

# Calendar No. 305

109TH CONGRESS  
1ST SESSION

# S. 1496

[Report No. 109-187]

To direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

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## IN THE SENATE OF THE UNITED STATES

JULY 26, 2005

Mr. CRAPO (for himself, Mrs. LINCOLN, Mr. LOTT, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. OBAMA, Mr. INHOFE, Mr. MARTINEZ, Mr. JEFFORDS, Ms. MURKOWSKI, Mr. CHAFEE, Mr. ALLEN, Mr. COCHRAN, Ms. STABENOW, Mr. CRAIG, Mr. ENZI, Mr. BURNS, Mr. COLEMAN, Mr. STEVENS, Mr. BAUCUS, Mr. BURR, and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

DECEMBER 8, 2005

Reported under authority of the order of the Senate of November 18, 2005,  
by Mr. INHOFE, with amendments

[Omit the part struck through and insert the part printed in italics]

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## A BILL

To direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Electronic Duck Stamp  
3 Act of 2005”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) on March 16, 1934, Congress passed and  
7 President Roosevelt signed the Act of March 16,  
8 1934 (16 U.S.C. 718a et seq.) (popularly known as  
9 the “Duck Stamp Act”), which requires all migra-  
10 tory waterfowl hunters 16 years of age or older to  
11 buy a Federal migratory bird hunting and conserva-  
12 tion stamp annually;

13 (2) the Federal Duck Stamp program has be-  
14 come one of the most popular and successful con-  
15 servation programs ever initiated;

16 (3) because of that program, the United States  
17 again is teeming with migratory waterfowl and other  
18 wildlife that benefit from wetland habitats;

19 (4) as of the date of enactment of this Act,  
20 1,700,000 migratory bird hunting and conservation  
21 stamps are sold each year;

22 (5) as of 2003, those stamps have generated  
23 more than \$600,000,000 in revenue that has been  
24 used to preserve more than 5,000,000 acres of mi-  
25 gratory waterfowl habitat in the United States; and

1           (6) many of the more than 540 national wildlife  
2       refuges have been paid for wholly or partially with  
3       that revenue.

4 **SEC. 3. DEFINITIONS.**

5       In this Act:

6           (1) **ACTUAL STAMP.**—The term “actual stamp”  
7       means a Federal migratory-bird hunting and con-  
8       servation stamp required under the Act of March  
9       16, 1934 (16 U.S.C. 718a et seq.) (popularly known  
10      as the “Duck Stamp Act”), that is printed on paper  
11      and sold through a means in use immediately before  
12      the date of enactment of this Act.

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

14           (A) **IN GENERAL.**—The term “automated  
15      licensing system” means an electronic, comput-  
16      erized licensing system used by a State fish and  
17      wildlife agency to issue hunting, fishing, and  
18      other associated licenses and products.

19           (B) **INCLUSION.**—The term “automated li-  
20      censing system” includes a point-of-sale, Inter-  
21      net, or telephonic system used for a purpose de-  
22      scribed in subparagraph (A).

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

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

3 (B) can be printed on paper;

4 (C) is issued through a State automated li-  
5 censing system that is authorized, under State  
6 law and by the Secretary under this Act, to  
7 issue electronic stamps;

8 (D) is compatible with the hunting licens-  
9 ing system of the State that issues the elec-  
10 tronic stamp; and

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

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

15 **SEC. 4. ELECTRONIC DUCK STAMP PILOT PROGRAM.**

16 (a) REQUIREMENT TO CONDUCT PROGRAM.—The  
17 Secretary shall conduct a 3-year pilot program under  
18 which up to 15 States authorized by the Secretary may  
19 issue electronic stamps.

20 (b) COMMENCEMENT AND DURATION OF PRO-  
21 GRAM.—The Secretary shall—

22 (1) use all means necessary to expeditiously im-  
23 plement this section by the date that is 1 year after  
24 the beginning of the first full Federal migratory wa-

1       terfowl hunting season after the date of enactment  
2       of this Act; and

3               (2) carry out the pilot program for 3 Federal  
4       migratory waterfowl hunting seasons.

5       (c) CONSULTATION.—The Secretary shall carry out  
6       the program in consultation with State management agen-  
7       cies.

8       **SEC. 5. STATE APPLICATION.**

9       (a) APPROVAL OF APPLICATION REQUIRED.—A  
10      State may not participate in the pilot program under this  
11      Act unless the Secretary has received and approved an ap-  
12      plication submitted by the State in accordance with this  
13      section.

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

17               (1) a description of the format of the electronic  
18      stamp that the State will issue under the pilot pro-  
19      gram, including identifying features of the licensee  
20      that will be specified on the stamp;

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

23               (3) a description of the process the State will  
24      use to account for and transfer to the Secretary the

1 amounts collected by the State that are required to  
2 be transferred to the Secretary under the program;

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

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

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

9 (7) such other policies, procedures, and infor-  
10 mation as may be reasonably required by the Sec-  
11 retary.

12 (c) PUBLICATION OF DEADLINES, ELIGIBILITY RE-  
13 QUIREMENTS, AND SELECTION CRITERIA.—Not later than  
14 30 days before the date on which the Secretary begins ac-  
15 cepting applications for participation in the pilot program,  
16 the Secretary shall publish—

17 (1) deadlines for submission of applications to  
18 participate in the program;

19 (2) eligibility requirements for participation in  
20 the program; and

21 (3) criteria for selecting States to participate in  
22 the program.

23 **SEC. 6. STATE OBLIGATIONS AND AUTHORITIES.**

24 (a) DELIVERY OF ACTUAL STAMP.—The Secretary  
25 shall require that each individual to whom a State sells

1 an electronic stamp under the pilot program shall receive  
 2 an actual stamp—

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

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

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

9 (1) REQUIREMENT TO TRANSMIT.—The Sec-  
 10 retary shall require each State participating in the  
 11 pilot program to collect and submit to the Secretary  
 12 in accordance with this section—

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

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

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

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

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

3 (B) as otherwise specified in the applica-  
4 tion of the State approved by the Secretary  
5 under section 5.

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

9 (c) ELECTRONIC STAMP ISSUANCE FEE.—A State  
10 participating in the pilot program may charge a reason-  
11 able fee to cover costs incurred by the State and the De-  
12 partment of the Interior in issuing electronic stamps  
13 under the program, including costs of delivery of actual  
14 stamps.

15 (d) DUPLICATE ELECTRONIC STAMPS.—A State par-  
16 ticipating in the pilot program may issue a duplicate elec-  
17 tronic stamp to replace an electronic stamp issued by the  
18 State that is lost or damaged.

19 (e) LIMITATION ON AUTHORITY TO REQUIRE PUR-  
20 CHASE OF STATE LICENSE.—A State may not require  
21 that an individual purchase a State hunting license as a  
22 condition of issuing an electronic stamp under the pilot  
23 program.

1 **SEC. 7. 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 the pilot  
5 program—

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 the pilot program  
14 shall, 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 under the pilot program shall be valid for a period  
24 agreed to by the State and the Secretary, which shall not  
25 exceed 45 days.

1 **SEC. 8. TERMINATION OF STATE PARTICIPATION.**

2 Participation by a State in the pilot program may be  
3 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 5; 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.

14 **SEC. 9. EVALUATION.**

15 (a) **EVALUATION.**—The Secretary, in consultation  
16 with State fish and wildlife management agencies and ap-  
17 propriate stakeholders with expertise specific to the duck  
18 stamp program, shall evaluate the pilot program and de-  
19 termine whether the pilot program has provided a cost-  
20 effective and convenient means for issuing migratory-bird  
21 hunting and conservation stamps, including whether the  
22 program has—

23 (1) increased the availability of those stamps;

24 (2) assisted States in meeting the customer  
25 service objectives of the States with respect to those  
26 stamps;

1           (3) maintained actual stamps as an effective  
2           and viable conservation tool; and

3           (4) maintained adequate retail availability of  
4           the ~~traditional paper~~ *actual* stamp.

5           (b) REPORT.—The Secretary shall submit to Con-  
6           gress a report on the findings of the Secretary under sub-  
7           section (a).

8           **SEC. 10. TECHNICAL CORRECTIONS.**

9           (a) *PROHIBITION ON TAKING.*—*The first section of the*  
10          *Act of March 16, 1934 (16 U.S.C. 718a) is amended by*  
11          *striking “That no person who has attained the age of sixteen*  
12          *years” and all that follows through the end of the section*  
13          *and inserting the following:*

14          **“SECTION 1. PROHIBITION ON TAKING.**

15                 “(a) *PROHIBITION.*—

16                         “(1) *IN GENERAL.*—*Except as provided in para-*  
17                         *graph (2), no individual who has attained the age of*  
18                         *16 years shall take any migratory waterfowl unless,*  
19                         *at the time of the taking, the individual carries on the*  
20                         *person of the individual a valid Migratory Bird*  
21                         *Hunting and Conservation Stamp, validated by the*  
22                         *signature of the individual written in ink across the*  
23                         *face of the stamp prior to the time of the taking by*  
24                         *the individual of the waterfowl.*

1           “(2) *EXCEPTION.*—No stamp described in para-  
2           graph (1) shall be required for the taking of migra-  
3           tory waterfowl—

4                   “(A) by Federal or State agencies;

5                   “(B) for propagation; or

6                   “(C) by the resident owner, tenant, or  
7           sharecropper of the property, or officially des-  
8           ignated agencies of the Department of the Inte-  
9           rior, for the killing, under such restrictions as  
10          the Secretary may by regulation prescribe, of  
11          such waterfowl when found damaging crops or  
12          other property.

13          “(b) *DISPLAY OF STAMP.*—Any individual to whom  
14          a stamp has been sold under this Act shall, upon request,  
15          display the stamp for inspection to—

16                   “(1) any officer or employee of the Department  
17          of the Interior who is authorized to enforce this Act;  
18          or

19                   “(2) any officer of any State or political subdivi-  
20          sion of a State authorized to enforce State game laws.

21          “(c) *OTHER LICENSES.*—Nothing in this section re-  
22          quires any individual to affix the Migratory Bird Hunting  
23          and Conservation Stamp to any other license prior to tak-  
24          ing 1 or more migratory waterfowl.”.

1       (b) *SALES; FUND DISPOSITION; UNSOLD STAMPS.*—  
2 *Section 2 of the Act of March 16, 1934 (16 U.S.C. 718b)*  
3 *is amended by striking “SEC. 2.” and all that follows*  
4 *through the end of subsection (a) and inserting the fol-*  
5 *lowing:*

6 **“SEC. 2. SALES; FUND DISPOSITION; UNSOLD STAMPS.**

7       “(a) *SALES.*—

8               “(1) *IN GENERAL.*—*The stamps required under*  
9 *section 1 shall be sold by the Postal Service and may*  
10 *be sold by the Department of the Interior, pursuant*  
11 *to regulations promulgated jointly by the Postal Serv-*  
12 *ice and the Secretary, at—*

13                       “(A) *any post office; and*

14                       “(B) *such other establishments, facilities, or*  
15 *locations as the Postal Service or the Secretary*  
16 *(or a designee) may direct or authorize.*

17               “(2) *PROCEEDS.*—*The funds received from the*  
18 *sale of stamps under this Act by the Department of*  
19 *the Interior shall be deposited in the Migratory Bird*  
20 *Conservation Fund in accordance with section 4.*

21               “(3) *MINIMUM AND MAXIMUM VALUES.*—*Except*  
22 *as provided in subsection (b), the Postal Service shall*  
23 *collect the full face value of each stamp sold under*  
24 *this section for the applicable hunting year.*

1           “(4) *VALIDITY.*—No stamp sold under this Act  
2 shall be valid under any circumstances to authorize  
3 the taking of migratory waterfowl except—

4                   “(A) *in compliance with Federal and State*  
5 *laws (including regulations);*

6                   “(B) *on the condition that the individual so*  
7 *taking the waterfowl wrote the signature of the*  
8 *individual in ink across the face of the stamp*  
9 *prior to the taking; and*

10                   “(C) *during the hunting year for which the*  
11 *stamp was issued.*

12           “(5) *UNUSED STAMPS.*—

13                   “(A) *DEFINITION OF RETAIL DEALER.*—*In*  
14 *this paragraph, the term ‘retail dealer’ means—*

15                           “(i) *any individual or entity that is*  
16 *regularly engaged in the business of retail-*  
17 *ing hunting or fishing equipment; and*

18                           “(ii) *any individual or entity duly au-*  
19 *thorized to act as an agent of a State or po-*  
20 *litical subdivision of a State for the sale of*  
21 *State or county hunting or fishing licenses.*

22                   “(B) *REDEMPTION OF UNUSED STAMPS.*—  
23 *The Department of the Interior, pursuant to reg-*  
24 *ulations promulgated by the Secretary, shall pro-*  
25 *vide for the redemption, on or before the 30th*

1           *day of June of each year, of unused stamps*  
2           *issued for the year under this Act that—*

3                   “(i) *were sold on consignment to any*  
4                   *person authorized by the Secretary to sell*  
5                   *stamps on consignment (including retail*  
6                   *dealers for resale to customers); and*

7                   “(ii) *have not been resold by any such*  
8                   *person.*

9                   “(6) *PROHIBITION ON CERTAIN STAMP SALES.—*  
10           *The Postal Service shall not—*

11                   “(A) *sell on consignment any stamps issued*  
12                   *under this Act to any individual, business, or or-*  
13                   *ganization; or*

14                   “(B) *redeem stamps issued under this Act*  
15                   *that are sold on consignment by the Secretary*  
16                   *(or any agent of the Secretary).”.*

17           “(c) *COST OF STAMPS.—Section 2(b) of the Act of*  
18           *March 16, 1934 (16 U.S.C. 718b(b)) is amended—*

19                   “(1) *by striking “(b) The” and inserting the fol-*  
20                   *lowing:*

21                   “(b) *COST OF STAMPS.—The”;*

22                   “(2) *by striking “Secretary of the Interior” and*  
23                   *inserting “Secretary”;*

1           (3) by striking “migratory bird conservation  
2           *fund*” and inserting “Migratory Bird Conservation  
3           *Fund*”; and

4           (4) in paragraph (2), by striking “For purposes”  
5           and all that follows through “of any such year.”.

6           (d) *AUTHORIZATION AND EXEMPTION.*—Section 3 of  
7           the Act of March 16, 1934 (16 U.S.C. 718c) is amended  
8           by striking “SEC. 3. Nothing” and inserting the following:  
9           “**SEC. 3. AUTHORIZATION AND EXEMPTION.**

10           “Nothing”.

11           (e) *EXPENDITURE OF FUNDS.*—Section 4 of the Act  
12           of March 16, 1934 (16 U.S.C. 718d) is amended—

13           (1) by redesignating subsections (a) through (c)  
14           as paragraphs (1) through (3), respectively, and in-  
15           denting appropriately;

16           (2) by striking “SEC. 4. All moneys” and all  
17           that follows through “expended:” and inserting the  
18           following:

19           “**SEC. 4. EXPENDITURE OF FUNDS.**

20           “(a) *IN GENERAL.*—All funds received for stamps sold  
21           under this Act shall be—

22           “(1) accounted for by the Postal Service or the  
23           Secretary, as appropriate;

24           “(2) paid into the Treasury of the United States;  
25           and

1           “(3) reserved and set aside as a special fund, to  
2           be known as the ‘Migratory Bird Conservation Fund’  
3           (referred to in this section as the ‘fund’), to be admin-  
4           istered by the Secretary.

5           “(b) USE OF FUNDS.—All funds received into the fund  
6           are appropriated for the following purposes, to remain  
7           available until expended:”;

8           (3) in subsection (b)(1) (as redesignated by para-  
9           graphs (1) and (2))—

10           (A) by striking “(1) So much” and all that  
11           follows through “for engraving” and inserting  
12           the following:

13           “(1) ADVANCE ALLOTMENTS.—So much as may  
14           be necessary shall be used by the Secretary for engrav-  
15           ing”;

16           (B) by striking “migratory bird hunting  
17           stamps” and inserting “Migratory Bird Hunting  
18           and Conservation Stamps”;

19           (C) by striking “personal” and inserting  
20           “personnel”; and

21           (D) by striking “postal service” and insert-  
22           ing “Postal Service”;

23           (4) in subsection (b)(2) (as so redesignated)—

1           (A) by striking “(2) Except as provided in  
2           subsections (c) and (d) of this section” and in-  
3           serting the following:

4           “(2) AREAS FOR REFUGES.—Except as provided  
5           in paragraph (3) and subsection (c)”;

6           (B) by inserting “(16 U.S.C. 715 et seq.)”  
7           after “Conservation Act”;

8           (5) in subsection (b)(3) (as so redesignated)—

9           (A) by striking “(3) The Secretary of the  
10           Interior is authorized to utilize funds made  
11           available under subsection (b) of this section for  
12           the purposes of such subsection, and such other  
13           funds as may be appropriated for the purposes  
14           of such subsection, or of this subsection,” and in-  
15           serting the following:

16           “(3) CONDITIONS ON USE OF FUNDS.—The Sec-  
17           retary may use funds made available under para-  
18           graph (2) for the purposes of that paragraph, and  
19           such other funds as may be appropriated for the pur-  
20           poses of that paragraph or this paragraph,”; and

21           (B) in the second sentence—

22           (i) by inserting “(16 U.S.C. 715 et  
23           seq.)” after “Conservation Act”; and

24           (ii) by striking “this subsection” and  
25           inserting “this paragraph”;

1           (6) by redesignating subsection (d) as subsection  
2           (c); and

3           (7) in subsection (c) (as so redesignated)—

4           (A) in paragraph (1)—

5           (i) by striking “(1) The Secretary of  
6           the Interior may utilize” and inserting the  
7           following:

8           “(1) *IN GENERAL.*—*The Secretary may use*”;

9           and

10           (ii) by striking “migratory bird hunt-  
11           ing and conservation stamps” and inserting  
12           “*Migratory Bird Hunting and Conserva-*  
13           *tion Stamps*”; and

14           (B) in paragraph (2), by striking “(2) *The*  
15           *Secretary of the Interior*” and inserting the fol-  
16           lowing:

17           “(2) *COMPONENTS OF REPORT.*—*The Secretary*”.

18           (f) *LOANS AND TRANSFERS, ALTERATION, AND REPRO-*  
19           *DUCTION OF STAMPS.*—*Section 5 of the Act of March 16,*  
20           *1934 (16 U.S.C. 718e) is amended—*

21           (1) by striking “*SEC. 5. (a) That no person to*  
22           *whom has been sold a migratory-bird hunting*  
23           *stamp,*” and inserting the following:

1 **“SEC. 5. LOANS AND TRANSFERS, ALTERATION, AND RE-**  
2 **PRODUCTION OF STAMPS.**

3 “(a) *IN GENERAL.*—No person to whom has been sold  
4 a *Migratory Bird Hunting and Conservation Stamp*,”;

5 (2) *in subsection (b), by striking “(b)” and all*  
6 *that follows through “shall alter” and inserting the*  
7 *following:*

8 “(b) *ALTERATION.*—*Except as provided in clauses (i)*  
9 *and (ii) of section 504(l)(D) of title 18, United States Code,*  
10 *no person shall alter”;*

11 (3) *in subsection (c)—*

12 (A) *by striking “(c) Notwithstanding” and*  
13 *inserting the following:*

14 “(c) *REPRODUCTION.*—*Notwithstanding”;*

15 (B) *by striking “Secretary of the Interior”*  
16 *each place it appears and inserting “Secretary”;*  
17 *and*

18 (C) *in the matter following paragraph*  
19 *(2)—*

20 (i) *by striking “migratory bird hunt-*  
21 *ing stamps” and inserting “Migratory Bird*  
22 *Hunting and Conservation Stamps”;* *and*

23 (ii) *by striking “shall be paid into the*  
24 *migratory bird conservation fund” and in-*  
25 *serting “shall be paid, after deducting ex-*

1                    *penses for marketing, into the Migratory*  
 2                    *Bird Conservation Fund”.*

3            *(g) ENFORCEMENT.—Section 6 of the Act of March 16,*  
 4 *1934 (16 U.S.C. 718f) is amended—*

5                    *(1) by striking “SEC. 6. For the efficient” and*  
 6                    *inserting the following:*

7    **“SEC. 6. ENFORCEMENT.**

8                    *“For the efficient”; and*

9                    *(2) in the first sentence—*

10                    *(A) by striking “Secretary of Agriculture”*  
 11                    *and inserting “Secretary”;*

12                    *(B) by striking “Department of Agri-*  
 13                    *culture” and inserting “Department of the Inte-*  
 14                    *rior”; and*

15                    *(C) by inserting “(16 U.S.C. 703 et seq.)”*  
 16                    *after “Treaty Act”.*

17            *(h) VIOLATIONS; COOPERATION; USE OF CONTEST*  
 18 *FEES; DEFINITIONS; SHORT TITLE.—The Act of March 16,*  
 19 *1934 is amended by striking sections 7 through 10 (16*  
 20 *U.S.C. 718g–718j) and inserting the following:*

21    **“SEC. 7. VIOLATIONS.**

22                    *“Any person that violates or fails to comply with any*  
 23 *provision of this Act (including a regulation promulgated*  
 24 *under this Act) shall be subject to the penalties described*

1 *in section 6 of the Migratory Bird Treaty Act (16 U.S.C.*  
2 *707).*

3 **“SEC. 8. COOPERATION.**

4 *“The Secretary is authorized to cooperate with the*  
5 *States and the territories and possessions of the United*  
6 *States in the enforcement of this Act.*

7 **“SEC. 9. USE OF CONTEST FEES.**

8 *“Notwithstanding any other provision of law, funds re-*  
9 *ceived by the United States Fish and Wildlife Service in*  
10 *the form of fees for entering any Migratory Bird Hunting*  
11 *and Conservation Stamp contest shall be credited—*

12 *“(1) first, to the appropriation account from*  
13 *which expenditures for the administration of the con-*  
14 *test are made; and*

15 *“(2) second, to the extent any funds remain, to*  
16 *the Migratory Bird Conservation Fund.*

17 **“SEC. 10. DEFINITIONS.**

18 *“(a) IN GENERAL.—In this Act, the terms defined in*  
19 *the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.)*  
20 *and the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.)*  
21 *have the meanings given those terms in those Acts.*

22 *“(b) OTHER DEFINITIONS.—In this Act:*

23 *“(1) HUNTING YEAR.—The term ‘hunting year’*  
24 *means the 1-year period beginning on July 1 of each*  
25 *year.*

1           “(2) *MIGRATORY WATERFOWL*.—The term ‘mi-  
 2           *gratory waterfowl*’ means the species enumerated in  
 3           *paragraph (a) of subdivision 1 of article I of the Con-*  
 4           *vention between the United States and Great Britain*  
 5           *for the Protection of Migratory Birds, signed at*  
 6           *Washington on August 16, 1916 (USTS 628) (16*  
 7           *U.S.C. 703 et seq.).*

8           “(3) *SECRETARY*.—The term ‘Secretary’ means  
 9           *the Secretary of the Interior.*

10           “(4) *STATE*.—The term ‘State’ means—

11                   “(A) *a State;*

12                   “(B) *the District of Columbia;*

13                   “(C) *the Commonwealth of Puerto Rico;*

14                   “(D) *Guam;*

15                   “(E) *American Samoa;*

16                   “(F) *the Commonwealth of the Northern*  
 17           *Mariana Islands;*

18                   “(G) *the Federated States of Micronesia;*

19                   “(H) *the Republic of the Marshall Islands;*

20                   “(I) *the Republic of Palau; and*

21                   “(J) *the United States Virgin Islands.*

22           “(5) *TAKE*.—The term ‘take’ means—

23                   “(A) *to pursue, hunt, shoot, capture, collect,*  
 24           *or kill; or*

1                   “(B) to attempt to pursue, hunt, shoot, cap-  
2                   ture, collect, or kill.

3   **“SEC. 11. SHORT TITLE.**

4                   *“This Act may be cited as the ‘Migratory Bird Hunt-*  
5 *ing and Conservation Stamp Act’.”*

6                   (i) *DISPOSITION OF UNSOLD STAMPS.—Section 3 of*  
7 *the Act of July 30, 1956 (Public Law 84–838; 70 Stat. 722),*  
8 *is amended—*

9                   (1) *by redesignating subsections (b) and (c) as*  
10 *subsections (c) and (d), respectively; and*

11                   (2) *in subsection (a) (16 U.S.C. 718b–1)—*

12                   (A) *by striking “SEC. 3. (a) Hereafter” and*  
13 *all that follows through the end of the first sen-*  
14 *tence and inserting the following:*

15   **“SEC. 3. DISPOSITION OF UNSOLD STAMPS.**

16                   *“(a) DISPOSITION OF UNSOLD STAMPS.—A Migratory*  
17 *Bird Hunting and Conservation Stamp shall be transferred*  
18 *to the Postal Service or the Secretary of the Interior (or*  
19 *a designee) for sale to a collector if the stamp—*

20                   *“(1) has not been sold by the end of the hunting*  
21 *year (as that term is defined in section 10 of the Mi-*  
22 *gratory Bird Hunting and Conservation Stamp Act)*  
23 *during which the stamp is issued; and*

24                   *“(2) as determined by the Postal Service or the*  
25 *Secretary of the Interior—*

1           “(A) is appropriate to supply a market for  
2           sale to collectors; and

3           “(B) is in suitable condition for sale to a  
4           collector.”; and

5           (B) by striking the second sentence and in-  
6           serting the following:

7           “(b) *SURPLUS STOCK.*—The Postal Service or the Sec-  
8           retary of the Interior may destroy any surplus stock of Mi-  
9           gratory Bird Hunting and Conservation Stamps at such  
10          time and in such manner as the Postal Service or the Sec-  
11          retary of the Interior determines to be appropriate.”.

Calendar No. 305

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1496**

[Report No. 109-187]

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## **A BILL**

To direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

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DECEMBER 8, 2005

Reported with amendments