

108TH CONGRESS
2D SESSION

H. R. 4116

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2004

Received

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.

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:

JEFF TRANDAHL,

Clerk.