

112TH CONGRESS
1ST SESSION

H. R. 3117

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

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

1 16, 1934 (16 U.S.C. 718a et seq.) (popularly known
2 as the “Duck Stamp Act”), that is printed on paper
3 and sold through a means in use immediately before
4 the date of enactment of this Act.

5 (2) AUTOMATED LICENSING SYSTEM.—

6 (A) IN GENERAL.—The term “automated
7 licensing system” means an electronic, comput-
8 erized licensing system used by a State fish and
9 wildlife agency to issue hunting, fishing, and
10 other associated licenses and products.

11 (B) INCLUSION.—The term “automated li-
12 censing system” includes a point-of-sale, Inter-
13 net, or telephonic system used for a purpose de-
14 scribed in subparagraph (A).

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

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

20 (B) can be printed on paper;

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

1 (D) is compatible with the hunting licens-
2 ing system of the State that issues the elec-
3 tronic stamp; and

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

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

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

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

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

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

16 (a) APPROVAL OF APPLICATION REQUIRED.—The
17 Secretary may not authorize a State to issue electronic
18 stamps under this Act unless the Secretary has received
19 and approved an application submitted by the State in ac-
20 cordance with this section.

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

24 (1) a description of the format of the electronic
25 stamp that the State will issue under this Act, in-

1 including identifying features of the licensee that will
2 be specified on the stamp;

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

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

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

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

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

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

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

23 (1) deadlines for submission of applications;

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

1 (3) criteria for approving applications.

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

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

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

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

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

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

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

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

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

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

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

7 (B) as otherwise specified in the applica-
8 tion of the State approved by the Secretary
9 under section 4.

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

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

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

23 (e) LIMITATION ON AUTHORITY TO REQUIRE PUR-
24 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 this Act.

3 **SEC. 6. ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.**
4

5 (a) **STAMP REQUIREMENTS.**—The Secretary shall re-
6 quire an electronic stamp issued by a State under this
7 Act—

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

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

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

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

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

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

24 (c) **DURATION.**—An electronic stamp issued by a
25 State under the pilot program shall be valid for a period

1 agreed to by the State and the Secretary, which shall not
2 exceed 45 days.

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

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

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

7 (A) finds that the State has violated any of
8 the terms of the application of the State ap-
9 proved by the Secretary under section 4; and

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

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

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