

108TH CONGRESS  
2D SESSION

# H. R. 4116

## AN ACT

To require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an "endangered" species under the Endangered Species Act of 1973, and for other purposes.



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1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “American Bald Eagle  
5       Recovery and National Emblem Commemorative Coin  
6       Act”.

7       **SEC. 2. FINDINGS.**

8       The Congress finds as follows:

9               (1) The bald eagle was designated as the na-  
10              tional emblem of the United States on June 20,  
11              1782, by our country’s Founding Fathers at the  
12              Second Continental Congress.

13             (2) The bald eagle is the greatest visible symbol  
14             of the spirit of freedom and democracy in the world.

15             (3) The bald eagle species is unique to North  
16             America and represents the American values and at-  
17             tributes of freedom, courage, strength, spirit, loyalty,  
18             justice, equality, democracy, quality, and excellence.

19             (4) The bald eagle is the central image used in  
20             the Great Seal of the United States and the seal of  
21             many branches and departments of the United  
22             States Government, including the President and the  
23             Vice President of the United States, the United  
24             States Congress, the Department of Defense, the  
25             Department of the Treasury, the Department of

1 Justice, the Department of State, the Department of  
2 Commerce, the Department of Homeland Security,  
3 and the United States Postal Service.

4 (5) The bald eagle’s image and symbolism have  
5 played a profound role in establishing and honoring  
6 American beliefs and traditions.

7 (6) The bald eagle’s image and symbolism have  
8 influenced American art, music, history, literature,  
9 commerce, and culture since the founding of our Na-  
10 tion.

11 (7) The bald eagle species was once threatened  
12 with possible extinction in the lower 48 States but  
13 is now making a gradual, encouraging recovery with-  
14 in America’s lands, waterways, and skies.

15 (8) The bald eagle was federally classified as an  
16 “endangered” species in 1973 under the Endangered  
17 Species Act of 1973, and, in 1995, was removed  
18 from the “endangered” species list and upgraded to  
19 the less imperiled “threatened” status under such  
20 Act.

21 (9) The administration is likely to officially  
22 delist the bald eagle from both the “endangered”  
23 and “threatened” species lists under the Endangered  
24 Species Act of 1973 by no later than 2008.

1           (10) The initial recovery of the bald eagle popu-  
2           lation in the United States was accomplished by the  
3           vigilant efforts of numerous caring agencies, cor-  
4           porations, organizations, and citizens.

5           (11) The continued caring and concern of the  
6           American people and the further restoration and  
7           protection of the bald eagle and its habitat is nec-  
8           essary to guarantee the full recovery and survival of  
9           this precious national treasure for future genera-  
10          tions.

11          (12) Since the Endangered Species Act of 1973  
12          requires that delisted species be administratively  
13          monitored for a 5-year period, the bald eagle nests  
14          in 49 States will require continual monitoring after  
15          the bald eagle is removed from the protection of  
16          such Act; and such efforts will require substantial  
17          funding to the Federal and State agencies and pri-  
18          vate organizations that will conduct such monitoring.

19          (13) Due to Federal and State budget cutting  
20          and balancing trends, funding for on-going bald  
21          eagle care, restoration, monitoring, protection, and  
22          enhancement programs has diminished annually.

23          (14) In anticipation of the nationwide observ-  
24          ance of the official removal, by 2008, of the bald  
25          eagle from the “threatened” species list under the

1       Endangered Species Act of 1973, and the 35th anni-  
2       versary, in 2008, of the Endangered Species Act of  
3       1973 and the designation of the bald eagle as an  
4       “endangered” species under such Act, Congress  
5       wishes to offer the opportunity for all persons to vol-  
6       untarily participate in raising funds for future bald  
7       eagle recovery, monitoring, and preservation efforts  
8       and to contribute to a special American Eagle Fund  
9       endowment managed by the not-for-profit American  
10      Eagle Foundation of Tennessee in the United  
11      States, in cooperation with fund management ex-  
12      perts.

13           (15) It is appropriate for Congress to authorize  
14      coins—

15                   (A) celebrating the recovery and restora-  
16                   tion of the bald eagle, the living symbol of free-  
17                   dom in the United States, to America’s lands,  
18                   waterways, and skies;

19                   (B) commemorating the removal of the  
20                   bald eagle from the “endangered” and “threat-  
21                   ened” species lists under the Endangered Spe-  
22                   cies Act of 1973; and

23                   (C) commemorating the 35th anniversary  
24                   of the enactment of the Endangered Species  
25                   Act of 1973 and the designation of the bald

1 eagle as an “endangered” species under such  
2 Act.

3 **SEC. 3. COIN SPECIFICATIONS.**

4 (a) DENOMINATIONS.—In celebration of the recovery  
5 of the bald eagle, the national living symbol of freedom,  
6 to America’s lands, waterways, and skies and in com-  
7 memoration of the 35th anniversary of the enactment of  
8 the Endangered Species Act of 1973 and the placement  
9 of the bald eagle on the endangered species list under such  
10 Act, the Secretary of the Treasury (hereafter in this Act  
11 referred to as the “Secretary”) shall mint and issue the  
12 following coins:

13 (1) \$5 GOLD COINS.—Not more than 100,000  
14 \$5 coins, which shall—

15 (A) weigh 8.359 grams;

16 (B) have a diameter of 0.850 inches; and

17 (C) contain 90 percent gold and 10 percent  
18 alloy.

19 (2) \$1 SILVER COINS.—Not more than 500,000  
20 \$1 coins, which shall—

21 (A) weigh 26.73 grams;

22 (B) have a diameter of 1.500 inches; and

23 (C) contain 90 percent silver and 10 per-  
24 cent copper.



1           (3) HALF DOLLAR CLAD COINS.—Not more  
2           than 750,000 half dollar coins which shall—

3                   (A) weigh 11.34 grams;

4                   (B) have a diameter of 1.205 inches; and

5                   (C) be minted to the specifications for half  
6           dollar coins contained in section 5112(b) of title  
7           31, United States Code.

8           (b) LEGAL TENDER.—The coins minted under this  
9           Act shall be legal tender, as provided in section 5103 of  
10          title 31, United States Code.

11          (c) NUMISMATIC ITEMS.—For purposes of sections  
12          5134 and 5136 of title 31, United States Code, all coins  
13          minted under this Act shall be considered to be numis-  
14          matic items.

15   **SEC. 4. DESIGN OF COINS.**

16          (a) DESIGN REQUIREMENTS.—

17                  (1) IN GENERAL.—The design of the coins  
18                  minted under this Act shall be emblematic of the  
19                  bald eagle and its history, natural biology, and na-  
20                  tional symbolism.

21                  (2) DESIGNATION AND INSCRIPTIONS.—On  
22                  each coin minted under this Act there shall be—

23                          (A) a designation of the value of the coin;

24                          (B) an inscription of the year “2008” ;

25                          and

1 (C) inscriptions of the words “Liberty”,  
2 “In God We Trust”, “United States of Amer-  
3 ica”, and “E Pluribus Unum”.

4 (b) SELECTION.—The design for the coins minted  
5 under this Act shall be—

6 (1) selected by the Secretary after consultation  
7 with the Commission of Fine Arts, and the Amer-  
8 ican Eagle Foundation of Tennessee in the United  
9 States; and

10 (2) reviewed by the Citizens Coinage Advisory  
11 Committee.

12 **SEC. 5. ISSUANCE OF COINS.**

13 (a) QUALITY OF COINS.—Coins minted under this  
14 Act shall be issued in uncirculated and proof qualities.

15 (b) MINT FACILITY.—Only 1 facility of the United  
16 States Mint may be used to strike any particular quality  
17 of the coins minted under this Act.

18 (c) PERIOD FOR ISSUANCE.—The Secretary may  
19 issue coins minted under this Act only during the 1-year  
20 period beginning on January 1, 2008.

21 **SEC. 6. SALE OF COINS.**

22 (a) SALE PRICE.—The coins issued under this Act  
23 shall be sold by the Secretary at a price equal to the sum  
24 of—

25 (1) the face value of the coins;

1           (2) the surcharge provided in section 7(a) with  
2       respect to such coins; and

3           (3) the cost of designing and issuing the coins  
4       (including labor, materials, dies, use of machinery,  
5       overhead expenses, marketing, and shipping).

6       (b) BULK SALES.—The Secretary shall make bulk  
7       sales of the coins issued under this Act at a reasonable  
8       discount.

9       (c) PREPAID ORDERS.—

10           (1) IN GENERAL.—The Secretary shall accept  
11       prepaid orders for the coins minted under this Act  
12       before the issuance of such coins.

13           (2) DISCOUNT.—Sale prices with respect to pre-  
14       paid orders under paragraph (1) shall be at a rea-  
15       sonable discount.

16 **SEC. 7. SURCHARGES.**

17       (a) IN GENERAL.—All sales of coins minted under  
18       this Act shall include a surcharge as follows:

19           (1) A surcharge of \$35 per coin for the \$5 coin.

20           (2) A surcharge of \$10 per coin for the \$1 coin.

21           (3) A surcharge of \$3 per coin for the half dol-  
22       lar coin.

23       (b) DISTRIBUTION.—Subject to section 5134(f) of  
24       title 31, United States Code, all surcharges received by  
25       the Secretary from the sale of coins issued under this Act

1 shall be promptly paid by the Secretary to the American  
2 Eagle Foundation of Tennessee in the United States to  
3 further its works.

4 (c) AUDITS.—The American Eagle Foundation of  
5 Tennessee in the United States and the American Eagle  
6 Fund shall be subject to the audit requirements of section  
7 5134(f)(2) of title 31, United States Code, with regard  
8 to the amounts received by the Foundation or the Fund  
9 under subsection (b).

10 (d) LIMITATION.—Notwithstanding subsection (a),  
11 no surcharge may be included with respect to the issuance  
12 under this Act of any coin during a calendar year if, as  
13 of the time of such issuance, the issuance of such coin  
14 would result in the number of commemorative coin pro-  
15 grams issued during such year to exceed the annual 2  
16 commemorative coin program issuance limitation under  
17 section 5112(m)(1) of title 31, United States Code (as in  
18 effect on the date of the enactment of this Act). The Sec-  
19 retary of the Treasury may issue guidance to carry out  
20 this subsection.

Passed the House of Representatives December 7,  
2004.

Attest:

*Clerk.*