

TO; McNally, Kristie

FROM: Donald Scarinci

CC: Michael Moran

We write in our capacity as the two members of the Citizens Coinage Advisory Committee (CCAC) who were nominated by United States Senators, to register a formal objection to the announcement of the 2026 circulating coin portfolio. Mike and I are speaking for ourselves and not on behalf of the CCAC.

Congress was explicit in the statute governing the Semi quincentennial program. Under 31 U.S.C. § 5112(y)(2)(A), each 2026 coin design must be selected by the Secretary of the Treasury *after* consultation with the Commission of Fine Arts and *after review by the CCAC*. Congress did not create the CCAC as a ceremonial body, and it did not use vague or discretionary language. Review by the CCAC is a condition precedent to lawful selection of any design for the 2026 coins.

Over the last two years, the CCAC has taken that responsibility seriously. Working with the Office of Design Management, and after extensive consultation with subject matter experts, the Semi quincentennial Commission, the Library of Congress, the Smithsonian, NARA, the National Park Service, and tens of thousands of members of the public who responded to the Mint's survey, we reviewed and recommended a coherent portfolio of designs for the dime, quarters, and half dollar that tell the story of our nation's struggle and progress.

For the Semi quincentennial quarters specifically, we transmitted to the Secretary recommended designs focusing on abolition of slavery, women's suffrage, and the civil rights movement. Those recommendations are documented in our October 22, 2024 letter to Secretary Yellen, and in the design packages for the Abolitionism, Suffrage, and Civil Rights quarters. These recommendations were the culmination of a lengthy, good-faith process that fully complied with the statutory scheme Congress enacted.

Since that time, however, the Mint has moved forward with a different set of designs for the 2026 circulating quarters and related issues—designs that were *never* presented to or reviewed by the CCAC as part of the Semi quinquennial program. We understand that, at the direction of the Treasurer rather than the Secretary, the designs the CCAC and CFA recommended have been swapped out for completely different designs drawn from earlier portfolios, and that these replacement designs are now being advanced as the 2026 circulating coins.

This is unprecedented. At no time in the history of the CCAC has the Mint presented one portfolio to the CCAC and the CFA, then quietly substituted different designs from prior, unrelated portfolios for final selection by the Secretary, without ever giving the CCAC an opportunity to review the actual designs that will appear on the coins for the specific program in question.

We are particularly concerned that you did not bring the revised 2026 circulating portfolio to the CCAC at our last public meeting, despite having ample time and despite knowing that the statute requires CCAC review. Instead, we are told that you are relying on a legal theory that our statutory “review” obligation can be satisfied if, at some point in the past, the CCAC saw a similar or related design in some other context—or even if we simply had an “opportunity” to review a portfolio and declined to do so.

That interpretation is flatly inconsistent with the statute, with past practice and with past legal advice from the Mint lawyers. Congress required that *each* Semi quinquennial design be selected after CCAC review as part of the Semi quinquennial program; it did not authorize the Mint to rummage through old portfolios and retroactively deem prior, program-specific reviews to apply to a different set of coins years later.

We wish to be clear: if the Mint proceeds to announce and issue 2026 circulating coins bearing designs that the CCAC has never reviewed for this program, it will be doing so without satisfying the statutory prerequisites Congress imposed. Any legal opinion that tells you otherwise is, in our view, not only wrong as a matter of law but dangerously so. At best, it is intellectually dishonest; at worst, it approaches legal malpractice because it attempts to paper over what would otherwise be an unlawful act.

We are equally troubled by the apparent shift of decision-making authority from the Secretary of the Treasury, where the statute places it, to the Treasurer of the United States acting through you and the Mint's staff. When CCAC members have asked, on the record, who is making these decisions, you declined to answer. That refusal only reinforces the perception that the Mint is not following the procedure Congress mandated and that the statutory checks—CFA consultation and CCAC review—are being treated as obstacles to be evaded rather than safeguards to be honored.

As the two CCAC members nominated by United States Senators, we have a particular obligation to alert you that this course of conduct is likely to attract significant congressional attention. Should the Mint proceed to issue 2026 circulating coins under this “opportunity to review” theory, we believe it is highly probable that a future Congress—whether seated in 2027 or 2029—will convene oversight hearings to examine:

- Why the CCAC's recommended abolitionism, suffrage, and civil rights quarters were replaced after public review and formal recommendation to the Secretary;
- Why the revised portfolio was never presented to the CCAC in a public meeting, despite clear statutory language requiring such review; and
- Why the Mint's leadership and counsel adopted a legal interpretation that appears designed to circumvent, rather than implement, Congress's will.

The Semi quincennial coin program is an opportunity to tell the story of American liberty, struggle, and progress. Instead, you have turned it into an anti-American case study in how statutory safeguards can be reinterpreted away.

For these reasons, we respectfully but firmly request that you:

1. Suspend any further public announcement or implementation of the 2026 circulating coin portfolio that relies on designs the CCAC has not reviewed as part of the Semi quincennial program;
2. Direct your legal staff to obtain a fresh, independent legal analysis that adheres to the plain language of 31 U.S.C. § 5112(y)(2)(A) and the Circulating Collectible Coin Redesign Act; and

3. Schedule a CCAC public meeting in January at which the actual portfolio of quarter designs now being proposed for the 2026 Semi quincennial program, so that the Secretary's eventual selections will rest on a lawful and transparent process.

We remain committed to fulfilling the role Congress assigned to the CCAC: to provide informed, independent advice on U.S. coin designs and to serve as a check and balance on behalf of Congress and the public. We hope the Mint will choose to work with us, within the clear bounds of the law, so that the coins issued in 2026 honor not only the 250th anniversary of the Declaration of Independence, but also the constitutional principles it helped to launch.

Respectfully,

Donald Scarinci
Member, Citizens Coinage Advisory Committee
(Nominated by the United States Senate)

Michael Moran
Member, Citizens Coinage Advisory Committee
(Nominated by the United States Senate)