

109TH CONGRESS
1ST SESSION

S. 1496

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.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2005

Mr. CRAPO (for himself, Mrs. LINCOLN, Mr. LOTT, and Mr. NELSON of Nebraska) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) on March 16, 1934, Congress passed and
9 President Roosevelt signed the Act of March 16,

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

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

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

12 (4) as of the date of enactment of this Act,
13 1,700,000 migratory bird hunting and conservation
14 stamps are sold each year;

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

19 (6) many of the more than 540 national wildlife
20 refuges have been paid for wholly or partially with
21 that revenue.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) **ACTUAL STAMP.**—The term “actual stamp”
25 means a Federal migratory-bird hunting and con-

1 servation stamp required under the Act of March
 2 16, 1934 (16 U.S.C. 718a et seq.) (popularly known
 3 as the “Duck Stamp Act”), that is printed on paper
 4 and sold through a means in use immediately before
 5 the date of enactment of this Act.

6 (2) AUTOMATED LICENSING SYSTEM.—

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

12 (B) INCLUSION.—The term “automated li-
 13 censing system” includes a point-of-sale, Inter-
 14 net, or telephonic system used for a purpose de-
 15 scribed in subparagraph (A).

16 (3) ELECTRONIC STAMP.—The term “electronic
 17 stamp” means an electronic version of an actual
 18 stamp that—

19 (A) is a unique identifier for the individual
 20 to whom it is issued;

21 (B) can be printed on paper;

22 (C) is issued through a State automated li-
 23 censing system that is authorized, under State
 24 law and by the Secretary under this Act, to
 25 issue electronic stamps;

1 (D) is compatible with the hunting licens-
2 ing system of the State that issues the elec-
3 tronic stamp; and

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

6 (4) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

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

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

13 (b) COMMENCEMENT AND DURATION OF PRO-
14 GRAM.—The Secretary shall—

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

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

22 (c) CONSULTATION.—The Secretary shall carry out
23 the program in consultation with State management agen-
24 cies.

1 **SEC. 5. STATE APPLICATION.**

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

7 (b) CONTENTS OF APPLICATION.—The Secretary
8 may not approve a State application unless the application
9 contains—

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

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

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

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

22 (5) the manner by which actual stamps will be
23 delivered;

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

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

4 (c) PUBLICATION OF DEADLINES, ELIGIBILITY RE-
5 QUIREMENTS, AND SELECTION CRITERIA.—Not later than
6 30 days before the date on which the Secretary begins ac-
7 cepting applications for participation in the pilot program,
8 the Secretary shall publish—

9 (1) deadlines for submission of applications to
10 participate in the program;

11 (2) eligibility requirements for participation in
12 the program; and

13 (3) criteria for selecting States to participate in
14 the program.

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

16 (a) DELIVERY OF ACTUAL STAMP.—The Secretary
17 shall require that each individual to whom a State sells
18 an electronic stamp under the pilot program shall receive
19 an actual stamp—

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

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

24 (b) COLLECTION AND TRANSFER OF ELECTRONIC
25 STAMP REVENUE AND CUSTOMER INFORMATION.—

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

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

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

10 (C) the amount of the Federal portion of
11 any fee required by the agreement for each
12 stamp sold.

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

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

19 (B) as otherwise specified in the applica-
20 tion of the State approved by the Secretary
21 under section 5.

22 (3) ADDITIONAL FEES NOT AFFECTED.—This
23 section shall not apply to the State portion of any
24 fee collected by a State under subsection (c).

1 (c) **ELECTRONIC STAMP ISSUANCE FEE.**—A State
 2 participating in the pilot program may charge a reason-
 3 able fee to cover costs incurred by the State and the De-
 4 partment of the Interior in issuing electronic stamps
 5 under the program, including costs of delivery of actual
 6 stamps.

7 (d) **DUPLICATE ELECTRONIC STAMPS.**—A State par-
 8 ticipating in the pilot program may issue a duplicate elec-
 9 tronic stamp to replace an electronic stamp issued by the
 10 State that is lost or damaged.

11 (e) **LIMITATION ON AUTHORITY TO REQUIRE PUR-**
 12 **CHASE OF STATE LICENSE.**—A State may not require
 13 that an individual purchase a State hunting license as a
 14 condition of issuing an electronic stamp under the pilot
 15 program.

16 **SEC. 7. ELECTRONIC STAMP REQUIREMENTS; RECOGNI-**
 17 **TION OF ELECTRONIC STAMP.**

18 (a) **STAMP REQUIREMENTS.**—The Secretary shall re-
 19 quire an electronic stamp issued by a State under the pilot
 20 program—

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

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

4 (b) RECOGNITION OF ELECTRONIC STAMP.—Any
5 electronic stamp issued by a State under the pilot program
6 shall, during the effective period of the electronic stamp—

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

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

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

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

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

19 Participation by a State in the pilot program may be
20 terminated—

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

22 (A) finds that the State has violated any of
23 the terms of the application of the State ap-
24 proved by the Secretary under section 5; and

1 (B) provides to the State written notice of
2 the termination by not later than the date that
3 is 30 days before the date of termination; or

4 (2) by the State, by providing written notice to
5 the Secretary by not later than the date that is 30
6 days before the termination date.

7 **SEC. 9. EVALUATION.**

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

16 (1) increased the availability of those stamps;

17 (2) assisted States in meeting the customer
18 service objectives of the States with respect to those
19 stamps;

20 (3) maintained actual stamps as an effective
21 and viable conservation tool; and

22 (4) maintained adequate retail availability of
23 the traditional paper stamp.

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

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