

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

# S. 1496

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## AN ACT

To direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

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 “Electronic Duck Stamp  
5        Act of 2005”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) on March 16, 1934, Congress passed and  
4 President Roosevelt signed the Act of March 16,  
5 1934 (16 U.S.C. 718a et seq.) (popularly known as  
6 the “Duck Stamp Act”), which requires all migra-  
7 tory waterfowl hunters 16 years of age or older to  
8 buy a Federal migratory bird hunting and conserva-  
9 tion stamp annually;

10 (2) the Federal Duck Stamp program has be-  
11 come one of the most popular and successful con-  
12 servation programs ever initiated;

13 (3) because of that program, the United States  
14 again is teeming with migratory waterfowl and other  
15 wildlife that benefit from wetland habitats;

16 (4) as of the date of enactment of this Act,  
17 1,700,000 migratory bird hunting and conservation  
18 stamps are sold each year;

19 (5) as of 2003, those stamps have generated  
20 more than \$600,000,000 in revenue that has been  
21 used to preserve more than 5,000,000 acres of mi-  
22 gratory waterfowl habitat in the United States; and

23 (6) many of the more than 540 national wildlife  
24 refuges have been paid for wholly or partially with  
25 that revenue.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **ACTUAL STAMP.**—The term “actual stamp”  
4 means a Federal migratory-bird hunting and con-  
5 servation stamp required under the Act of March  
6 16, 1934 (16 U.S.C. 718a et seq.) (popularly known  
7 as the “Duck Stamp Act”), that is printed on paper  
8 and sold through a means in use immediately before  
9 the date of enactment of this Act.

10 (2) **AUTOMATED LICENSING SYSTEM.**—

11 (A) **IN GENERAL.**—The term “automated  
12 licensing system” means an electronic, comput-  
13 erized licensing system used by a State fish and  
14 wildlife agency to issue hunting, fishing, and  
15 other associated licenses and products.

16 (B) **INCLUSION.**—The term “automated li-  
17 censing system” includes a point-of-sale, Inter-  
18 net, or telephonic system used for a purpose de-  
19 scribed in subparagraph (A).

20 (3) **ELECTRONIC STAMP.**—The term “electronic  
21 stamp” means an electronic version of an actual  
22 stamp that—

23 (A) is a unique identifier for the individual  
24 to whom it is issued;

25 (B) can be printed on paper;

1 (C) is issued through a State automated li-  
2 censing system that is authorized, under State  
3 law and by the Secretary under this Act, to  
4 issue electronic stamps;

5 (D) is compatible with the hunting licens-  
6 ing system of the State that issues the elec-  
7 tronic stamp; and

8 (E) is described in the State application  
9 approved by the Secretary under section 4(b).

10 (4) SECRETARY.—The term “Secretary” means  
11 the Secretary of the Interior.

12 **SEC. 4. ELECTRONIC DUCK STAMP PILOT PROGRAM.**

13 (a) REQUIREMENT TO CONDUCT PROGRAM.—The  
14 Secretary shall conduct a 3-year pilot program under  
15 which up to 15 States authorized by the Secretary may  
16 issue electronic stamps.

17 (b) COMMENCEMENT AND DURATION OF PRO-  
18 GRAM.—The Secretary shall—

19 (1) use all means necessary to expeditiously im-  
20 plement this section by the date that is 1 year after  
21 the beginning of the first full Federal migratory wa-  
22 terfowl hunting season after the date of enactment  
23 of this Act; and

24 (2) carry out the pilot program for 3 Federal  
25 migratory waterfowl hunting seasons.

1 (c) CONSULTATION.—The Secretary shall carry out  
2 the program in consultation with State management agen-  
3 cies.

4 **SEC. 5. STATE APPLICATION.**

5 (a) APPROVAL OF APPLICATION REQUIRED.—A  
6 State may not participate in the pilot program under this  
7 Act unless the Secretary has received and approved an ap-  
8 plication submitted by the State in accordance with this  
9 section.

10 (b) CONTENTS OF APPLICATION.—The Secretary  
11 may not approve a State application unless the application  
12 contains—

13 (1) a description of the format of the electronic  
14 stamp that the State will issue under the pilot pro-  
15 gram, including identifying features of the licensee  
16 that will be specified on the stamp;

17 (2) a description of any fee the State will  
18 charge for issuance of an electronic stamp;

19 (3) a description of the process the State will  
20 use to account for and transfer to the Secretary the  
21 amounts collected by the State that are required to  
22 be transferred to the Secretary under the program;

23 (4) the manner by which the State will transmit  
24 electronic stamp customer data to the Secretary;

1           (5) the manner by which actual stamps will be  
2 delivered;

3           (6) the policies and procedures under which the  
4 State will issue duplicate electronic stamps; and

5           (7) such other policies, procedures, and infor-  
6 mation as may be reasonably required by the Sec-  
7 retary.

8           (c) PUBLICATION OF DEADLINES, ELIGIBILITY RE-  
9 QUIREMENTS, AND SELECTION CRITERIA.—Not later than  
10 30 days before the date on which the Secretary begins ac-  
11 cepting applications for participation in the pilot program,  
12 the Secretary shall publish—

13           (1) deadlines for submission of applications to  
14 participate in the program;

15           (2) eligibility requirements for participation in  
16 the program; and

17           (3) criteria for selecting States to participate in  
18 the program.

19 **SEC. 6. STATE OBLIGATIONS AND AUTHORITIES.**

20           (a) DELIVERY OF ACTUAL STAMP.—The Secretary  
21 shall require that each individual to whom a State sells  
22 an electronic stamp under the pilot program shall receive  
23 an actual stamp—

24           (1) by not later than the date on which the  
25 electronic stamp expires under section 7(c); and

1           (2) in a manner agreed upon by the State and  
2       Secretary.

3           (b) COLLECTION AND TRANSFER OF ELECTRONIC  
4 STAMP REVENUE AND CUSTOMER INFORMATION.—

5           (1) REQUIREMENT TO TRANSMIT.—The Sec-  
6 retary shall require each State participating in the  
7 pilot program to collect and submit to the Secretary  
8 in accordance with this section—

9           (A) the first name, last name, and com-  
10 plete mailing address of each individual that  
11 purchases an electronic stamp from the State;

12           (B) the face value amount of each elec-  
13 tronic stamp sold by the State; and

14           (C) the amount of the Federal portion of  
15 any fee required by the agreement for each  
16 stamp sold.

17           (2) TIME OF TRANSMITTAL.—The Secretary  
18 shall require the submission under paragraph (1) to  
19 be made with respect to sales of electronic stamps  
20 by a State occurring in a month—

21           (A) by not later than the 15th day of the  
22 subsequent month; or

23           (B) as otherwise specified in the applica-  
24 tion of the State approved by the Secretary  
25 under section 5.





1           (1) to have the same format as any other li-  
2           cense, validation, or privilege the State issues under  
3           the automated licensing system of the State; and

4           (2) to specify identifying features of the licensee  
5           that are adequate to enable Federal, State, and  
6           other law enforcement officers to identify the holder.

7           (b) **RECOGNITION OF ELECTRONIC STAMP.**—Any  
8           electronic stamp issued by a State under the pilot program  
9           shall, during the effective period of the electronic stamp—

10           (1) bestow upon the licensee the same privileges  
11           as are bestowed by an actual stamp;

12           (2) be recognized nationally as a valid Federal  
13           migratory bird hunting and conservation stamp; and

14           (3) authorize the licensee to hunt migratory wa-  
15           terfowl in any other State, in accordance with the  
16           laws of the other State governing that hunting.

17           (c) **DURATION.**—An electronic stamp issued by a  
18           State under the pilot program shall be valid for a period  
19           agreed to by the State and the Secretary, which shall not  
20           exceed 45 days.

21           **SEC. 8. TERMINATION OF STATE PARTICIPATION.**

22           Participation by a State in the pilot program may be  
23           terminated—

24           (1) by the Secretary, if the Secretary—

1 (A) finds that the State has violated any of  
2 the terms of the application of the State ap-  
3 proved by the Secretary under section 5; and

4 (B) provides to the State written notice of  
5 the termination by not later than the date that  
6 is 30 days before the date of termination; or

7 (2) by the State, by providing written notice to  
8 the Secretary by not later than the date that is 30  
9 days before the termination date.

10 **SEC. 9. EVALUATION.**

11 (a) **EVALUATION.**—The Secretary, in consultation  
12 with State fish and wildlife management agencies and ap-  
13 propriate stakeholders with expertise specific to the duck  
14 stamp program, shall evaluate the pilot program and de-  
15 termine whether the pilot program has provided a cost-  
16 effective and convenient means for issuing migratory-bird  
17 hunting and conservation stamps, including whether the  
18 program has—

19 (1) increased the availability of those stamps;

20 (2) assisted States in meeting the customer  
21 service objectives of the States with respect to those  
22 stamps;

23 (3) maintained actual stamps as an effective  
24 and viable conservation tool; and

1           (4) maintained adequate retail availability of  
2           the actual stamp.

3           (b) REPORT.—The Secretary shall submit to Con-  
4           gress a report on the findings of the Secretary under sub-  
5           section (a).

6   **SEC. 10. TECHNICAL CORRECTIONS.**

7           (a) PROHIBITION ON TAKING.—The first section of  
8           the Act of March 16, 1934 (16 U.S.C. 718a) is amended  
9           by striking “That no person who has attained the age of  
10          sixteen years” and all that follows through the end of the  
11          section and inserting the following:

12   **“SECTION 1. PROHIBITION ON TAKING.**

13          “(a) PROHIBITION.—

14               “(1) IN GENERAL.—Except as provided in para-  
15               graph (2), no individual who has attained the age of  
16               16 years shall take any migratory waterfowl unless,  
17               at the time of the taking, the individual carries on  
18               the person of the individual a valid Migratory Bird  
19               Hunting and Conservation Stamp, validated by the  
20               signature of the individual written in ink across the  
21               face of the stamp prior to the time of the taking by  
22               the individual of the waterfowl.

23               “(2) EXCEPTION.—No stamp described in para-  
24               graph (1) shall be required for the taking of migra-  
25               tory waterfowl—

1           “(A) by Federal or State agencies;

2           “(B) for propagation; or

3           “(C) by the resident owner, tenant, or  
4           sharecropper of the property, or officially des-  
5           ignated agencies of the Department of the Inte-  
6           rior, for the killing, under such restrictions as  
7           the Secretary may by regulation prescribe, of  
8           such waterfowl when found damaging crops or  
9           other property.

10          “(b) DISPLAY OF STAMP.—Any individual to whom  
11 a stamp has been sold under this Act shall, upon request,  
12 display the stamp for inspection to—

13           “(1) any officer or employee of the Department  
14           of the Interior who is authorized to enforce this Act;  
15           or

16           “(2) any officer of any State or political sub-  
17           division of a State authorized to enforce State game  
18           laws.

19          “(c) OTHER LICENSES.—Nothing in this section re-  
20 quires any individual to affix the Migratory Bird Hunting  
21 and Conservation Stamp to any other license prior to tak-  
22 ing 1 or more migratory waterfowl.”.

23          (b) SALES; FUND DISPOSITION; UNSOLD STAMPS.—  
24 Section 2 of the Act of March 16, 1934 (16 U.S.C. 718b)  
25 is amended by striking “SEC. 2.” and all that follows

1 through the end of subsection (a) and inserting the fol-  
2 lowing:

3 **“SEC. 2. SALES; FUND DISPOSITION; UNSOLD STAMPS.**

4 “(a) SALES.—

5 “(1) IN GENERAL.—The stamps required under  
6 section 1 shall be sold by the Postal Service and may  
7 be sold by the Department of the Interior, pursuant  
8 to regulations promulgated jointly by the Postal  
9 Service and the Secretary, at—

10 “(A) any post office; and

11 “(B) such other establishments, facilities,  
12 or locations as the Postal Service or the Sec-  
13 retary (or a designee) may direct or authorize.

14 “(2) PROCEEDS.—The funds received from the  
15 sale of stamps under this Act by the Department of  
16 the Interior shall be deposited in the Migratory Bird  
17 Conservation Fund in accordance with section 4.

18 “(3) MINIMUM AND MAXIMUM VALUES.—Ex-  
19 cept as provided in subsection (b), the Postal Service  
20 shall collect the full face value of each stamp sold  
21 under this section for the applicable hunting year.

22 “(4) VALIDITY.—No stamp sold under this Act  
23 shall be valid under any circumstances to authorize  
24 the taking of migratory waterfowl except—

1           “(A) in compliance with Federal and State  
2 laws (including regulations);

3           “(B) on the condition that the individual  
4 so taking the waterfowl wrote the signature of  
5 the individual in ink across the face of the  
6 stamp prior to the taking; and

7           “(C) during the hunting year for which the  
8 stamp was issued.

9           “(5) UNUSED STAMPS.—

10           “(A) DEFINITION OF RETAIL DEALER.—In  
11 this paragraph, the term ‘retail dealer’ means—

12           “(i) any individual or entity that is  
13 regularly engaged in the business of retail-  
14 ing hunting or fishing equipment; and

15           “(ii) any individual or entity duly au-  
16 thorized to act as an agent of a State or  
17 political subdivision of a State for the sale  
18 of State or county hunting or fishing li-  
19 censes.

20           “(B) REDEMPTION OF UNUSED STAMPS.—

21 The Department of the Interior, pursuant to  
22 regulations promulgated by the Secretary, shall  
23 provide for the redemption, on or before the  
24 30th day of June of each year, of unused

1 stamps issued for the year under this Act  
2 that—

3 “(i) were sold on consignment to any  
4 person authorized by the Secretary to sell  
5 stamps on consignment (including retail  
6 dealers for resale to customers); and

7 “(ii) have not been resold by any such  
8 person.

9 “(6) PROHIBITION ON CERTAIN STAMP  
10 SALES.—The Postal Service shall not—

11 “(A) sell on consignment any stamps  
12 issued under this Act to any individual, busi-  
13 ness, or organization; or

14 “(B) redeem stamps issued under this Act  
15 that are sold on consignment by the Secretary  
16 (or any agent of the Secretary).”.

17 (c) COST OF STAMPS.—Section 2(b) of the Act of  
18 March 16, 1934 (16 U.S.C. 718b(b)) is amended—

19 (1) by striking “(b) The” and inserting the fol-  
20 lowing:

21 “(b) COST OF STAMPS.—The”;

22 (2) by striking “Secretary of the Interior” and  
23 inserting “Secretary”;

1           (3) by striking “migratory bird conservation  
2 fund” and inserting “Migratory Bird Conservation  
3 Fund”; and

4           (4) in paragraph (2), by striking “For pur-  
5 poses” and all that follows through “of any such  
6 year.”.

7           (d) AUTHORIZATION AND EXEMPTION.—Section 3 of  
8 the Act of March 16, 1934 (16 U.S.C. 718c) is amended  
9 by striking “SEC. 3. Nothing” and inserting the following:  
10 **“SEC. 3. AUTHORIZATION AND EXEMPTION.**

11           “Nothing”.

12           (e) EXPENDITURE OF FUNDS.—Section 4 of the Act  
13 of March 16, 1934 (16 U.S.C. 718d) is amended—

14           (1) by redesignating subsections (a) through (c)  
15 as paragraphs (1) through (3), respectively, and in-  
16 denting appropriately;

17           (2) by striking “SEC. 4. All moneys” and all  
18 that follows through “expended:” and inserting the  
19 following:

20 **“SEC. 4. EXPENDITURE OF FUNDS.**

21           “(a) IN GENERAL.—All funds received for stamps  
22 sold under this Act shall be—

23           “(1) accounted for by the Postal Service or the  
24 Secretary, as appropriate;



1           “(2) paid into the Treasury of the United  
2 States; and

3           “(3) reserved and set aside as a special fund,  
4 to be known as the ‘Migratory Bird Conservation  
5 Fund’ (referred to in this section as the ‘fund’), to  
6 be administered by the Secretary.

7           “(b) USE OF FUNDS.—All funds received into the  
8 fund are appropriated for the following purposes, to re-  
9 main available until expended:”;

10           (3) in subsection (b)(1) (as redesignated by  
11 paragraphs (1) and (2))—

12           (A) by striking “(1) So much” and all that  
13 follows through “for engraving” and inserting  
14 the following:

15           “(1) ADVANCE ALLOTMENTS.—So much as may  
16 be necessary shall be used by the Secretary for en-  
17 graving”;

18           (B) by striking “migratory bird hunting  
19 stamps” and inserting “Migratory Bird Hunt-  
20 ing and Conservation Stamps”;

21           (C) by striking “personal” and inserting  
22 “personnel”; and

23           (D) by striking “postal service” and insert-  
24 ing “Postal Service”;

25           (4) in subsection (b)(2) (as so redesignated)—

1 (A) by striking “(2) Except as provided in  
2 subsections (c) and (d) of this section” and in-  
3 serting the following:

4 “(2) AREAS FOR REFUGES.—Except as pro-  
5 vided in paragraph (3) and subsection (c)”;

6 (B) by inserting “(16 U.S.C. 715 et seq.)”  
7 after “Conservation Act”;

8 (5) in subsection (b)(3) (as so redesignated)—

9 (A) by striking “(3) The Secretary of the  
10 Interior is authorized to utilize funds made  
11 available under subsection (b) of this section for  
12 the purposes of such subsection, and such other  
13 funds as may be appropriated for the purposes  
14 of such subsection, or of this subsection,” and  
15 inserting the following:

16 “(3) CONDITIONS ON USE OF FUNDS.—The  
17 Secretary may use funds made available under para-  
18 graph (2) for the purposes of that paragraph, and  
19 such other funds as may be appropriated for the  
20 purposes of that paragraph or this paragraph,”; and

21 (B) in the second sentence—

22 (i) by inserting “(16 U.S.C. 715 et  
23 seq.)” after “Conservation Act”; and

24 (ii) by striking “this subsection” and  
25 inserting “this paragraph”;

1           (6) by redesignating subsection (d) as sub-  
2           section (c); and

3           (7) in subsection (c) (as so redesignated)—

4           (A) in paragraph (1)—

5           (i) by striking “(1) The Secretary of  
6           the Interior may utilize” and inserting the  
7           following:

8           “(1) IN GENERAL.—The Secretary may use”;

9           and

10           (ii) by striking “migratory bird hunt-  
11           ing and conservation stamps” and insert-  
12           ing “Migratory Bird Hunting and Con-  
13           servation Stamps”; and

14           (B) in paragraph (2), by striking “(2) The  
15           Secretary of the Interior” and inserting the fol-  
16           lowing:

17           “(2) COMPONENTS OF REPORT.—The Sec-  
18           retary”.

19           (f) LOANS AND TRANSFERS, ALTERATION, AND RE-  
20           PRODUCTION OF STAMPS.—Section 5 of the Act of March  
21           16, 1934 (16 U.S.C. 718e) is amended—

22           (1) by striking “SEC. 5. (a) That no person to  
23           whom has been sold a migratory-bird hunting  
24           stamp,” and inserting the following:

1 **“SEC. 5. LOANS AND TRANSFERS, ALTERATION, AND RE-**  
2 **PRODUCTION OF STAMPS.**

3 “(a) IN GENERAL.—No person to whom has been  
4 sold a Migratory Bird Hunting and Conservation Stamp,”;

5 (2) in subsection (b), by striking “(b)” and all  
6 that follows through “shall alter” and inserting the  
7 following:

8 “(b) ALTERATION.—Except as provided in clauses (i)  
9 and (ii) of section 504(l)(D) of title 18, United States  
10 Code, no person shall alter”;

11 (3) in subsection (c)—

12 (A) by striking “(c) Notwithstanding” and  
13 inserting the following:

14 “(c) REPRODUCTION.—Notwithstanding”;

15 (B) by striking “Secretary of the Interior”  
16 each place it appears and inserting “Secretary”;  
17 and

18 (C) in the matter following paragraph  
19 (2)—

20 (i) by striking “migratory bird hunt-  
21 ing stamps” and inserting “Migratory Bird  
22 Hunting and Conservation Stamps”; and

23 (ii) by striking “shall be paid into the  
24 migratory bird conservation fund” and in-  
25 serting “shall be paid, after deducting ex-

1                   penses for marketing, into the Migratory  
2                   Bird Conservation Fund”.

3           (g) ENFORCEMENT.—Section 6 of the Act of March  
4 16, 1934 (16 U.S.C. 718f) is amended—

5           (1) by striking “SEC. 6. For the efficient” and  
6           inserting the following:

7   **“SEC. 6. ENFORCEMENT.**

8           “For the efficient”; and

9           (2) in the first sentence—

10           (A) by striking “Secretary of Agriculture”  
11           and inserting “Secretary”;

12           (B) by striking “Department of Agri-  
13           culture” and inserting “Department of the In-  
14           terior”; and

15           (C) by inserting “(16 U.S.C. 703 et seq.)”  
16           after “Treaty Act”.

17           (h) VIOLATIONS; COOPERATION; USE OF CONTEST  
18 FEES; DEFINITIONS; SHORT TITLE.—The Act of March  
19 16, 1934 is amended by striking sections 7 through 10  
20 (16 U.S.C. 718g–718j) and inserting the following:

21   **“SEC. 7. VIOLATIONS.**

22           “Any person that violates or fails to comply with any  
23 provision of this Act (including a regulation promulgated  
24 under this Act) shall be subject to the penalties described

1 in section 6 of the Migratory Bird Treaty Act (16 U.S.C.  
2 707).

3 **“SEC. 8. COOPERATION.**

4 “The Secretary is authorized to cooperate with the  
5 States and the territories and possessions of the United  
6 States in the enforcement of this Act.

7 **“SEC. 9. USE OF CONTEST FEES.**

8 “Notwithstanding any other provision of law, funds  
9 received by the United States Fish and Wildlife Service  
10 in the form of fees for entering any Migratory Bird Hunt-  
11 ing and Conservation Stamp contest shall be credited—

12 “(1) first, to the appropriation account from  
13 which expenditures for the administration of the  
14 contest are made; and

15 “(2) second, to the extent any funds remain, to  
16 the Migratory Bird Conservation Fund.

17 **“SEC. 10. DEFINITIONS.**

18 “(a) IN GENERAL.—In this Act, the terms defined  
19 in the Migratory Bird Conservation Act (16 U.S.C. 715  
20 et seq.) and the Migratory Bird Treaty Act (16 U.S.C.  
21 703 et seq.) have the meanings given those terms in those  
22 Acts.

23 “(b) OTHER DEFINITIONS.—In this Act:

1           “(1) HUNTING YEAR.—The term ‘hunting year’  
2 means the 1-year period beginning on July 1 of each  
3 year.

4           “(2) MIGRATORY WATERFOWL.—The term ‘mi-  
5 gratory waterfowl’ means the species enumerated in  
6 paragraph (a) of subdivision 1 of article I of the  
7 Convention between the United States and Great  
8 Britain for the Protection of Migratory Birds, signed  
9 at Washington on August 16, 1916 (USTS 628) (16  
10 U.S.C. 703 et seq.).

11           “(3) SECRETARY.—The term ‘Secretary’ means  
12 the Secretary of the Interior.

13           “(4) STATE.—The term ‘State’ means—  
14           “(A) a State;  
15           “(B) the District of Columbia;  
16           “(C) the Commonwealth of Puerto Rico;  
17           “(D) Guam;  
18           “(E) American Samoa;  
19           “(F) the Commonwealth of the Northern  
20 Mariana Islands;  
21           “(G) the Federated States of Micronesia;  
22           “(H) the Republic of the Marshall Islands;  
23           “(I) the Republic of Palau; and  
24           “(J) the United States Virgin Islands.

25           “(5) TAKE.—The term ‘take’ means—

1           “(A) to pursue, hunt, shoot, capture, col-  
2           lect, or kill; or

3           “(B) to attempt to pursue, hunt, shoot,  
4           capture, collect, or kill.

5 **“SEC. 11. SHORT TITLE.**

6           “‘This Act may be cited as the ‘Migratory Bird Hunt-  
7           ing and Conservation Stamp Act’.”.

8           (i) DISPOSITION OF UNSOLD STAMPS.—Section 3 of  
9           the Act of July 30, 1956 (Public Law 84–838; 70 Stat.  
10          722), is amended—

11           (1) by redesignating subsections (b) and (c) as  
12           subsections (c) and (d), respectively; and

13           (2) in subsection (a) (16 U.S.C. 718b–1)—

14           (A) by striking “SEC. 3. (a) Hereafter”  
15           and all that follows through the end of the first  
16           sentence and inserting the following:

17 **“SEC. 3. DISPOSITION OF UNSOLD STAMPS.**

18           “(a) DISPOSITION OF UNSOLD STAMPS.—A Migra-  
19           tory Bird Hunting and Conservation Stamp shall be trans-  
20           ferred to the Postal Service or the Secretary of the Inte-  
21           rior (or a designee) for sale to a collector if the stamp—

22           “(1) has not been sold by the end of the hunt-  
23           ing year (as that term is defined in section 10 of the  
24           Migratory Bird Hunting and Conservation Stamp  
25           Act) during which the stamp is issued; and



1           “(2) as determined by the Postal Service or the  
2       Secretary of the Interior—

3           “(A) is appropriate to supply a market for  
4       sale to collectors; and

5           “(B) is in suitable condition for sale to a  
6       collector.”; and

7           (B) by striking the second sentence and in-  
8       serting the following:

9       “(b) SURPLUS STOCK.—The Postal Service or the  
10     Secretary of the Interior may destroy any surplus stock  
11     of Migratory Bird Hunting and Conservation Stamps at  
12     such time and in such manner as the Postal Service or  
13     the Secretary of the Interior determines to be appro-  
14     priate.”.

Passed the Senate December 16, 2005.

Attest:

*Secretary.*

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

**S. 1496**

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**AN ACT**

To direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.