

PERMANENT ELECTRONIC DUCK STAMP ACT OF 2011

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JANUARY 23, 2012.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed  
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Mr. HASTINGS of Washington, from the Committee on Natural  
Resources, submitted the following

R E P O R T

[To accompany H.R. 3117]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3117) to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Permanent Electronic Duck Stamp Act of 2011”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **ACTUAL STAMP.**—The term “actual stamp” means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the “Duck Stamp Act”), that is printed on paper and sold through the means established by the authority of the Secretary immediately before the date of enactment of this Act.

(2) **AUTOMATED LICENSING SYSTEM.**—

(A) **IN GENERAL.**—The term “automated licensing system” means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) **INCLUSION.**—The term “automated licensing system” includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

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

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

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

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this Act, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

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

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

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

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

(b) CONSULTATION.—The Secretary shall implement this section in consultation with State management agencies.

**SEC. 4. STATE APPLICATION.**

(a) APPROVAL OF APPLICATION REQUIRED.—The Secretary may not authorize a State to issue electronic stamps under this Act unless the Secretary has received and approved an application submitted by the State in accordance with this section. The Secretary may determine the number of new States per year to participate in the electronic stamp program.

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

(1) a description of the format of the electronic stamp that the State will issue under this Act, including identifying features of the licensee that will be specified on the stamp;

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

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

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

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

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

(7) such other policies, procedures, and information as may be reasonably required by the Secretary.

(c) PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.—Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and

(3) criteria for approving applications.

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

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

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

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

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

(1) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this section—

(A) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(B) the face value amount of each electronic stamp sold by the State; and

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

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

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

(c) ELECTRONIC STAMP ISSUANCE FEE.—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the

Department of the Interior in issuing electronic stamps under this Act, including costs of delivery of actual stamps.

(d) **DUPLICATE ELECTRONIC STAMPS.**—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

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

**SEC. 6. ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.**

(a) **STAMP REQUIREMENTS.**—The Secretary shall require an electronic stamp issued by a State under this Act—

(1) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

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

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

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

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

(3) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

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

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

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

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under section 4; and

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

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

**PURPOSE OF THE BILL**

The purpose of H.R. 3117, as ordered reported, is to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps.

**BACKGROUND AND NEED FOR LEGISLATION**

On March 16, 1934, Congress passed the Migratory Bird Hunting Stamp Act. Under this law, every hunter over the age of 16 is required to purchase a Federal duck stamp each year if he or she wants to hunt migratory waterfowl. The price of a duck stamp has increased from \$1 to the present cost of \$15. Since the inception of the Federal Duck Stamp Program, the Fish and Wildlife Service (FWS) has collected more than \$750 million from the sale of duck stamps. These monies, deposited in the Migratory Bird Conservation Fund, were used to purchase or lease over 5.3 million acres of land with a total purchase price of over \$1 billion for inclusion within the National Wildlife Refuge System. The Federal Duck Stamp Office has indicated that 98 percent of the dollars deposited in the Fund are used for wetland acquisition. The remaining 2 percent is spent on the printing and distribution of the stamps.

The duck stamp receipts have varied each year because of changes in waterfowl population levels, bag limits and economic conditions. The number of duck stamps sold has declined, however, from 2.5 million per year in 1971–1972 to 1.3 million stamps per

year in 2007–2008. During the most recent year, \$22 million was deposited into the Migratory Bird Conservation Fund.

The Electronic Duck Stamp Act of 2006 (Public Law 109–266) directed the Secretary of the Interior to conduct a three-year pilot program that would allow up to 15 States to issue electronic federal migratory bird hunting stamps. Those States that choose to participate in the program were permitted to charge a reasonable fee to recover their administrative costs. In the past ten years, State electronic hunting and fishing licenses have become popular throughout the United States. They are easy to obtain because a potential hunter or fisherman can simply use his or her personal computer to access the appropriate State fish and wildlife department website and within a matter of moments are printing a document.

The electronic pilot program is in its fourth year. There are currently eight states—Arkansas, Colorado, Florida, Idaho, Maryland, Minnesota, Texas and Wisconsin—where an individual can obtain a federal duck stamp in an electronic form. Since its inception, more than 600,000 stamps have been purchased in this manner. These stamps are valid for 45 days from the date of purchase. Under the terms of P.L. 109–266, FWS was required to undertake a comprehensive evaluation of the pilot program. This report was submitted to Congress in August this year and concluded that, “The E-Stamp Program has proven to be a practical method that is readily accepted by the stamp-buying public. The increased sale of E-Stamps, coupled with few complaints about the process through the three-year pilot, suggests customers are satisfied with this method of acquiring their Duck Stamps and the options available to them in their States.”

During the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs hearing on this legislation, FWS testified that, “sales of E-Stamps increased from 58,000 in 2007 to more than 350,000 in 2010, an increase of more than 420 percent. In 2010, E-Stamp sales accounted for more than 27 percent of total Duck Stamp sales, demonstrating the widespread acceptance of the E-Stamp pilot program.”

H.R. 3317 will permanently allow FWS to authorize certain States to electronically sell the annual Federal Duck Stamp without undermining the future of the printed duck stamp or costing our taxpayers any additional money.

#### COMMITTEE ACTION

H.R. 3117 was introduced on October 6, 2011, by Congressman Rob Wittman (R–VA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs. On October 25, 2011, the Subcommittee held a hearing on the bill. On November 17, 2011, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs was discharged by unanimous consent. Congressman Rob Wittman offered amendment designated .020 to the bill; the amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 3117—Permanent Electronic Duck Stamp Act of 2011*

H.R. 3117 would authorize the U.S. Fish and Wildlife Service (USFWS) to permanently allow states to provide federal migratory bird hunting and conservation stamps (referred to as federal duck stamps) electronically. The electronic stamps would remain valid for 45 days to allow for the physical stamps to arrive in the mail. A pilot program that authorized states to issue electronic stamps expired last year, although the USFWS has continued the program under other authorities.

CBO estimates that enacting H.R. 3117 would affect direct spending and revenues; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effects would be insignificant for each year because the legislation would not have a significant impact on the number of federal duck stamps purchased.

H.R. 3117 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that enacting the bill would affect direct spending and revenues; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effects would be insignificant for each year because the legislation would not have a significant impact on the number of federal duck stamps purchased.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to grant the Secretary of the In-

terior permanent authority to authorize States to issue electronic duck stamps.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

