

112TH CONGRESS
2^D SESSION

H. R. 3117

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2012

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Permanent Electronic
3 Duck Stamp Act of 2012”.

4 **SEC. 2. 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 the means established by the au-
12 thority of the Secretary immediately before the date
13 of enactment of this Act.

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

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

20 (B) **INCLUSION.**—The term “automated li-
21 censing system” includes a point-of-sale, Inter-
22 net, telephonic system, or other electronic appli-
23 cations used for a purpose described in sub-
24 paragraph (A).

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

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

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

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

13 (D) is compatible with the hunting licens-
14 ing system of the State that issues the elec-
15 tronic stamp; and

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

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

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

21 (a) IN GENERAL.—The Secretary may authorize any
22 State to issue electronic stamps in accordance with this
23 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
6 Secretary may not authorize a State to issue electronic
7 stamps under this Act unless the Secretary has received
8 and approved an application submitted by the State in ac-
9 cordance with this section. The Secretary may determine
10 the number of new States per year to participate in the
11 electronic stamp program.

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

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

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

21 (3) a description of the process the State will
22 use to account for and transfer to the Secretary the
23 amounts collected by the State that are required to
24 be 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 infor-
8 mation as may be reasonably required by the Sec-
9 retary.

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

15 (1) deadlines for submission of applications;

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

18 (3) criteria for approving applications.

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

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

24 (1) by not later than the date on which the
25 electronic 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 Sec-
6 retary shall require each State authorized to issue
7 electronic stamps to collect and submit to the Sec-
8 retary in accordance with this section—

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) RECOGNITION OF ELECTRONIC STAMP.—Any
2 electronic stamp issued by a State under this Act shall,
3 during 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
12 State shall be valid for a period agreed to by the State
13 and the 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.

 Passed the House of Representatives January 23,
2012.

Attest:

KAREN L. HAAS,

Clerk.