

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.

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

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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