

108TH CONGRESS  
2D SESSION

# H. R. 4116

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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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2004

Mr. JENKINS (for himself, Mr. FORD, and Mr. GOODE) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

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.

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

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “American Bald Eagle  
3 Recovery and National Emblem Commemorative Coin  
4 Act”

5 **SEC. 2. FINDINGS.**

6       The Congress finds as follows:

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

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

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

17          (4) The bald eagle is the central image used in  
18      the Great Seal of the United States and the seal of  
19      many branches and departments of the United  
20      States Government, including the President and the  
21      Vice President of the United States, the United  
22      States Congress, the Department of Defense, the  
23      Department of the Treasury, the Department of  
24      Justice, the Department of State, the Department of  
25      Commerce, the Department of Homeland Security,  
26      and the United States Postal Service.

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

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

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

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

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

22          (10) The initial recovery of the bald eagle popu-  
23          lation in the United States was accomplished by the  
24          vigilant efforts of numerous caring agencies, cor-  
25          porations, organizations, and citizens.

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

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

15          (13) Due to Federal and State budget cutting  
16      and balancing trends, funding for on-going bald  
17      eagle care, restoration, monitoring, protection, and  
18      enhancement programs has diminished annually.

19          (14) In anticipation of the nationwide observ-  
20      ance of the official removal, by 2008, of the bald  
21      eagle from the “threatened” species list under the  
22      Endangered Species Act of 1973, and the 35th anni-  
23      versary, in 2008, of the Endangered Species Act of  
24      1973 and the designation of the bald eagle as an  
25      “endangered” species under such Act, Congress

1 wishes to offer the opportunity for all persons to vol-  
2 untarily participate in raising funds for future bald  
3 eagle recovery, monitoring, and preservation efforts  
4 and to contribute to a special American Eagle Fund  
5 endowment managed by the not-for-profit American  
6 Eagle Foundation of Tennessee in the United  
7 States, in cooperation with fund management ex-  
8 perts.

9 (15) It is appropriate for Congress to authorize  
10 coins—

11 (A) celebrating the recovery and restora-  
12 tion of the bald eagle, the living symbol of free-  
13 dom in the United States, to America’s lands,  
14 waterways, and skies;

15 (B) commemorating the removal of the  
16 bald eagle from the “endangered” and “threat-  
17 ened” species lists under the Endangered Spe-  
18 cies Act of 1973; and

19 (C) commemorating the 35th anniversary  
20 of the enactment of the Endangered Species  
21 Act of 1973 and the designation of the bald  
22 eagle as an “endangered” species under such  
23 Act.

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

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

11 (1) \$5 GOLD COINS.—Not more than 100,000  
12 \$5 coins, which shall—

13 (A) weigh 8.359 grams;

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

15 (C) contain 90 percent gold and 10 percent  
16 alloy.

17 (2) \$1 SILVER COINS.—Not more than 500,000  
18 \$1 coins, which shall—

19 (A) weigh 26.73 grams;

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

21 (C) contain 90 percent silver and 10 per-  
22 cent copper.

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

25 (A) weigh 11.34 grams;

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

1 (C) be minted to the specifications for half  
2 dollar coins contained in section 5112(b) of title  
3 31, United States Code.

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

7 (c) NUMISMATIC ITEMS.—For purposes of sections  
8 5134 and 5136 of title 31, United States Code, all coins  
9 minted under this Act shall be considered to be numis-  
10 matic items.

11 **SEC. 4. DESIGN OF COINS.**

12 (a) DESIGN REQUIREMENTS.—

13 (1) IN GENERAL.—The design of the coins  
14 minted under this Act shall be emblematic of the  
15 bald eagle and its history, natural biology, and na-  
16 tional symbolism.

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

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

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

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

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

1           (1) selected by the Secretary after consultation  
2       with the Commission of Fine Arts, and the Amer-  
3       ican Eagle Foundation of Tennessee in the United  
4       States; and

5           (2) reviewed by the Citizens Coinage Advisory  
6       Committee.

7       **SEC. 5. ISSUANCE OF COINS.**

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

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

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

16       **SEC. 6. SALE OF COINS.**

17          (a) **SALE PRICE.**—The coins issued under this Act  
18       shall be sold by the Secretary at a price equal to the sum  
19       of—

20               (1) the face value of the coins;

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

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



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

4 (c) PREPAID ORDERS.—

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

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

11 **SEC. 7. SURCHARGES.**

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

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

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

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

18 (b) DISTRIBUTION.—Subject to section 5134(f) of  
19 title 31, United States Code, all surcharges received by  
20 the Secretary from the sale of coins issued under this Act  
21 shall be promptly paid by the Secretary to the American  
22 Eagle Foundation of Tennessee in the United States for  
23 use solely for the following purposes:

24 (1) To establish an interest-bearing endowment  
25 called the American Eagle Fund as a permanent

1 source of support for the care, monitoring, mainte-  
2 nance, and recovery of the bald eagle and its habitat  
3 in the United States, including the following:

4 (A) Public education activities and events.

5 (B) Habitat purchases and cooperative  
6 land agreements.

7 (C) Raptor rehabilitation and captive  
8 breeding and hacking.

9 (D) Behavior and migration research and  
10 wintering migration counts.

11 (E) Facilitate the enforcement of laws pro-  
12 tecting the bald eagle.

13 (F) Nest-watch monitoring and eaglet  
14 banding.

15 (G) Public viewing areas and visitor cen-  
16 ters.

17 (2) To make annual grants, in an amount not  
18 to exceed 10 percent of the annual income of the  
19 American Eagle Fund, to Federal, State, and pri-  
20 vate eagle restoration, protection, and enhancement  
21 projects within the 5 bald eagle recovery regions es-  
22 tablished by the United States Fish and Wildlife  
23 Service, in accordance with recommendations made  
24 by an advisory committee of recognized eagle experts  
25 which the Foundation shall establish.

1           (3) To administer the American Eagle Fund,  
2           including contracting for necessary services, in an  
3           annual amount not to exceed the lesser of—

4                   (A) 10 percent of the annual income of the  
5           American Eagle Fund; or

6                   (B) \$250,000.

7           (4) To provide financial support for capital  
8           projects related to the restoration and protection of  
9           bald eagles in Tennessee and in the United States,  
10          in general.

11          (5) To provide financial support for the con-  
12          tinuation and expansion of the efforts of the Amer-  
13          ican Eagle Foundation of Tennessee in the United  
14          States to educate the American people nationally  
15          about the livelihood, symbolism, and protection of  
16          the bald eagle, the national symbol of the United  
17          States, through the dissemination of information re-  
18          garding bald eagles and their habitat at special  
19          events and through the media (including news-  
20          papers, magazines, radio, television, the Internet,  
21          and billboards).

22          (c) AUDITS.—The American Eagle Foundation of  
23          Tennessee in the United States and the American Eagle  
24          Fund shall be subject to the audit requirements of section  
25          5134(f)(2) of title 31, United States Code, with regard

- 1 to the amounts received by the Foundation or the Fund
- 2 under subsection (b).

