

PUBLIC LAW 108-486—DEC. 23, 2004

AMERICAN BALD EAGLE RECOVERY AND
NATIONAL EMBLEM COMMEMORATIVE COIN
ACT

Public Law 108-486
108th Congress
An Act

Dec. 23, 2004
[H.R. 4116]

American Bald
Eagle Recovery
and National
Emblem
Commemorative
Coin Act.
31 USC 5112
note.

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Bald Eagle Recovery and National Emblem Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The bald eagle was designated as the national emblem of the United States on June 20, 1782, by our country's Founding Fathers at the Second Continental Congress.

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

(3) The bald eagle species is unique to North America and represents the American values and attributes of freedom, courage, strength, spirit, loyalty, justice, equality, democracy, quality, and excellence.

(4) The bald eagle is the central image used in the Great Seal of the United States and the seal of many branches and departments of the United States Government, including the President and the Vice President of the United States, the United States Congress, the Department of Defense, the Department of the Treasury, the Department of Justice, the Department of State, the Department of Commerce, the Department of Homeland Security, and the United States Postal Service.

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

(6) The bald eagle's image and symbolism have influenced American art, music, history, literature, commerce, and culture since the founding of our Nation.

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

(8) The bald eagle was federally classified as an "endangered" species in 1973 under the Endangered Species Act of

1973, and, in 1995, was removed from the “endangered” species list and upgraded to the less imperiled “threatened” status under such Act.

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

(10) The initial recovery of the bald eagle population in the United States was accomplished by the vigilant efforts of numerous caring agencies, corporations, organizations, and citizens.

(11) The continued caring and concern of the American people and the further restoration and protection of the bald eagle and its habitat is necessary to guarantee the full recovery and survival of this precious national treasure for future generations.

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

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

(14) In anticipation of the nationwide observance of the official removal, by 2008, of the bald eagle from the “threatened” species list under the Endangered Species Act of 1973, and the 35th anniversary, in 2008, of the Endangered Species Act of 1973 and the designation of the bald eagle as an “endangered” species under such Act, Congress wishes to offer the opportunity for all persons to voluntarily participate in raising funds for future bald eagle recovery, monitoring, and preservation efforts and to contribute to a special American Eagle Fund endowment managed by the not-for-profit American Eagle Foundation of Tennessee in the United States, in cooperation with fund management experts.

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

(A) celebrating the recovery and restoration of the bald eagle, the living symbol of freedom in the United States, to America’s lands, waterways, and skies;

(B) commemorating the removal of the bald eagle from the “endangered” and “threatened” species lists under the Endangered Species Act of 1973; and

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

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In celebration of the recovery of the bald eagle, the national living symbol of freedom, to America’s lands, waterways, and skies and in commemoration of the 35th anniversary of the enactment of the Endangered Species Act of 1973 and the placement of the bald eagle on the endangered species

list under such Act, the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue the following coins:

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

- (A) weigh 8.359 grams;
- (B) have a diameter of 0.850 inches; and
- (C) contain 90 percent gold and 10 percent alloy.

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

- (A) weigh 26.73 grams;
- (B) have a diameter of 1.500 inches; and
- (C) contain 90 percent silver and 10 percent copper.

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

- (A) weigh 11.34 grams;
- (B) have a diameter of 1.205 inches; and
- (C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

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

(c) **NUMISMATIC ITEMS.**—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) **DESIGN REQUIREMENTS.**—

(1) **IN GENERAL.**—The design of the coins minted under this Act shall be emblematic of the bald eagle and its history, natural biology, and national symbolism.

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

- (A) a designation of the value of the coin;
- (B) an inscription of the year “2008”; and
- (C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

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

(1) selected by the Secretary after consultation with the Commission of Fine Arts, and the American Eagle Foundation of Tennessee in the United States; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

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

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

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

SEC. 6. SALE OF COINS.

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

- (1) the face value of the coins;
- (2) the surcharge provided in section 7(a) with respect to such coins; and
- (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

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

(c) PREPAID ORDERS.—

- (1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.
- (2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

- (a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:
 - (1) A surcharge of \$35 per coin for the \$5 coin.
 - (2) A surcharge of \$10 per coin for the \$1 coin.
 - (3) A surcharge of \$3 per coin for the half dollar coin.
- (b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the American Eagle Foundation of Tennessee in the United States to further its works.
- (c) AUDITS.—The American Eagle Foundation of Tennessee in the United States and the American Eagle Fund shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Foundation or the Fund under subsection (b).
- (d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the

date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

Approved December 23, 2004.

LEGISLATIVE HISTORY—H.R. 4116:
CONGRESSIONAL RECORD, Vol. 150 (2004):
Dec. 7, considered and passed House.
Dec. 8, considered and passed Senate.

