

ELECTRONIC DUCK STAMP ACT OF 2005

JULY 13, 2006.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany S. 1496]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (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, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 1496 is 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.

BACKGROUND AND NEED FOR LEGISLATION

On March 16, 1934, Congress passed the Migratory Bird Hunting Stamp Act. Under this law, every hunter over the age of 16 is required to purchase a federal duck stamp each year if he or she wants to hunt migratory waterfowl on federal lands. The price of a duck stamp has increased from \$1 to the present cost of \$15 which was established in 1991. These printed stamps are sold at the Federal Duck Stamp Office, many U.S. post offices, U.S. Fish and Wildlife Service regional and field offices and sporting goods shops.

Each year, there is a nationwide contest to select the design that will appear on the federal duck stamp to be released July 1 of the following year. The first federal duck stamp art competition was held in 1949 at the Department of the Interior and it attracted 88 entries. The most recent competition had 224 entrants. This is the only annual art competition sponsored by the federal government.

Since the inception of the Duck Stamp Program, the Department of the Interior has collected nearly \$700 million from the sale of duck stamps. These monies, deposited in the Migratory Bird Conservation Fund, were used to purchase or lease over 5.2 million acres of land with a total purchase price of \$890 million for inclusion within the National Wildlife Refuge System. These lands support hundreds of species of migratory birds and other wildlife including dozens of endangered or threatened species. In fact, the recent rediscovery of the ivory-billed woodpecker occurred within the Cache River National Wildlife Refuge in Arkansas where a significant portion of that Refuge was purchased with duck stamp dollars. The Federal Duck Stamp Office has indicated that 98 percent of the dollars deposited in the Fund are used for wetland acquisition. The remaining 2 percent is spent on the printing and distribution of the stamps.

The duck stamp receipts have varied each year because of changes in waterfowl population levels, bag limits and economic conditions. The number of duck stamps sold has declined, however, from 2.5 million per year in 1971–1972 to 1.5 million stamps per year in 1996–1997. In 2003–2004, 1,616,093 stamps were purchased and \$24.2 million was deposited into the Migratory Bird Conservation Fund.

S. 1496 directs the Secretary of the Interior to conduct a pilot program that would allow up to 15 States to issue electronic federal migratory bird hunting stamps. Under the terms of the bill, the Fish and Wildlife Service would conduct a three-year pilot program that would begin after the first full federal migratory waterfowl hunting season following enactment. The Service will review and approve those State applications that describe the format of the electronic stamp to be issued; a description of any fees for the issuance; the process for accounting for and transferring proceeds to the Fish and Wildlife Service; how customer data will be transmitted; the process of delivering the actual printed duck stamp and the procedures for issuing duplicate electronic stamps.

In addition, S. 1496 allows a participating State to charge a reasonable fee to recover its administrative costs but stipulates that an individual is not required to purchase a State hunting license as a condition for obtaining a federal electronic duck stamp. The measure also requires the Fish and Wildlife Service to determine whether the electronic program has increased the availability of stamps, satisfied customer service objectives and maintained the traditional stamps as an effective and viable conservation tool. At the end of the three-year trial period, Congress must then determine whether to make this program permanent.

The Congressional Budget Office has estimated that implementing this legislation would cost the federal government \$750,000 over the next three years, assuming the availability of appropriated funds. The authority contained in S. 1496 allows the Secretary to require States participating in the pilot program to

collect and submit the amount of the federal portion of any fee required by the agreement for each stamp sold. This does not address up front costs associated with establishing agreements.

In the process of developing guidelines to implement this Act and in the absence of additional appropriations to the Fish and Wildlife Service to administer the pilot programs, the Committee recommends that the Service explore opportunities with the pilot States to recover at least partial costs to the Service of administering the pilot program through the fee collected by each pilot State from the hunter who chooses to purchase an electronic stamp.

In the past ten years, State electronic hunting licenses have become popular throughout the United States. They are easy to obtain because a potential hunter can simply use his or her personal computer to access the appropriate State fish and wildlife department website and within a matter of moments are printing a document which contains a distinctive hunting number. This convenience is particularly attractive to those waterfowl hunters who desire to travel to their favorite duck blind before the local post office or sporting good store is open for business.

COMMITTEE ACTION

S. 1496 was introduced on July 26, 2005, by Senator Mike Crapo (R-ID). It was passed by the Senate by unanimous consent on December 16, 2005. In the House of Representatives, the bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries and Oceans. On June 21, 2006, the Full Resources Committee met to consider the bill. The Subcommittee on Fisheries and Oceans was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, clause 3 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

S. 1496—Electronic Duck Stamp Act of 2005

S. 1496 would authorize the U.S. Fish and Wildlife Service (USFWS) to conduct a three-year pilot program to distribute federal duck stamps electronically. CBO estimates that implementing the legislation would cost the federal government \$750,000 over the next three years, assuming the availability of appropriated funds.

The act would authorize the USFWS to allow up to 15 states to sell electronic versions of federal duck stamps, which serve as annual hunting permits for federal lands. Nearly all states use their own versions of duck stamps as hunting permits, and most of these states also have electronic licensing or online sales systems. The pilot program authorized by S. 1496 would help to coordinate the sale of federal and state permits using the state systems. CBO estimates that the USFWS would spend about \$250,000 annually to carry out the three-year project, assuming the availability of appropriated funds. We expect that such amounts would be used by the agency to process applications from states that participate in the program, to collect duck stamp receipts from those states, and to evaluate program results.

Because S. 1496 would not change the current \$15 price of the federal duck stamp, enacting the legislation would not affect revenues. The act would allow the states to collect a surcharge for each electronic duck stamp sold. A portion of such fees would be transferred to the USFWS (along with the sales proceeds from the electronic duck stamp) and would be credited to the agency's operating account. CBO estimates that such offsetting collections would have a minimal effect on annual discretionary spending. Enacting S. 1496 would not affect direct spending.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. Any state that chooses to participate in this pilot program would do so voluntarily. The act would allow states to charge fees to cover any costs that they might incur.

On December 1, 2005, CBO transmitted a cost estimate for S. 1496, the Electronic Duck Stamp Act of 2005, as ordered reported by the Senate Committee on Environment and Public Works on November 17, 2005. The two versions of the legislation are identical, as are the estimated costs.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF MARCH 16, 1934

(Act Popularly Known as the Duck Stamp Act)

AN ACT To supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That no person who has attained the age of sixteen years shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting and conservation stamp validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds; except that no such stamp shall be required for the taking of migratory waterfowl by Federal or State institutions or official agencies, or for propagation, or by the resident owner, tenant, or share cropper of the property or officially designated agencies of the Department of Agriculture for the killing, under such restrictions as the Secretary of Agriculture may by regulation prescribe, of such waterfowl when found injuring crops or other property. Any person to whom a stamp has been sold under this Act shall upon request exhibit such stamp for inspection to any officer or employee of the Department of Agriculture authorized to enforce the provisions of this Act or to any officer of any State or any political subdivision thereof authorized to enforce game laws.

[SEC. 2. (a) The stamps required by section 1 of this Act shall be issued and sold by the Postal Service and may be sold by the Department of the Interior, pursuant to regulations prescribed jointly by the Postal Service and the Secretary of the Interior, at (1) each post office of the first- and second-class, and (2) any establishment, facility, or location as the Postal Service and the Secretary of the Interior shall direct or authorize. The funds received from the sale of such stamps by the Department of the Interior shall be deposited in the migratory bird conservation fund in accordance with the provisions of section 4 of this Act. Except as pro-

vided in subsection (b), for each stamp sold under the provisions of this section for any hunting year there shall be collected by the Postal Service a sum of not less than \$3 and not more than \$5 as determined by the Secretary of the Interior after taking into consideration, among other matters, the increased cost of lands needed for the conservation of migratory birds. No such stamp shall be valid under any circumstances to authorize the taking of migratory waterfowl except in compliance with Federal and State laws and regulations and then only when the person so taking such waterfowl shall himself have written his signature in ink across the face of the stamp prior to such taking. Such stamps shall be usable as migratory-bird hunting stamps only during the year for which issued. The Postal Service, pursuant to regulations prescribed by it, shall provide for the redemption, on or before the 30th day of June of each year, of blocks composed of two or more attached unused stamps issued for such year (A) that were sold on consignment to any person, including, but not limited to, retail dealers for resale to their customers, and (B) that have not been resold by any such person. As used in this section, the term "retail dealers" means persons regularly engaged in the business of retailing hunting or fishing equipment, and persons duly authorized to act as agents of a State or political subdivision thereof for the sale of State or county hunting or fishing licenses.】

SECTION 1. PROHIBITION ON TAKING.

(a) PROHIBITION.—

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

(2) EXCEPTION.—No stamp described in paragraph (1) shall be required for the taking of migratory waterfowl—

(A) by Federal or State agencies;

(B) for propagation; or

(C) by the resident owner, tenant, or sharecropper of the property, or officially designated agencies of the Department of the Interior, for the killing, under such restrictions as the Secretary may by regulation prescribe, of such waterfowl when found damaging crops or other property.

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

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

(2) any officer of any State or political subdivision of a State authorized to enforce State game laws.

(c) OTHER LICENSES.—Nothing in this section requires any individual to affix the Migratory Bird Hunting and Conservation Stamp to any other license prior to taking 1 or more migratory waterfowl.

SEC. 2. SALES; FUND DISPOSITION; UNSOLD STAMPS.**(a) SALES.—**

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

(A) any post office; and

(B) such other establishments, facilities, or locations as the Postal Service or the Secretary (or a designee) may direct or authorize.

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

(3) *MINIMUM AND MAXIMUM VALUES.*—Except as provided in subsection (b), the Postal Service shall collect the full face value of each stamp sold under this section for the applicable hunting year.

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

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

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

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

(5) UNUSED STAMPS.—

(A) *DEFINITION OF RETAIL DEALER.*—In this paragraph, the term “retail dealer” means—

(i) any individual or entity that is regularly engaged in the business of retailing hunting or fishing equipment; and

(ii) any individual or entity duly authorized to act as an agent of a State or political subdivision of a State for the sale of State or county hunting or fishing licenses.

(B) *REDEMPTION OF UNUSED STAMPS.*—The Department of the Interior, pursuant to regulations promulgated by the Secretary, shall provide for the redemption, on or before the 30th day of June of each year, of unused stamps issued for the year under this Act that—

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

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

(6) *PROHIBITION ON CERTAIN STAMP SALES.*—The Postal Service shall not—

(A) sell on consignment any stamps issued under this Act to any individual, business, or organization; or

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

[(b) The]

(b) *COST OF STAMPS.*—The Postal Service shall collect \$10.00 for each stamp sold under the provisions of this section for hunting years 1987 and 1988, \$12.50 for hunting years 1989 and 1990, and \$15.00 for each hunting year thereafter, if the Secretary [of the Interior] determines, at any time before February 1 of the calendar year in which such hunting year begins, that all sums in the [migratory bird conservation fund] *Migratory Bird Conservation Fund* available for obligation and attributable to—

(1) * * *

(2) the sale of stamps under this section during such fiscal year have been obligated for expenditure. [For purposes of this section, the term “hunting year” means the 12-month period beginning on July 1 of any such year.]

[SEC. 3. Nothing]

SEC. 3. AUTHORIZATION AND EXEMPTION.

Nothing in this Act shall be construed to authorize any person to take any migratory waterfowl otherwise than in accordance with regulations adopted and approved pursuant to any treaty or convention heretofore or hereafter entered into between the United States and any other country for the protection of migratory birds, nor to exempt any person from complying with the game laws of the several States.

[SEC. 4. All moneys received for such stamps shall be accounted for by the Postal Service or the Department of the Interior, whichever is appropriate, and paid into the Treasury of the United States, and shall be reserved and set aside as a special fund to be known as the migratory bird conservation fund, to be administered by the Secretary of Agriculture. All moneys received into such fund are hereby appropriated for the following objects and shall be available therefor until expended:]

SEC. 4. EXPENDITURE OF FUNDS.

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

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

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

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

(b) *USE OF FUNDS.*—All funds received into the fund are appropriated for the following purposes, to remain available until expended:

[(a) So much as may be necessary shall be used by the Secretary of the Interior to make advance allotments to the Postal Service at such times and in such amounts as may be mutually agreed upon by the Secretary of the Interior and the Postal Service for direct expenditure by the Postal Service for engraving] (1) *ADVANCE ALLOTMENTS.*—So much as may be necessary shall be used by the Secretary for engraving, printing, issuing, selling, and accounting for [migratory bird hunting stamps] *Migratory Bird Hunting and Conservation Stamps* and moneys received from the sale thereof, in addition to expenses for [personal] personnel services in the District of Columbia and elsewhere, and such other expenses as may be necessary in exe-

cutting the duties and functions required of the [postal service] *Postal Service*.

[(b) Except as authorized in subsections (c) and (d) of this section] (2) *AREAS FOR REFUGES*.—*Except as provided in paragraph (3) and subsection (c), the remainder shall be available for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.) and for the administrative costs incurred in the acquisition of such areas.*

[(c) The Secretary of the Interior is authorized to utilize funds made available under subsection (b) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection.] (3) *CONDITIONS ON USE OF FUNDS*.—*The Secretary may use funds made available under paragraph (2) for the purposes of that paragraph, and such other funds as may be appropriated for the purposes of that paragraph or this paragraph, to acquire, or defray the expense incident to the acquisition by gift, devise, lease, purchase, or exchange of, small wetland and pothole areas, interests therein, and rights-of-way to provide access thereto. Such small areas, to be designated as “Waterfowl Production Areas”, may be acquired without regard to the limitations and requirements of the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.), but all of the provisions of such Act which govern the administration and protection of lands acquired thereunder, except the inviolate sanctuary provisions of such Act, shall be applicable to areas acquired pursuant to [this subsection] this paragraph.*

[(d)] (c) *PROMOTION OF STAMP SALES*.—[(1) The Secretary of the Interior may utilize]

(1) *IN GENERAL*.—*The Secretary may use funds from the sale of [migratory bird hunting and conservation stamps] Migratory Bird Hunting and Conservation Stamps, not to exceed \$1,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003, for the promotion of additional sales of those stamps, in accordance with a Migratory Bird Conservation Commission approved annual marketing plan. Such promotion shall include the preparation of reports, brochures, or other appropriate materials to be made available to the public that describe the benefits to wildlife derived from stamp sales.*

[(2) The Secretary of the Interior]

(2) *COMPONENTS OF REPORT*.—*The Secretary shall include in each annual report of the Commission under section 3 of the Migratory Bird Conservation Act (16 U.S.C. 715b) a description of activities conducted under this subsection in the year covered by the report.*

[SEC. 5. (a) That no person to whom has been sold a migratory-bird hunting stamp,]

SEC. 5. LOANS AND TRANSFERS, ALTERATION, AND REPRODUCTION OF STAMPS.

(a) *IN GENERAL*.—*No person to whom has been sold a Migratory Bird Hunting and Conservation Stamp, validated as provided in section 1 of this Act, shall loan or transfer such stamp to any person during the period of its validity; nor shall any person other*

than the person validating such stamp use it for any purpose during such period.

[(b) Except as provided in clauses (i) and (ii) of section 504(1)(D) of title 18, United States Code, no person shall alter]

(b) *ALTERATION.*—*Except as provided in clauses (i) and (ii) of section 504(1)(D) of title 18, United States Code, no person shall alter, mutilate, imitate, or counterfeit any stamp authorized by this Act, or imitate or counterfeit any die, plate, or engraving therefor, or make, print, or knowingly use, sell, or have in his possession any such counterfeit, die, plate, or engraving.*

[(c) Notwithstanding]

(c) *REPRODUCTION.*—*Notwithstanding the provisions of subsection (b), or the prohibition in section 474 of title 18, United States Code, or other provisions of law, the Secretary [of the Interior] may authorize, with the concurrence of the Secretary of the Treasury,*

(1) the color reproduction, or

(2) the black and white reproduction,

of [migratory bird hunting stamps] *Migratory Bird Hunting and Conservation Stamps* authorized by sections 1 through 4 and 6 through 9 of this Act, which otherwise satisfies the requirements of clauses (ii) and (iii) of section 504(1) of title 18, United States Code. Any such reproduction shall be subject to those terms and conditions deemed necessary by the Secretary [of the Interior] by regulation or otherwise and any proceeds received by the Federal Government as a result of such reproduction [shall be paid into the migratory bird conservation fund] *shall be paid, after deducting expenses for marketing, into the Migratory Bird Conservation Fund* established under section 4 of this Act.

[SEC. 6. For the efficient]

SEC. 6. ENFORCEMENT.

For the efficient execution of this Act, the judges of the several courts, established under the laws of the United States, United States commissioners, and persons appointed by the Secretary [of Agriculture] to enforce the provisions of this Act, shall have, with respect thereto, like powers and duties as are conferred upon said judges, commissioners, and employees of the [Department of Agriculture] Department of the Interior by the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) or any other Act to carry into effect any treaty for the protection of migratory birds with respect to that Act. Any bird or part thereof taken or possessed contrary to this Act shall, when seized, be disposed of by the Secretary in accordance with law.

[SEC. 7. Any person who shall violate any provision of this Act or who shall violate or fail to comply with any regulation made pursuant thereto shall be subject to the penalties provided in section 6 of the Migratory Bird Treaty Act.

[SEC. 8. The Secretary of Agriculture is authorized to cooperate with the several States and Territories in the enforcement of the provisions of this Act.

[SEC. 9. (a) Terms defined in the Migratory Bird Treaty Act, or the Migratory Bird Conservation Act, shall, when used in this Act, have the meaning assigned to such terms in such Acts, respectively.

[(b) As used in this Act (1) the term “migratory waterfowl” means the species enumerated in paragraph (a) of subdivision 1 of article I of the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916; (2) the term “State” includes the several States and Territories of the United States and the District of Columbia; and (3) the term “take” means pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.]

[SEC. 10. Notwithstanding any other provision of law, moneys received by the United States Fish and Wildlife Service in the form of fees for entering the migratory-bird hunting and conservation stamp contest shall be credited first to the appropriation account from which expenditures for the administration of such contest are made, and second, to the extent such moneys exceed the expenditures for administration of the contest, to the migratory-bird conservation fund.]

SEC. 7. VIOLATIONS.

Any person that violates or fails to comply with any provision of this Act (including a regulation promulgated under this Act) shall be subject to the penalties described in section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707).

SEC. 8. COOPERATION.

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

SEC. 9. USE OF CONTEST FEES.

Notwithstanding any other provision of law, funds received by the United States Fish and Wildlife Service in the form of fees for entering any Migratory Bird Hunting and Conservation Stamp contest shall be credited—

- (1) first, to the appropriation account from which expenditures for the administration of the contest are made; and*
- (2) second, to the extent any funds remain, to the Migratory Bird Conservation Fund.*

SEC. 10. DEFINITIONS.

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

(b) OTHER DEFINITIONS.—In this Act:

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

(2) MIGRATORY WATERFOWL.—The term “migratory waterfowl” means the species enumerated in paragraph (a) of subdivision 1 of article I of the Convention between the United States and Great Britain for the Protection of Migratory Birds, signed at Washington on August 16, 1916 (USTS 628) (16 U.S.C. 703 et seq.).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means—

- (A) a State;*
- (B) the District of Columbia;*

- (C) *the Commonwealth of Puerto Rico;*
 - (D) *Guam;*
 - (E) *American Samoa;*
 - (F) *the Commonwealth of the Northern Mariana Islands;*
 - (G) *the Federated States of Micronesia;*
 - (H) *the Republic of the Marshall Islands;*
 - (I) *the Republic of Palau; and*
 - (J) *the United States Virgin Islands.*
- (5) *TAKE.—The term “take” means—*
- (A) *to pursue, hunt, shoot, capture, collect, or kill; or*
 - (B) *to attempt to pursue, hunt, shoot, capture, collect, or kill.*

SEC. 11. SHORT TITLE.

This Act may be cited as the “Migratory Bird Hunting and Conservation Stamp Act”.

SECTION 3 OF THE ACT OF JULY 30, 1956

(Public Law 84-838)

AN ACT To provide for the redemption by the Post Office Department of certain unsold Federal migratory-bird hunting stamps, and to clarify the requirements with respect to the age of hunters who must possess Federal migratory-bird hunting stamps.

* * * * *

【SEC. 3. (a) Hereafter such quantity of migratory-bird hunting stamps, not sold at the end of the fiscal year for which issued, as determined by the Postmaster General to be (1) required to supply the market for sale to collectors, and (2) in suitable condition for such sale to collectors, shall be turned over to the Philatelic Agency and therein placed on sale. Any surplus stock of such migratory-bird hunting stamps may be destroyed in such manner as the Postmaster General shall direct.】

SEC. 3. DISPOSITION OF UNSOLD STAMPS.

(a) DISPOSITION OF UNSOLD STAMPS.—A Migratory Bird Hunting and Conservation Stamp shall be transferred to the Postal Service or the Secretary of the Interior (or a designee) for sale to a collector if the stamp—

(1) has not been sold by the end of the hunting year (as that term is defined in section 10 of the Migratory Bird Hunting and Conservation Stamp Act) during which the stamp is issued; and

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

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

(B) is in suitable condition for sale to a collector.

(b) SURPLUS STOCK.—The Postal Service or the Secretary of the Interior may destroy any surplus stock of Migratory Bird Hunting and Conservation Stamps at such time and in such manner as the Postal Service or the Secretary of the Interior determines to be appropriate.

【(b)】 *(c) The fourth sentence of section 2 of the Act of March 16, 1934, as amended (48 Stat. 451; 16 U. S. C., sec 718b), is hereby further amended to read as follows: “Such stamps shall be usable*

as migratory-bird hunting stamps only during the fiscal year for which issued.”

[(c)] (d) The first and second provisos in the paragraph under the heading “Migratory Bird Conservation Fund” in the Act of June 28, 1941 (55 Stat. 356; 16 U. S. C., sec. 718i) are hereby repealed.

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ADDITIONAL VIEWS

The bill Congressman Chip Pickering and I authored, the Electronic Duck—or e-Duck—Stamp Act, has a simple purpose: to make it easier for duck hunters, stamp and wildlife art collectors, and conservationists to do the things they love. The bill does this by creating a pilot program in which 15 states, authorized by the Secretary of the Interior, may issue federal Duck Stamps electronically.

Since its creation in 1934, the Federal Duck Stamp Program has become one of the most popular and successful conservation programs ever initiated. Because of it, our country is again teeming with migratory waterfowl and other wildlife that rely on wetland habitats. Today, roughly 1.7 million hunting and conservation stamps are sold each year. Recent data show that the sale of federal Duck Stamps has generated more than \$700,000,000 in revenue used to preserve over 5.2 million acres of migratory waterfowl habitat in the United States.

The e-Duck Stamp Act seeks to enhance the strong legacy of this important conservation program. Under this bill, hunters will, for the first time, be able to purchase duck stamps on-line in a safe, easy, and convenient manner. People living in rural areas, like mine in Western Wisconsin, will no longer have to gas up the truck to buy a stamp, and instead can double-click their mouse and be ready to go hunt. More importantly, it provides this new alternative while protecting the legacy that the great duck stamp artist Ding Darling left us by taking explicit measures to ensure the future of the actual stamp—miniature works of art from some of our country's best wildlife artists.

My office has worked closely with both Ducks Unlimited and the International Association of Fish and Wildlife Agencies in crafting this bill. I appreciate their strong commitment to the federal Duck Stamp program and their input into the creation of this legislation. I look forward to continuing our work together to implement this program once it becomes law.

RON KIND.

