

Suspend the Rules and Pass the Bill, H.R. 5069, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

113TH CONGRESS
2^D SESSION

H. R. 5069

To amend the Migratory Bird Hunting and Conservation Stamp Act to increase in the price of Migratory Bird Hunting and Conservation Stamps to fund the acquisition of conservation easements for migratory birds, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2014

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

A BILL

To amend the Migratory Bird Hunting and Conservation Stamp Act to increase in the price of Migratory Bird Hunting and Conservation Stamps to fund the acquisition of conservation easements for migratory birds, 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,*

1 **TITLE I—FEDERAL DUCK STAMP**
2 **ACT OF 2014**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Federal Duck Stamp
5 Act of 2014”.

6 **SEC. 102. INCREASE IN PRICE OF MIGRATORY BIRD HUNT-**
7 **ING AND CONSERVATION STAMP TO FUND**
8 **ACQUISITION OF CONSERVATION EASE-**
9 **MENTS FOR MIGRATORY BIRDS.**

10 The Migratory Bird Hunting and Conservation
11 Stamp Act is amended—

12 (1) in section 2(b) (16 U.S.C. 718b(b))—

13 (A) by striking “1990, and” and inserting
14 “1990,”; and

15 (B) by striking “for each hunting year
16 thereafter” and inserting “for hunting years
17 1991 through 2013, and \$25 for each hunting
18 year thereafter”;

19 (2) by adding at the end of section 2 (16
20 U.S.C. 718b) the following:

21 “(c) **REDUCTION IN PRICE OF STAMP.**—The Sec-
22 retary may reduce the price of each stamp sold under the
23 provisions of this section for a hunting year if the Sec-
24 retary determines that the increase in the price of the

1 stamp after hunting year 2013 resulted in a reduction in
2 revenues deposited into the fund.”; and

3 (3) in section 4 (16 U.S.C. 718d)—

4 (A) in subsection (a)(3), by inserting be-
5 fore the period the following: “, in which there
6 shall be a subaccount to which the Secretary of
7 the Treasury shall transfer all amounts in ex-
8 cess of \$15 that are received from the sale of
9 each stamp sold for each hunting year after
10 hunting year 2013”;

11 (B) in subsection (b)(1), by striking “So
12 much” and inserting “Except as provided in
13 paragraph (4), so much”;

14 (C) in subsection (b)(2), by striking “para-
15 graph (3)” and inserting “paragraphs (3) and
16 (4)”;

17 (D) by adding at the end of subsection (b)
18 the following:

19 “(4) CONSERVATION EASEMENTS.—Amounts in
20 the subaccount referred to in subsection (a)(3) shall
21 be used by the Secretary solely to acquire easements
22 in real property in the United States for conserva-
23 tion of migratory birds.”.

1 **SEC. 103. ANNUAL REPORT ON EXPENDITURES.**

2 Section 4 of the Migratory Bird Hunting and Con-
3 servation Stamp Act (16 U.S.C. 718d) is further amend-
4 ed—

5 (1) in subsection (c)—

6 (A) by striking so much as precedes “The
7 Secretary may” and inserting the following:

8 “(c) PROMOTION OF STAMP SALES.—”; and

9 (B) by striking paragraph (2); and

10 (2) by adding at the end the following:

11 “(d) ANNUAL REPORT.—The Secretary shall include
12 in each annual report of the Commission under section
13 3 of the Migratory Bird Conservation Act (16 U.S.C.
14 715b)—

15 “(1) a description of activities conducted under
16 subsection (c) in the year covered by the report;

17 “(2) an annual assessment of the status of wet-
18 lands conservation projects for migratory bird con-
19 servation purposes, including a clear and accurate
20 accounting of—

21 “(A) all expenditures by Federal and State
22 agencies under this section; and

23 “(B) all expenditures made for fee-simple
24 acquisition of Federal lands in the United
25 States, including the amount paid and acreage
26 of each parcel acquired in each acquisition;

1 “(3) an analysis of the refuge lands opened,
2 and refuge lands closed, for hunting and fishing in
3 the year covered by the report, including—

4 “(A) identification of the specific areas in
5 each refuge and the reasons for the closure or
6 opening; and

7 “(B) a detailed description of each closure
8 including detailed justification for such closure;

9 “(4) the total number of acres of refuge land
10 open for hunting and fishing, and the total number
11 of acres of refuge land closed for hunting and fish-
12 ing, in the year covered by the report; and

13 “(5) a separate report on the hunting and fish-
14 ing status of those lands added to the system in the
15 year covered by the report.”.

16 **SEC. 104. EXEMPTION FOR TAKINGS BY RURAL ALASKA**
17 **SUBSISTENCE USERS.**

18 Section 1(a)(2) of the Migratory Bird Hunting and
19 Conservation Stamp Act (16 U.S.C. 718a(a)(2)) is amend-
20 ed by striking “or” after the semicolon at the end of sub-
21 paragraph (B), by striking the period at the end of sub-
22 paragraph (C) and inserting “; or”, and by adding at the
23 end the following:

24 “(D) by a rural Alaska resident for sub-
25 sistence uses (as that term is defined in section

1 803 of the Alaska National Interest Lands Con-
2 servation Act (16 U.S.C. 3113)).”.

3 **TITLE II—NORTH AMERICAN**
4 **WETLANDS CONSERVATION**
5 **EXTENSION ACT**

6 **SEC. 201. SHORT TITLE.**

7 This title may be cited as the “North American Wet-
8 lands Conservation Extension Act”.

9 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 7(c) of the North American Wetlands Con-
11 servation Act (16 U.S.C. 4406(c)) is amended by striking
12 “not to exceed—” and all that follows through paragraph
13 (5) and inserting “not to exceed \$35,000,000 for each of
14 fiscal years 2015 through 2018.”.

15 **SEC. 203. LIMITATION ON EXPENDITURES FOR FEE TITLE**
16 **ACQUISITION.**

17 (a) **LIMITATION.**—Section 6 of the North American
18 Wetlands Conservation Act (16 U.S.C. 4405) is amended
19 by adding at the end the following:

20 “(c) **LIMITATION ON EXPENDITURES FOR LAND AC-**
21 **QUISITION.**—Amounts appropriated under the authority of
22 this Act may not be used—

23 “(1) by the Secretary to acquire fee title to land
24 on behalf of the United States;

1 “(2) by the Secretary to acquire fee title to any
2 land from a third party who used funds appro-
3 priated under the authority of this Act to acquire fee
4 title to that land unless the Secretary can certify
5 that the Secretary has sufficient available funds to
6 properly manage and maintain the land being ac-
7 quired, including the provision of access for hunting;
8 or

9 “(3) by a nongovernment organization to ac-
10 quire fee title to land within the United States un-
11 less the acquisition is approved by the State or insu-
12 lar area fish and wildlife agency with jurisdiction
13 with respect to that land.”.

14 (b) APPLICATION.—The amendment made by sub-
15 section (a) shall not apply with respect to any specific land
16 acquisition required by contract or other agreement en-
17 tered into before the date of enactment of this Act.

18 **SEC. 204. ANNUAL REPORT ON EXPENDITURES.**

19 Section 10(2) of the North American Wetlands Con-
20 servation Act (16 U.S.C. 4409(2)) is amended to read as
21 follows:

22 “(2) an annual assessment of the status of wet-
23 lands conservation projects, including an accounting
24 of—

1 “(A) expenditures by Federal, State, and
2 other United States entities;

3 “(B) expenditures made for fee-simple ac-
4 quisition of Federal lands in the United States;
5 and

6 “(C) expenditures by Canadian and Mexi-
7 can sources to carry out wetland projects fund-
8 ed under this Act.”.

9 **TITLE III—PERMANENT ELECTRONIC DUCK STAMP ACT OF**
10 **2014**

12 **SEC. 301. SHORT TITLE.**

13 This title may be cited as the “Permanent Electronic
14 Duck Stamp Act of 2014”.

15 **SEC. 302. DEFINITIONS.**

16 In this title:

17 (1) **ACTUAL STAMP.**—The term “actual stamp”
18 means a Federal migratory-bird hunting and con-
19 servation stamp required under the Act of March
20 16, 1934 (16 U.S.C. 718a et seq.) (popularly known
21 as the “Duck Stamp Act”), that is printed on paper
22 and sold through the means established by the au-
23 thority of the Secretary immediately before the date
24 of enactment of this Act.

25 (2) **AUTOMATED LICENSING SYSTEM.**—

1 (A) IN GENERAL.—The term “automated
2 licensing system” means an electronic, comput-
3 erized licensing system used by a State fish and
4 wildlife agency to issue hunting, fishing, and
5 other associated licenses and products.

6 (B) INCLUSION.—The term “automated li-
7 censing system” includes a point-of-sale, Inter-
8 net, telephonic system, or other electronic appli-
9 cations used for a purpose described in sub-
10 paragraph (A).

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

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

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

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 title, 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
3 304(b).

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

6 **SEC. 303. AUTHORITY TO ISSUE ELECTRONIC DUCK**
7 **STAMPS.**

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

11 (b) CONSULTATION.—The Secretary shall implement
12 this section in consultation with State management agen-
13 cies.

14 **SEC. 304. STATE APPLICATION.**

15 (a) APPROVAL OF APPLICATION REQUIRED.—The
16 Secretary may not authorize a State to issue electronic
17 stamps under this title unless the Secretary has received
18 and approved an application submitted by the State in ac-
19 cordance with this section. The Secretary may determine
20 the number of new States per year to participate in the
21 electronic stamp program.

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

1 (1) a description of the format of the electronic
2 stamp that the State will issue under this title, in-
3 cluding identifying features of the licensee that will
4 be specified on the stamp;

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

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

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

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

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

17 (7) such other policies, procedures, and infor-
18 mation as may be reasonably required by the Sec-
19 retary.

20 (c) PUBLICATION OF DEADLINES, ELIGIBILITY RE-
21 QUIREMENTS, AND SELECTION CRITERIA.—Not later than
22 30 days before the date on which the Secretary begins ac-
23 cepting applications under this section, the Secretary shall
24 publish—

25 (1) deadlines for submission of applications;

1 (2) eligibility requirements for submitting appli-
2 cations; and

3 (3) criteria for approving applications.

4 **SEC. 305. STATE OBLIGATIONS AND AUTHORITIES.**

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

9 (1) by not later than the date on which the
10 electronic stamp expires under section 306(c); and

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

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

15 (1) REQUIREMENT TO TRANSMIT.—The Sec-
16 retary shall require each State authorized to issue
17 electronic stamps to collect and submit to the Sec-
18 retary in accordance with this section—

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

22 (B) the face value amount of each elec-
23 tronic stamp sold by the State; and

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

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

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

12 (c) ELECTRONIC STAMP ISSUANCE FEE.—A State
13 authorized to issue electronic stamps may charge a reason-
14 able fee to cover costs incurred by the State and the De-
15 partment of the Interior in issuing electronic stamps
16 under this title, including costs of delivery of actual
17 stamps.

18 (d) DUPLICATE ELECTRONIC STAMPS.—A State au-
19 thorized to issue electronic stamps may issue a duplicate
20 electronic stamp to replace an electronic stamp issued by
21 the State that is lost or damaged.

22 (e) LIMITATION ON AUTHORITY TO REQUIRE PUR-
23 CHASE OF STATE LICENSE.—A State may not require
24 that an individual purchase a State hunting license as a
25 condition of issuing an electronic stamp under this title.

1 **SEC. 306. ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.**
2

3 (a) **STAMP REQUIREMENTS.**—The Secretary shall re-
4 quire an electronic stamp issued by a State under this
5 title—

6 (1) to have the same format as any other li-
7 cense, validation, or privilege the State issues under
8 the automated licensing system of the State; and

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

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

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

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

19 (3) authorize the licensee to hunt migratory wa-
20 terfowl in any other State, in accordance with the
21 laws of the other State governing that hunting.

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

1 **SEC. 307. TERMINATION OF STATE PARTICIPATION.**

2 The authority of a State to issue electronic stamps
3 under this title may be terminated—

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

5 (A) finds that the State has violated any of
6 the terms of the application of the State ap-
7 proved by the Secretary under section 304; and

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

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