

109TH CONGRESS  
1ST SESSION

# S. 863

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## AN ACT

To require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, 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 “Theodore Roosevelt  
5        Commemorative Coin Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) Theodore Roosevelt, one of America’s great-  
4 est Presidents, was born on October 27, 1858, in  
5 New York City, New York;

6 (2) at the young age of 23, Theodore Roosevelt  
7 was elected to the first of 3 terms as a representa-  
8 tive in the New York State Assembly (1882–1884);

9 (3) President William Harrison appointed  
10 Theodore Roosevelt as the United States Civil Serv-  
11 ice Commissioner in 1889, a post he held until 1895,  
12 serving 2 successive Presidents;

13 (4) from 1895 to 1897, Theodore Roosevelt  
14 served as Commissioner of the New York City Police  
15 Department;

16 (5) while serving as Assistant Secretary of the  
17 Navy under President William McKinley in 1897  
18 and 1898, Theodore Roosevelt organized the First  
19 United States Volunteer Cavalry Regiment, popu-  
20 larly known as the “Rough Riders”, and served as  
21 Colonel of this regiment during the Spanish-Amer-  
22 ican War;

23 (6) from 1898 to 1900, Theodore Roosevelt  
24 served as Governor of New York;

1           (7) in 1900, upon the reelection of President  
2           McKinley, Theodore Roosevelt was elected as the  
3           25th Vice-President of the United States;

4           (8) as the 26th President of the United States  
5           beginning in 1901, Theodore Roosevelt took a very  
6           active role in foreign affairs, establishing the United  
7           States as a new world power, and instituting broad  
8           reforms at home, particularly with respect to labor,  
9           monopolies, and conservation, until the end of his  
10          presidency in 1909;

11          (9) Theodore Roosevelt's commitment to con-  
12          servation stemmed from his experiences as a rancher  
13          in the badlands of North Dakota from 1883 to 1886  
14          and earned him the title of the "Conservationist  
15          President" for his efforts in establishing 51 Bird  
16          Reserves, 4 Game Preserves, 150 National Forests,  
17          5 National Parks, and 18 National Monuments, to-  
18          taling nearly 230,000,000 acres of land placed under  
19          public protection during his presidency;

20          (10) on January 16, 2001, Theodore Roosevelt  
21          was posthumously awarded the Congressional Medal  
22          of Honor for leading a charge up the San Juan  
23          Heights in Cuba during the Spanish-American War,  
24          shortly before the war ended, thereby becoming the

1 first President of the United States to be awarded  
2 the Congressional Medal of Honor; and

3 (11) 2006 marks the 100th anniversary of  
4 Theodore Roosevelt being awarded the Nobel Peace  
5 Prize, the first citizen of the United States to receive  
6 such prize, for negotiating the 1905 peace treaty  
7 ending the Russo-Japanese War.

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

9 (a) DENOMINATIONS.—The Secretary of the Treas-  
10 ury (referred to in this Act as the “Secretary”) shall mint  
11 and issue the following coins:

12 (1) \$1 SILVER COINS WITH ROUGH RIDER DE-  
13 SIGN.—Not more than 500,000 \$1 coins bearing the  
14 designs specified in section 4(a)(2), each of which  
15 shall—

16 (A) weigh 26.73 grams;

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

18 (C) contain 90 percent silver and 10 per-  
19 cent copper.

20 (2) \$1 SILVER COINS WITH ADVENTURER DE-  
21 SIGN.—Not more than 500,000 \$1 coins bearing the  
22 designs specified in section 4(a)(3), each of which  
23 shall—

24 (A) weigh 26.73 grams;

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

1 (C) contain 90 percent silver and 10 per-  
2 cent copper.

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

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

10 (d) USE OF THE UNITED STATES MINT AT WEST  
11 POINT, NEW YORK.—It is the sense of Congress that the  
12 coins minted under this Act should be struck at the United  
13 States Mint at West Point, New York, to the greatest ex-  
14 tent possible.

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—

19 (A) be emblematic of the life and legacy of  
20 President Theodore Roosevelt; and

21 (B) use the designs of James Earle Fraser  
22 or Augustus Saint-Gaudens, 2 sculptors most  
23 closely associated with the revitalization of the  
24 United States coinage, commonly referred to as  
25 the “Golden Age of American Coin Design”,

1 that was initiated by President Theodore Roo-  
2 sevelt.

3 (2) \$1 COINS WITH ROUGH RIDER DESIGN.—

4 (A) OBVERSE.—The obverse of the coins  
5 minted under section 3(a)(1) shall bear the  
6 image of Theodore Roosevelt as a Rough Rider  
7 that was used on the James Earle Fraser  
8 medal of 1920.

9 (B) REVERSE.—The reverse of the coins  
10 minted under section 3(a)(1) shall bear the  
11 eagle design, with motto, from the \$20 gold  
12 “double eagle” coin produced between 1907 and  
13 1933 and designed by Augustus Saint-Gaudens.

14 (3) \$1 COINS WITH ADVENTURER DESIGN.—

15 (A) OBVERSE.—The obverse of the coins  
16 minted under section 3(a)(2) shall bear the  
17 image of Theodore Roosevelt on horseback,  
18 based on James Earle Fraser’s monumental 16-  
19 foot high bronze equestrian figure of Roosevelt  
20 that—

21 (i) stands at the east front of the  
22 American Museum of Natural History in  
23 New York City; and

24 (ii) recognizes Roosevelt’s lifelong ac-  
25 tivity as a naturalist and conservationist

1           and emphasizes him as an adventurer, out-  
2           doorsman, and hunter.

3           (B) REVERSE.—The reverse of the coins  
4           minted under section 3(a)(2) shall bear the de-  
5           sign based on the reverse designs by James  
6           Earle Fraser used on the Roosevelt Memorial  
7           Association Medal of Honor and the Associa-  
8           tion’s Founders Medal that—

9                   (i) depict the crusader’s flaming  
10                  sword of righteousness and evoke the “Big  
11                  Stick” philosophy espoused by President  
12                  Roosevelt; and

13                   (ii) to the left and right of the flaming  
14                  sword in 4 lines bear the quotation “If I  
15                  Must Choose Between Righteousness and  
16                  Peace, I Choose Righteousness” from Roo-  
17                  sevelt’s historical work, “Unwise Peace  
18                  Treaties”.

19           (4) DESIGNATION AND INSCRIPTIONS.—Each  
20           coin minted under this Act shall bear—

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

22                   (B) an inscription of the year “2006”; and

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

1 (b) SELECTION.—The design for the coins minted  
2 under this Act

3 (1) selected by the Secretary, after consultation  
4 with the Commission of Fine Arts; and

5 (2) reviewed by the Citizens Coinage Advisory  
6 Committee established under section 5135 of title  
7 31, United States Code.

8 **SEC. 5. ISSUANCE OF COINS.**

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

11 (b) COMMENCEMENT OF ISSUANCE.—The Secretary  
12 may issue coins minted under this Act beginning January  
13 1, 2006, except that the Secretary may initiate sales of  
14 such coins, without issuance, before such date.

15 (c) TERMINATION OF MINTING AUTHORITY.—No  
16 coins shall be minted under this Act after December 31,  
17 2006.

18 **SEC. 6. SALE OF COINS.**

19 (a) SALE PRICE.—The coins minted under this Act  
20 shall be sold by the Secretary at a price equal to the sum  
21 of—

22 (1) the face value of the coins;

23 (2) the surcharge provided under section 7(a);

24 and

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

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

7           (c) PREPAID ORDERS.—

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

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

14          (d) SALES OF SINGLE COINS AND SETS OF COINS.—  
15          Coins of each design specified under section 4 may be sold  
16          separately or as a set containing a coin of each such de-  
17          sign.

18 **SEC. 7. SURCHARGES.**

19          (a) SURCHARGE REQUIRED.—All sales of coins mint-  
20          ed under this Act shall include a surcharge of \$10 per  
21          coin.

22          (b) DISTRIBUTION OF SURCHARGES.—Subject to sec-  
23          tion 5134(f) of title 31, United States Code, and in ac-  
24          cordance with subsection (c) of this section, all surcharges  
25          received by the Secretary from the sale of coins minted

1 under this Act shall be promptly paid by the Secretary  
2 to—

3 (1) the Theodore Roosevelt Association, to be  
4 used exclusively—

5 (A) for educational programs at Sagamore  
6 Hill National Historic Site, including construc-  
7 tion and maintenance of a visitor’s center; and

8 (B) to the extent that funds remain avail-  
9 able, in the discretion of the Theodore Roo-  
10 sevelt Association, for the support of other cu-  
11 ratorial activities that preserve and enhance col-  
12 lections maintained by institutions of higher  
13 learning dedicated to the study and memory of  
14 Theodore Roosevelt; and

15 (2) the Theodore Roosevelt Medora Foundation,  
16 to be used exclusively—

17 (A) for educational programs at and  
18 around the Theodore Roosevelt National Park,  
19 including construction of the Theodore Roo-  
20 sevelt Badlands Institute in the badlands of  
21 North Dakota; and

22 (B) to the extent that funds remain avail-  
23 able, in the discretion of the Theodore Roo-  
24 sevelt Medora Foundation, for the support of  
25 other curatorial activities that preserve and en-

1           hance collections maintained by institutions of  
2           higher learning dedicated to the study and  
3           memory of Theodore Roosevelt.

4           (c) DISTRIBUTION OF AMOUNTS.—With respect to  
5 surcharges received under this section—

6           (1) 70 percent of any such surcharges received  
7           shall be paid to the Theodore Roosevelt Association;  
8           and

9           (2) 30 percent any such surcharges received  
10          shall be paid to the Theodore Roosevelt Medora  
11          Foundation.

12          (d) AUDITS.—The Theodore Roosevelt Association  
13 and the Theodore Roosevelt Medora Foundation shall be  
14 subject to the audit requirements under section 5134(f)(2)  
15 of title 31, United States Code.

16 **SEC. 8. CONTINUED ISSUANCE OF 5-CENT COINS MINTED IN**  
17 **2004 AND 2005.**

18          Notwithstanding the fifth sentence of section  
19 5112(d)(1) of title 31, United States Code, the Secretary  
20 of the Treasury may continue to issue, after December  
21 31, 2005, numismatic items that contain 5-cent coins  
22 minted in the years 2004 and 2005.

1 **SEC. 9. LEWIS AND CLARK COIN AMENDMENTS.**

2 Section 308 of the Lewis and Clark Expedition Bi-  
3 centennial Commemorative Coin Act (31 U.S.C. 5112  
4 note) is amended—

5 (1) in subsection (a), by striking “Secretary  
6 as:” and all that follows through the end of the sub-  
7 section and inserting the following: “Secretary for  
8 expenditure on activities associated with commemo-  
9 rating the bicentennial of the Lewis and Clark Expe-  
10 dition, as follows:

11 “(1) NATIONAL COUNCIL OF THE LEWIS AND  
12 CLARK BICENTENNIAL.—One-half to the National  
13 Council of the Lewis and Clark Bicentennial.

14 “(2) MISSOURI HISTORICAL SOCIETY.—One-half  
15 to the Missouri Historical Society.”;

16 (2) by redesignating subsection (b) as sub-  
17 section (c); and

18 (3) by inserting after subsection (a) the fol-  
19 lowing:

20 “(b) TRANSFER OF UNEXPENDED FUNDS.—Any  
21 proceeds referred to in subsection (a) that were dispersed  
22 by the Secretary and remain unexpended by the National  
23 Council of the Lewis and Clark Bicentennial or the Mis-  
24 souri Historical Society as of June 30, 2007, shall be  
25 transferred to the Lewis and Clark Trail Heritage Foun-

1 dation for the purpose of establishing a trust for the stew-  
2 ardship of the Lewis and Clark National Historic Trail.”.

Passed the Senate December 16, 2005.

Attest:

*Secretary.*

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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