

108TH CONGRESS
2D SESSION

H. R. 4685

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 HOUSE OF REPRESENTATIVES

JUNE 24, 2004

Mr. KIND (for himself, Mr. PICKERING, Mr. THOMPSON of California, Mr. WELDON of Pennsylvania, Mr. BERRY, Mr. BOSWELL, Mr. BOEHLERT, and Mr. PETERSON of Minnesota) introduced the following bill; which was referred to the Committee on Resources

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 2004”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) On March 16, 1934, the Congress passed
2 and President Roosevelt signed the Act popularly
3 known as the Duck Stamp Act (16 U.S.C. 718a et
4 seq.), which requires all migratory waterfowl hunters
5 16 years of age or older to buy a Federal migratory
6 bird hunting and conservation stamp annually.

7 (2) The Federal Duck Stamp program has be-
8 come one of the most popular and successful con-
9 servation programs ever initiated. Because of it, our
10 country again is teeming with migratory waterfowl
11 and other wildlife that benefits from the wetland
12 habitats.

13 (3) Today, 1.7 million migratory bird hunting
14 and conservation stamps are sold each year. As of
15 2003, such stamps have generated more than
16 \$600,000,000 in revenue that has been used to pre-
17 serve over 5 million acres of migratory waterfowl
18 habitat in the United States. Many of the more than
19 540 national wildlife refuges have been paid for all
20 or in part with such revenue.

21 **SEC. 3. DEFINITIONS.**

22 In this section:

23 (1) ACTUAL STAMP.—The term “actual stamp”
24 means a Federal migratory-bird hunting and con-
25 servation stamp required under the Act of March

1 16, 1934 (chapter 71; 16 U.S.C. 718a et seq., popu-
2 larly known as the Duck Stamp Act), that is printed
3 on paper and sold through a means in use imme-
4 diately before the enactment of this section.

5 (2) AUTOMATED LICENSING SYSTEM.—The
6 term “automated licensing system”—

7 (A) means an electronic, computerized li-
8 censing system used by a State fish and wildlife
9 agency to issue hunting, fishing, and other as-
10 sociated licenses and products; and

11 (B) includes a point-of-sale, Internet, or
12 telephonic system used for such purpose.

13 (3) ELECTRONIC STAMP.—The term “electronic
14 stamp” means an electronic version of an actual
15 stamp, that—

16 (A) is a unique identifier for the individual
17 to whom it is issued;

18 (B) can be printed on paper;

19 (C) is issued through a State automated li-
20 censing system that is authorized, under State
21 law and by the Secretary under this section, to
22 issue electronic stamps;

23 (D) is compatible with the hunting licens-
24 ing system of the State that issues the elec-
25 tronic stamp; and

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

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

4 (a) REQUIREMENT TO CONDUCT PROGRAM.—The
5 Secretary of the Interior shall conduct a 3-year pilot pro-
6 gram under which up to 15 States authorized by the Sec-
7 retary may issue electronic stamps.

8 (b) COMMENCEMENT AND DURATION OF PRO-
9 GRAM.—The Secretary—

10 (1) shall use all means necessary to expedi-
11 tiously implement this section no later than one year
12 after the beginning of the first full Federal migra-
13 tory waterfowl hunting seasons after the date of the
14 enactment of this Act; and

15 (2) shall carry out the pilot program for 3 Fed-
16 eral migratory waterfowl hunting seasons.

17 (c) CONSULTATION.—The Secretary shall carry out
18 the program in consultation with State management agen-
19 cies.

20 **SEC. 5. STATE APPLICATION.**

21 (a) APPROVAL OF APPLICATION REQUIRED.—A
22 State may not participate in the pilot program under this
23 Act unless the Secretary has received and approved an ap-
24 plication submitted by the State in accordance with this
25 section.

1 (b) CONTENTS OF APPLICATION.—The Secretary
2 may not approve a State application unless the application
3 contains the following:

4 (1) A description of the format of the electronic
5 stamp that the State will issue under the pilot pro-
6 gram, including identifying features of licensee that
7 will be specified on the stamp.

8 (2) A description of any fee the State will
9 charge for issuance of an electronic stamp.

10 (3) A description of the process the State will
11 use to account for and transfer to the Secretary the
12 amounts collected by the State that are required to
13 be transferred to the Secretary under the program.

14 (4) The manner by which the State will trans-
15 mit electronic stamp customer data to the Secretary.

16 (5) The manner by which the State will deliver
17 actual stamps.

18 (6) The policies and procedures under which
19 the State will issue duplicate electronic stamps.

20 (7) Such other policies, procedures, and infor-
21 mation as may be reasonably required by the Sec-
22 retary.

23 (c) PUBLICATION OF DEADLINES, ELIGIBILITY RE-
24 QUIREMENTS, AND SELECTION CRITERIA.—The Secretary

1 shall, by not later than 30 days before receiving applica-
2 tions for participation in the pilot program, publish—

3 (1) deadlines for submission of applications to
4 participate in the program;

5 (2) eligibility requirements for participation in
6 the program; and

7 (3) criteria for selecting States to participate in
8 the program.

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

10 (a) **DELIVERY OF ACTUAL STAMP.**—The Secretary
11 shall require that a State must provide an actual stamp
12 to each individual to whom the State sells an electronic
13 stamp under the pilot program, by not later than the date
14 the electronic stamp expires under section 7(c).

15 (b) **COLLECTION AND TRANSFER OF ELECTRONIC**
16 **STAMP REVENUE AND CUSTOMER INFORMATION.**—

17 (1) **REQUIREMENT TO TRANSMIT.**—The Sec-
18 retary shall require that each State participating in
19 the pilot program State must collect and transmit to
20 the Secretary in accordance with this section—

21 (A) the first name, last name, and com-
22 plete mailing address of each individual that
23 purchases an electronic stamp from the State;
24 and

1 (B) the face value amount of each elec-
2 tronic stamp sold by the State.

3 (2) TIME OF TRANSMITTAL.—The Secretary
4 shall require the transmittal under paragraph (1) to
5 be made with respect to sales of electronic stamps
6 by a State occurring in a month—

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

9 (B) as otherwise specified in the applica-
10 tion of the State approved by the Secretary
11 under section 5.

12 (3) ADDITIONAL FEES NOT AFFECTED.—This
13 section shall not apply to any fee collected by a
14 State under subsection (c).

15 (c) ELECTRONIC STAMP ISSUANCE FEE.—A State
16 participating in the pilot program may charge a reason-
17 able fee to cover costs incurred by the State in issuing
18 electronic stamps under the program, including costs of
19 delivery of actual stamps.

20 (d) DUPLICATE ELECTRONIC STAMPS.—A State par-
21 ticipating in the pilot program may issue a duplicate elec-
22 tronic stamp to replace an electronic stamp issued by the
23 State that is lost or damaged.

24 (e) LIMITATION ON AUTHORITY TO REQUIRE PUR-
25 CHASE OF STATE LICENSE.—A State may not require

1 that an individual purchase a State hunting license as a
2 condition of issuing an electronic stamp under the pilot
3 program.

4 **SEC. 7. ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.**
5

6 (a) STAMP REQUIREMENTS.—The Secretary shall re-
7 quire that an electronic stamp issued by a State under
8 the pilot program must—

9 (1) have the same format as any other license,
10 validation, or privilege the State issues under its
11 automated licensing system; and

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

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

18 (1) bestow to the licensee the same privileges as
19 are bestowed by an actual stamp;

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

22 (3) authorize the licensee to hunt migratory wa-
23 terfowl in any other State, in accordance with the
24 laws of the other State governing such hunting.

1 (c) DURATION.—An electronic stamp issued by a
2 State under the pilot program shall be valid for 45 days.

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

4 Participation by a State in the pilot program may be
5 terminated—

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

7 (A) finds that the State has violated the
8 terms of the application of the State approved
9 by the Secretary under section 5; and

10 (B) provides to the State written notice of
11 such termination by not later than 30 days be-
12 fore the date of termination; or

13 (2) by the State, by providing written notice to
14 the Secretary by not later 30 days before the termi-
15 nation date.

16 **SEC. 9. EVALUATION.**

17 (a) EVALUATION.—The Secretary, in consultation
18 with State fish and wildlife management agencies, shall
19 evaluate the pilot program and determine if it has pro-
20 vided a cost-effective and convenient means for issuing mi-
21 gratory-bird hunting and conservation stamps, including
22 whether the program has—

23 (1) increased the availability of such stamps;

24 (2) assisted States in meeting their customer
25 service objectives with respect to such stamps; and

1 (3) maintained actual stamps as an effective
2 and viable conservation tool.

3 (b) REPORT.—The Secretary shall submit a report on
4 the findings of the Secretary under subsection (a).

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