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MIGRATORY BIRD HABITAT INVESTMENT AND ENHANCEMENT ACT

SEPTEMBER 19, 2012.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public
Works, submitted the following

R E P O R T

[To accompany S. 2156]

The Committee on Environment and Public Works, to which was referred a bill (S. 2156) to amend the Migratory Bird Hunting and Conservation Stamp Act to permit the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set prices for Federal Migratory Bird Hunting and Conservation Stamps and make limited waivers of stamp requirements for certain users, having considered the same, reports favorably thereon and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

The Federal Migratory Bird Hunting and Conservation Stamp, known as the Federal Duck Stamp, was originally created in 1934. Hunters over the age of 16 must purchase a Federal Duck Stamp each year to hunt migratory waterfowl. Ninety-eight cents out of every dollar generated by the sales of Federal Duck Stamps goes directly to purchase or lease wetland and waterfowl habitat for protection in the National Wildlife Refuge System. Since 1934, Duck Stamp revenues have helped acquire more than 5.3 million acres of waterfowl habitat.

The cost of the Duck Stamp, which is currently \$15, has not increased since 1991. According to testimony from the U.S. Fish and Wildlife Service, the cost would need to be more than \$24 today to accommodate for inflation.

The Administration, in its FY 2013 Budget Proposal, requested an increase in the sales price for Duck Stamps from \$15 to \$25, beginning in 2013. Such an increase would allow the conservation of

thousands of additional acres of important waterfowl habitat each year.

S. 2156, as reported, would require the Secretary of the Interior in consultation with the Migratory Bird Commission to set the price of the Duck Stamp for the 5-calendar-year period beginning in 2013 and each 5-year period thereafter. The bill limits the cost increase in the first 5-year period and each subsequent period to \$25 and \$30, respectively. The bill also authorizes the Secretary to waive requirements for certain individuals to purchase a Duck Stamp if the Secretary determines the waiver will have a minimal adverse effect on funds collected.

OBJECTIVES OF THE LEGISLATION

The Migratory Bird Habitat Investment and Enhancement Act (S. 2156) authorizes the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set prices for Federal Migratory Bird Hunting and Conservation Stamps (Duck Stamps) and make limited waivers of stamp requirements for certain users.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the 'Migratory Bird Habitat Investment and Enhancement Act'.

Section 2. Findings

Section 2 provides Congressional findings regarding the benefits of the Duck Stamp and the rationale for increasing the cost of the duck stamp.

Section 3. Cost of stamps

Section 3 authorizes the Secretary of the Interior to set the price of the Duck Stamp for a 5-calendar-year period beginning in 2013 and each 5-calendar-year period thereafter. This section also sets a limit on the price of the Duck Stamp, which cannot exceed \$25 during the first five-year period and \$30 during any subsequent five-year period.

Section 4. Waivers

Section 4 authorizes the Secretary to waive requirements for certain individuals to purchase a Duck Stamp if the Secretary determines the waiver will have a minimal adverse effect on funds collected.

LEGISLATIVE HISTORY

S. 2156 was introduced by Senators Begich and Murkowski on March 6, 2012. The bill was received, read twice, and referred to the Committee on Environment and Public Works. On July 25, 2012, the full Committee on Environment and Public Works met to consider the bill. The bill was ordered reported favorably, as amended, by voice vote.

HEARINGS

On April 24th, 2012, the Water and Wildlife Subcommittee of the Senate Environment and Public Works Committee held a legislative hearing on multiple bills, including S. 2156.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 2156 on July 25, 2012. The Committee adopted an amendment offered by Senator Boxer by voice vote. The bill, as amended, was ordered reported favorably by voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 2156 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals. The Committee further notes that the Congressional Budget Office has identified the increased cost of the Federal duck stamp as a private sector mandate but also found “. . . that the incremental cost of complying with the mandate would fall well below the annual threshold for private-sector mandates (\$146 million in 2012, adjusted annually for inflation).”

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee noted that the Congressional Budget Office has found, “S. 2156 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Further, CBO finds that, “S. 2156 would impose a private-sector mandate, as defined in UMRA,” but “estimates that the incremental cost of complying with the mandate would fall well below the annual threshold for private-sector mandates (\$146 million in 2012, adjusted annually for inflation).”

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 29, 2012.

Hon. BARBARA BOXER,
*Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.*

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2156, the Migratory Bird Habitat Investment and Enhancement Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Martin von Gnechten.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 2156—Migratory Bird Habitat Investment and Enhancement Act

Summary: S. 2156 would allow the Department of the Interior (DOI) to raise the price charged for Federal Migratory Bird Hunting and Conservation Stamps (referred to as federal duck stamps),

subject to annual caps on the amount. Federal duck stamps are annual permits to hunt migratory waterfowl that are sold by the federal government. The stamps also allow entry to National Wildlife Refuges that charge entrance fees. Sales proceeds are used to acquire wetlands for inclusion in the National Wildlife Refuge System.

CBO estimates that enacting S. 2156 would increase revenues by \$132 million over the 2013–2022 period. That increase would be offset by an equal amount of additional direct spending. Because the bill would affect direct spending and revenues, pay-as-you-go procedures apply. However, CBO estimates that the net impact on the federal budget over the 2013–2022 period would not be significant. In addition, we estimate that implementing the bill would have no significant effect on discretionary spending.

S. 2156 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

By increasing the cost of duck stamps, S. 2156 would impose a private-sector mandate, as defined in UMRA, on purchasers of those stamps. Based on information from gaming officials, CBO estimates that the incremental cost of complying with the mandate would fall well below the annual threshold for private-sector mandates (\$146 million in 2012, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2156 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

| | By fiscal year, in millions of dollars— | | | | | | | | | | | | | 2013– 2017 | 2013– 2022 |
|--|---|------|------|------|------|------|------|------|------|------|----|----|-----|---------------|---------------|
| | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | | | | | |
| CHANGES IN REVENUES | | | | | | | | | | | | | | | |
| Estimated Revenues | 5 | 11 | 12 | 12 | 12 | 15 | 16 | 16 | 16 | 16 | 16 | 51 | 132 | | |
| CHANGES IN DIRECT SPENDING | | | | | | | | | | | | | | | |
| Estimated Budget Authority | 5 | 11 | 12 | 12 | 12 | 15 | 16 | 16 | 16 | 16 | 16 | 51 | 132 | | |
| Estimated Outlays | 3 | 9 | 13 | 13 | 13 | 15 | 16 | 16 | 16 | 16 | 16 | 51 | 132 | | |
| NET INCREASE OR DECREASE (–) IN THE DEFICIT FROM CHANGES IN DIRECT SPENDING AND REVENUES | | | | | | | | | | | | | | | |
| Impact on Deficit | –2 | –2 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |

Basis of estimate: For this estimate, CBO assumes that S. 2156 will be enacted late in 2012 and that DOI will begin charging higher fees authorized under the bill at the start of the 2013 hunting season (July 2013). Estimated outlays are based on the program’s historical spending pattern.

Revenues

S. 2156 would allow DOI to increase the price of federal duck stamps, which currently sell for \$15. Over the first five-year period after enactment, the price would be allowed to rise to \$25. In subsequent years, the price would be authorized to rise to \$30. CBO assumes that the price would be set at the cap in each period. Based on information provided by DOI, CBO estimates that federal revenues would increase by between \$11 million to \$16 million annually, for a total of \$132 million over the 2013–2022 period. CBO’s estimate reflects previous experience with stamp price increases,

which usually result in a temporary reduction in the number of stamps sold.

Direct Spending

As under existing law, additional collections from the sale of duck stamps under the bill would be deposited in the Migratory Bird Conservation Fund (MBCF) and would be available without further appropriation for waterfowl conservation projects. In recent years, revenues from duck stamps have provided about \$22 million annually for such projects, which usually focus on acquiring habitat. CBO estimates that enacting the legislation would increase deposits into the MBCF by \$132 million over the 2013–2022 period, resulting in additional direct spending of that amount over the next 10 years.

Pay-As-You-Go Considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR S. 2156, THE MIGRATORY BIRD HABITAT INVESTMENT AND ENHANCEMENT ACT, AS ORDERED REPORTED BY THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS ON JULY 25, 2012

| | By fiscal year, in millions of dollars— | | | | | | | | | | | | | 2012–2017 | 2012–2022 |
|-------------------------------------|---|------|------|------|------|------|------|------|------|------|------|----|----|-----------|-----------|
| | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | | | | |
| | NET INCREASE OR DECREASE (–) IN THE DEFICIT | | | | | | | | | | | | | | |
| Statutory Pay-As-You-Go Impact | 0 | –2 | –2 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Memorandum: | | | | | | | | | | | | | | | |
| Changes in Outlays | 0 | 3 | 9 | 13 | 13 | 13 | 15 | 16 | 16 | 16 | 16 | 16 | 51 | 132 | |
| Changes in Revenues | 0 | 5 | 11 | 12 | 12 | 12 | 15 | 16 | 16 | 16 | 16 | 16 | 51 | 132 | |

Estimated impact on state, local, and tribal governments: S. 2156 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimated impact on the private sector: By increasing the annual fee for duck stamps, which serve as a federal permit that individuals are required to obtain in order to hunt migratory waterfowl, S. 2156 would impose a private-sector mandate, as defined in UMRA. Based on information from gaming officials regarding the number of migratory bird hunters, CBO estimates that the fee increase for those hunters would amount to no more than \$12 million annually in the first five years the mandate is in effect. (Some purchases of duck stamps are made by collectors and conservationists and are considered to be voluntary under UMRA.) As a result, CBO estimates that the incremental cost of complying with the mandate would fall well below the annual threshold for private-sector mandates (\$146 million in 2012, adjusted annually for inflation).

Estimate prepared by: Federal Costs: Kalyani Parthasarathy and Barbara Edwards—Revenues; Martin von Gnechten—Federal Spending; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, 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:

* * * * *

**MIGRATORY BIRD HUNTING AND CONSERVATION
STAMP ACT**

* * * * *

SECTION 1. [16 U.S.C. 718a] PROHIBITION ON TAKING.

(a) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (d), 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.

* * * * *

(d) WAIVERS.—

(1) IN GENERAL.—*The Secretary, in consultation with the Migratory Bird Conservation Commission, may waive requirements under this section for such individuals as the Secretary, in consultation with the Migratory Bird Conservation Commission, determines to be appropriate.*

(2) LIMITATION.—*In making the determination described in paragraph (1), the Secretary shall grant only those waivers the Secretary determines will have a minimal adverse effect on funds to be deposited in the Migratory Bird Conservation Fund established under section 4(a)(3).*

* * * * *

SEC. 2. [16 U.S.C. 718b] 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) * * *

* * * * *

[(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 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 available for obligation and ttributable to—

[(1) amounts appropriated pursuant to the Act for the fiscal year ending in the immediately preceding calendar year; and

[(2) the sale of stamps under this section during such fiscal year have been obligated for expenditure.]

(b) COST OF STAMPS.—

(1) *IN GENERAL.*—For a 5-calendar-year period beginning with calendar year 2013, and for each 5-calendar-year period thereafter, the Secretary, in consultation with the Migratory Bird Conservation Commission, shall establish the amount to be collected under paragraph (2) for each stamp sold under this section, which amount shall not exceed \$25 for the first such 5-calendar-year period and \$30 for any subsequent period.

(2) *COLLECTION OF AMOUNTS.*—The Postal Service or the Department of the Interior shall collect the amount established under paragraph (1) for each stamp sold under this section for a hunting year if the Secretary determines, at any time before February 1 of the calendar year during which the hunting year begins, that all amounts described in paragraph (3) have been obligated for expenditure.

(3) *AMOUNTS.*—The amounts described in this paragraph are amounts in the Migratory Bird Conservation Fund available for obligation and attributable to—

(A) amounts appropriated pursuant to this Act for the fiscal year ending in the immediately preceding calendar year; and

(B) the sale of stamps under this section during that fiscal year.