

113TH CONGRESS  
1ST SESSION

# S. 738

To grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 16, 2013

Mr. WICKER (for himself, Mr. PRYOR, Mr. COCHRAN, and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Permanent Electronic  
5 Duck Stamp Act of 2013”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ACTUAL STAMP.**—The term “actual stamp”  
9 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 the means established by the au-  
5        thority of the Secretary immediately before the date  
6        of enactment of this Act.

7            (2) AUTOMATED LICENSING SYSTEM.—

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

13          (B) INCLUSION.—The term “automated li-  
14          censing system” includes a point-of-sale, Inter-  
15          net, telephonic system, or other electronic appli-  
16          cations used for a purpose described in sub-  
17          paragraph (A).

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

21            (A) is a unique identifier for the individual  
22            to whom it is issued;

23            (B) can be printed on paper or produced  
24            through an electronic application with the same  
25            indicators as the State endorsement provides;

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. 3. AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.**

13 (a) IN GENERAL.—The Secretary may authorize any  
14 State to issue electronic stamps in accordance with this  
15 Act.

16 (b) CONSULTATION.—The Secretary shall implement  
17 this section in consultation with State management agen-  
18 cies.

19 **SEC. 4. STATE APPLICATION.**

20 (a) APPROVAL OF APPLICATION REQUIRED.—The  
21 Secretary may not authorize a State to issue electronic  
22 stamps under this Act unless the Secretary has received  
23 and approved an application submitted by the State in ac-  
24 cordance with this section. The Secretary may determine

1 the number of new States per year to participate in the  
2 electronic stamp program.

3 (b) CONTENTS OF APPLICATION.—The Secretary  
4 may not approve a State application unless the application  
5 contains—

6 (1) a description of the format of the electronic  
7 stamp that the State will issue under this Act, in-  
8 cluding identifying features of the licensee that will  
9 be specified on the stamp;

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

12 (3) a description of the process the State will  
13 use to account for and transfer to the Secretary the  
14 amounts collected by the State that are required to  
15 be transferred to the Secretary under the program;

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

18 (5) the manner by which actual stamps will be  
19 delivered;

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

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

1 (c) PUBLICATION OF DEADLINES, ELIGIBILITY RE-  
2 QUIREMENTS, AND SELECTION CRITERIA.—Not later than  
3 30 days before the date on which the Secretary begins ac-  
4 cepting applications under this section, the Secretary shall  
5 publish—

6 (1) deadlines for submission of applications;

7 (2) eligibility requirements for submitting appli-  
8 cations; and

9 (3) criteria for approving applications.

10 **SEC. 5. STATE OBLIGATIONS AND AUTHORITIES.**

11 (a) DELIVERY OF ACTUAL STAMP.—The Secretary  
12 shall require that each individual to whom a State sells  
13 an electronic stamp under this Act shall receive an actual  
14 stamp—

15 (1) by not later than the date on which the  
16 electronic stamp expires under section 6(c); and

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

19 (b) COLLECTION AND TRANSFER OF ELECTRONIC  
20 STAMP REVENUE AND CUSTOMER INFORMATION.—

21 (1) REQUIREMENT TO TRANSMIT.—The Sec-  
22 retary shall require each State authorized to issue  
23 electronic stamps to collect and submit to the Sec-  
24 retary in accordance with this section—

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

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

6 (C) the amount of the Federal portion of  
7 any fee required by the agreement for each  
8 stamp sold.

9 (2) TIME OF TRANSMITTAL.—The Secretary  
10 shall require the submission under paragraph (1) to  
11 be made with respect to sales of electronic stamps  
12 by a State according to the written agreement be-  
13 tween the Secretary and the State agency.

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

17 (c) ELECTRONIC STAMP ISSUANCE FEE.—A State  
18 authorized to issue electronic stamps may charge a reason-  
19 able fee to cover costs incurred by the State and the De-  
20 partment of the Interior in issuing electronic stamps  
21 under this Act, including costs of delivery of actual  
22 stamps.

23 (d) DUPLICATE ELECTRONIC STAMPS.—A State au-  
24 thorized to issue electronic stamps may issue a duplicate

1 electronic stamp to replace an electronic stamp issued by  
 2 the State that is lost or damaged.

3 (e) **LIMITATION ON AUTHORITY TO REQUIRE PUR-**  
 4 **CHASE OF STATE LICENSE.**—A State may not require  
 5 that an individual purchase a State hunting license as a  
 6 condition of issuing an electronic stamp under this Act.

7 **SEC. 6. ELECTRONIC STAMP REQUIREMENTS; RECOGNI-**  
 8 **TION OF ELECTRONIC STAMP.**

9 (a) **STAMP REQUIREMENTS.**—The Secretary shall re-  
 10 quire an electronic stamp issued by a State under this  
 11 Act—

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

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

18 (b) **RECOGNITION OF ELECTRONIC STAMP.**—Any  
 19 electronic stamp issued by a State under this Act shall,  
 20 during the effective period of the electronic stamp—

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

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

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

4           (c) DURATION.—An electronic stamp issued by a  
5           State shall be valid for a period agreed to by the State  
6           and the Secretary, which shall not exceed 45 days.

7           **SEC. 7. TERMINATION OF STATE PARTICIPATION.**

8           The authority of a State to issue electronic stamps  
9           under this Act may be terminated—

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

11                   (A) finds that the State has violated any of  
12                   the terms of the application of the State ap-  
13                   proved by the Secretary under section 4; and

14                   (B) provides to the State written notice of  
15                   the termination by not later than the date that  
16                   is 30 days before the date of termination; or

17           (2) by the State, by providing written notice to  
18           the Secretary by not later than the date that is 30  
19           days before the termination date.

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