (ii) the "value" in silver "dollars" of each coin identified in SECTION 2 of this Act, pursuant to the formulae set out in SUBSECTIONS (a) and (b) of SECTION 4 of this Act, and

(a) shall immediately publish such determinations in such media, including but not necessarily limited to the Internet, as shall make the said determinations readily available on a timely basis to all interested persons;

(b) if the Treasurer shall find it technically feasible, shall make and publish the determinations required in this SECTION of this Act at intervals more frequent than heretofore mandated;

(c) shall certify, record, and archive all such determinations in the Treasury; and

(d) shall make available any and all archived determinations to any person upon request therefor, without charge.

SECTION 6. Any certified determination made under SECTION 5 of this Act shall be conclusive evidence in all the courts, administrative agencies, and other tribunals of this State as between any and all private persons or parties, as well as between this State and any and all other parties, the rights, powers, privileges, immunities, or other legal or equitable interests of which such determination shall or may affect. *Provided, however,* that any person aggrieved by a false certification may bring an action in the      Courts of this State against the Treasurer for any and all forms of appropriate relief.

<sup>1</sup> These particular coins are designated simply for purposes of illustration, and not by way of exclusion of other coins a State legislature might deem appropriate to adopt as part of its State's media of exchange.

<sup>2</sup> Each legislature must determine what "major markets" are most suitable for its particular State's circumstances.