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SENATE

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MIGRATORY BIRD HABITAT INVESTMENT AND ENHANCEMENT ACT

JULY 15, 2014.—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. 1865]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 1865) to amend the prices set 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, with an amendment, 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.

S. 1865, 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 2014 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. 1865) 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 2014 and each 5 calendar-year period thereafter. This section, as modified by a technical correction to clarify the authority of the Secretary, 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. 1865 was introduced by Senators Begich, Coons, Baucus, and Tester on December 19, 2013. The bill was received, read twice, and referred to the Committee on Environment and Public Works. On February 6, 2014, the full Committee on Environment and Public Works met to consider the bill. The bill was ordered reported favorably.

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, which was a similar version of this legislation introduced in the 112th Congress.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 1865 on February 6, 2014. The bill was ordered reported favorably by voice vote with Senator Sessions recorded as “no”.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 1865 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 “. . . the incremental cost of complying with the mandate would fall well below the annual threshold for private-sector mandates (\$152 million in 2014, 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. 1865 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Further, CBO finds that, “S. 1865 would impose a private-sector mandate, as defined in UMRA,” but “. . . CBO estimates that the incremental cost of complying with the mandate would fall well below the annual threshold for private-sector mandates (\$152 million in 2014, adjusted annually for inflation).”

MAY 2, 2014.

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. 1865, 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. 1865—Migratory Bird Habitat Investment and Enhancement Act

Summary: S. 1865 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. 1865 would reduce the deficit by \$9 million over the 2015–2024 period. Collections from the sale of duck stamps are recorded in the budget as revenues, deposited in the Migratory Bird Conservation Fund (MBCF), and later spent. Because the bill would affect direct spending and revenues, pay-as-you-go procedures apply. In addition, we estimate that implementing the bill would have no significant effect on discretionary spending.

S. 1865 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 annual fee for duck stamps, S. 1865 would impose a private-sector mandate, as defined in UMRA, on individuals required to obtain the stamp as a federal permit to hunt migratory waterfowl. 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 (\$152 million in 2014, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary effect of S. 1865 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—													2015– 2019	2015– 2024
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024					
CHANGES IN REVENUES															
Estimated Revenues	*	13	13	13	13	21	21	21	22	22			52	159	
CHANGES IN DIRECT SPENDING															
Estimated Budget Authority	*	13	13	13	13	21	21	21	22	22			52	159	
Estimated Outlays	*	8	12	13	13	18	21	21	22	22			47	150	
NET INCREASE OR DECREASE (–) IN THE DEFICIT FROM CHANGES IN DIRECT SPENDING AND REVENUES															
Impact on the Deficit	*	–5	–1	0	0	–3	0	0	0	0			–5	–9	

Note: * = less than \$500,000.

Basis of Estimate: For this estimate, CBO assumes that S. 1865 will be enacted near the end of 2014 and that DOI will begin charging higher fees authorized under the bill at the start of the 2015 hunting season (July 2015). Estimated outlays are based on the program’s historical spending pattern.

Revenues

S. 1865 would allow DOI to increase the price of federal duck stamps, which currently sell for \$15 (for an annual permit). Over the first five-year period starting in 2014, the price would be allowed to rise to \$25. In subsequent years, the bill would authorize DOI to increase the price up to \$30. CBO assumes that the price would be set at the maximum authorized amount in each year. Based on information provided by DOI, CBO estimates that federal revenues would increase by between \$13 million to \$22 million annually, amounting to a total increase of \$159 million over the 2015–2024 period. CBO’s estimate reflects the fact that increasing the price of duck stamps has usually resulted 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 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 spending from the MBCF by about \$150 million over the 2015–2024 period.

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. 1865, THE MIGRATORY BIRD HABITAT INVESTMENT AND ENHANCEMENT ACT, AS ORDERED REPORTED BY THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FEBRUARY 6, 2014

	By fiscal year, in millions of dollars—													2014– 2019	2014– 2024
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024				
	NET INCREASE OR DECREASE (–) IN THE DEFICIT														
Statutory Pay-As-You-Go Impact	0	0	–5	–1	0	0	–3	0	0	0	0	0	–5	–9	
Memorandum:															
Changes in Outlays	0	0	8	12	13	13	18	21	21	22	22	22	47	150	
Changes in Revenues	0	0	13	13	13	13	21	21	21	22	22	22	52	159	

Estimated effect on state, local, and tribal governments: S. 1865 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimated effect on the private sector: By increasing the annual fee for duck stamps, which serve as a federal permit that individuals are required to obtain to hunt migratory waterfowl, S. 1865 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 would total between \$13 million to \$22 million annually over the 2016–2024 period. (Some purchases of duck stamps are made voluntarily by conservationists and those purchases would not be considered a mandate 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 (\$152 million in 2014, adjusted annually for inflation).

Estimate prepared by: Federal Costs: Barbara Edwards—Revenues; Martin von Gnechten—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 en-

closed 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.

(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.

(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.—* * *

* * * * *

[(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 and¹ attributable 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 year² have been obligated for expenditure.】

(b) *COST OF STAMPS.*—

(1) *IN GENERAL.*—*For the 5-calendar-year period beginning with calendar year 2014, 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, provided that the amount shall not exceed \$25 for the initial 5-calendar-year period and not exceed \$30 for 【the】 any subsequent 5-calendar-year period.*

(2) *COLLECTION OF AMOUNTS.*—*The United States Postal Service, the Department of the Interior, or any other agent approved by 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.*

* * * * *

○

¹Section 3 of Public Law 99-625 (100 Stat. 3502) and section 202(3) of Public Law 99-645 (100 Stat. 3586) both amended the first sentence of this subsection by inserting “available for obligation and” before “attributable to”.

²So in law. The matter following “such fiscal year” in paragraph (2) probably should end with such phrase followed by a semicolon.