

108TH CONGRESS
2D SESSION

S. 2889

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.

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2004

Mr. ALEXANDER (for himself and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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 are 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).

