

Union Calendar No.

112TH CONGRESS
1ST SESSION

H. R. 3117

[Report No. 112-]

To grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2011

Mr. WITTMAN (for himself and Mr. KIND) introduced the following bill; which was referred to the Committee on Natural Resources

_____, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on October 6, 2011]

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 2011”.*

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-*
10 *servation stamp required under the Act of March 16,*
11 *1934 (16 U.S.C. 718a et seq.) (popularly known as*
12 *the “Duck Stamp Act”), that is printed on paper and*
13 *sold through the means established by the authority of*
14 *the Secretary immediately before the date of enact-*
15 *ment of this Act.*

16 (2) *AUTOMATED LICENSING SYSTEM.*—

17 (A) *IN GENERAL.*—*The term “automated li-*
18 *censing system” means an electronic, computer-*
19 *ized licensing system used by a State fish and*
20 *wildlife agency to issue hunting, fishing, and*
21 *other associated licenses and products.*

22 (B) *INCLUSION.*—*The term “automated li-*
23 *censing system” includes a point-of-sale, Inter-*
24 *net, telephonic system, or other electronic appli-*

1 *cations used for a purpose described in subpara-*
2 *graph (A).*

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

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

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

11 (C) *is issued through a State automated li-*
12 *censing system that is authorized, under State*
13 *law and by the Secretary under this Act, to issue*
14 *electronic stamps;*

15 (D) *is compatible with the hunting licens-*
16 *ing system of the State that issues the electronic*
17 *stamp; and*

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

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

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

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

1 (b) *CONSULTATION.*—*The Secretary shall implement*
2 *this section in consultation with State management agen-*
3 *cies.*

4 **SEC. 4. STATE APPLICATION.**

5 (a) *APPROVAL OF APPLICATION REQUIRED.*—*The Sec-*
6 *retary may not authorize a State to issue electronic stamps*
7 *under this Act unless the Secretary has received and ap-*
8 *proved an application submitted by the State in accordance*
9 *with this section. The Secretary may determine the number*
10 *of new States per year to participate in the electronic stamp*
11 *program.*

12 (b) *CONTENTS OF APPLICATION.*—*The Secretary may*
13 *not approve a State application unless the application con-*
14 *tains—*

15 (1) *a description of the format of the electronic*
16 *stamp that the State will issue under this Act, includ-*
17 *ing identifying features of the licensee that will be*
18 *specified on the stamp;*

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

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

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

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

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

7 (7) *such other policies, procedures, and informa-*
8 *tion as may be reasonably required by the Secretary.*

9 (c) *PUBLICATION OF DEADLINES, ELIGIBILITY RE-*
10 *QUIREMENTS, AND SELECTION CRITERIA.—Not later than*
11 *30 days before the date on which the Secretary begins ac-*
12 *cepting applications under this section, the Secretary shall*
13 *publish—*

14 (1) *deadlines for submission of applications;*

15 (2) *eligibility requirements for submitting appli-*
16 *cations; and*

17 (3) *criteria for approving applications.*

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

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

23 (1) *by not later than the date on which the elec-*
24 *tronic stamp expires under section 6(c); and*

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

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

5 (1) *REQUIREMENT TO TRANSMIT.—The Secretary*
6 *shall require each State authorized to issue electronic*
7 *stamps to collect and submit to the Secretary in ac-*
8 *cordance with this section—*

9 (A) *the first name, last name, and complete*
10 *mailing address of each individual that pur-*
11 *chases an electronic stamp from the State;*

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

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

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

22 (3) *ADDITIONAL FEES NOT AFFECTED.—This sec-*
23 *tion shall not apply to the State portion of any fee*
24 *collected by a State under subsection (c).*

1 (c) *ELECTRONIC STAMP ISSUANCE FEE.*—A State au-
2 thorized to issue electronic stamps may charge a reasonable
3 fee to cover costs incurred by the State and the Department
4 of the Interior in issuing electronic stamps under this Act,
5 including costs of delivery of actual stamps.

6 (d) *DUPLICATE ELECTRONIC STAMPS.*—A State au-
7 thorized to issue electronic stamps may issue a duplicate
8 electronic stamp to replace an electronic stamp issued by
9 the State that is lost or damaged.

10 (e) *LIMITATION ON AUTHORITY TO REQUIRE PUR-*
11 *CHASE OF STATE LICENSE.*—A State may not require that
12 an individual purchase a State hunting license as a condi-
13 tion of issuing an electronic stamp under this Act.

14 **SEC. 6. ELECTRONIC STAMP REQUIREMENTS; RECOGNI-**
15 **TION OF ELECTRONIC STAMP.**

16 (a) *STAMP REQUIREMENTS.*—The Secretary shall re-
17 quire an electronic stamp issued by a State under this
18 Act—

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

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

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

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

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

8 (3) *authorize the licensee to hunt migratory wa-*
9 *terfowl in any other State, in accordance with the*
10 *laws of the other State governing that hunting.*

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

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

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

17 (1) *by the Secretary, if the Secretary—*

18 (A) *finds that the State has violated any of*
19 *the terms of the application of the State ap-*
20 *proved by the Secretary under section 4; and*

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

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