

TO AMEND THE PERMANENT ELECTRONIC DUCK STAMP ACT OF 2013 TO
ALLOW STATES TO ISSUE ELECTRONIC STAMPS UNDER SUCH ACT, AND
FOR OTHER PURPOSES

SEPTEMBER 14, 2023.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 2872]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2872) to amend the Permanent Electronic Duck Stamp Act of 2013 to allow States to issue electronic stamps under such Act, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SEC. 1. AUTHORIZING FULLY ELECTRONIC STAMPS.

(a) **IN GENERAL.**—Section 5 of the Permanent Electronic Duck Stamp Act of 2013 (16 U.S.C. 718r) is amended—

(1) in subsection (a)—

(A) in the heading, by striking “ACTUAL STAMP” and inserting “ELECTRONIC STAMP”;

(B) by striking “actual stamp” and inserting “electronic stamp”; and

(C) by amending paragraph (1) to read as follows:

“(1) upon the date of purchase; and”;

(2) in subsection (c), by inserting “under subsection (e)” before the period at the end; and

(3) by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following new subsection:

“(e) **DELIVERY OF ACTUAL STAMPS.**—The Secretary shall issue an actual stamp after March 10 of each year to each individual that purchased an electronic stamp for the preceding waterfowl seasons.”.

(b) **STAMP VALID THROUGH CLOSE OF HUNTING SEASON.**—Section 6 of the Permanent Electronic Duck Stamp Act of 2013 (16 U.S.C. 718s(c)) is amended—

(1) in subsection (b), by striking “shall, during the effective period of the electronic stamp—” and inserting “shall—”; and

(2) in subsection (c), by striking “for a period agreed to by the State and the Secretary, which shall not exceed 45 days” and inserting “until the first June 30 that occurs after the date of issuance of such stamp”.

- (c) ELECTRONIC STAMPS AS PERMIT.—Section 1(a)(1) of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a(a)(1)) is amended—
- (1) by inserting “as an electronic stamp or” after “Conservation Stamp,”;
 - (2) by inserting “actual” after “face of the”.
- (d) CONTENTS OF ELECTRONIC STAMP.—Section 2(3) of the Permanent Electronic Duck Stamp Act of 2013 (16 U.S.C. 718o(3)) is amended—
- (1) in subparagraph (D), by striking “and”;
 - (2) in subparagraph (E), by striking the period at the end and inserting “; and”;
 - (3) by adding at the end the following:
“(F) may contain an image of the actual stamp.”.

Amend the title so as to read:

A bill to amend the Permanent Electronic Duck Stamp Act of 2013 to allow the Secretary of the Interior to issue electronic stamps under such Act, and for other purposes.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 2872, as ordered reported, is to amend the Permanent Electronic Duck Stamp Act of 2013 to allow the Secretary of the Interior to issue electronic stamps under such Act, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Duck Stamp was created when President Franklin Delano Roosevelt signed the Migratory Bird Hunting Stamp Act into law in 1934.¹ That law required waterfowl hunters, ages 16 and over, to purchase and possess a valid Duck Stamp prior to taking migratory waterfowl such as ducks. The Duck Stamp is national in scope and can be used to hunt in multiple states.²

Duck Stamp sales are critical for waterfowl and habitat conservation, which in turn ensures sustainable populations of waterfowl for hunters and recreational bird enthusiasts alike. The art featured on the Duck Stamp is chosen every year in the only federally regulated and run art contest. The contest, which began in 1949, is open to any artist 18 or older who is a U.S. citizen.

Receipts from Duck Stamp sales are deposited into the Migratory Bird Conservation Fund and are not subject to further appropriations. Ninety-eight percent of the proceeds are used to “help acquire and protect the wetland habitat and purchase conservation easements,” according to the U.S. Fish and Wildlife Service (Service).³ The Service estimates that, since 1934, over \$1.1 billion has been raised by Duck Stamp sales to conserve over six million acres of land within the National Wildlife Refuge System. Each Duck Stamp is on sale for three years. The most current figures show that the 2020–2021 Duck Stamp has sold 1.59 million copies.⁴

Over the last decade, the Duck Stamp program has been statutorily amended to increase its price from \$15 to \$25 annually and to reflect technological advances such as the internet.⁵ Prior to

¹ 16 U.S.C. 718, <https://www.govinfo.gov/content/pkg/USCODE-2017-title16/pdf/USCODE-2017-title16-chap7-subchapIV-sec718.pdf>.

² *Id.*

³ *Id.*

⁴ U.S. Fish and Wildlife Service, Duck Stamp Sales by Year. <https://www.fws.gov/media/duck-stamp-sales-year>.

⁵ Smith, P. “New \$25 federal duck stamp aims to raise funds for habitat” *Journal Sentinel*, December 20, 2014. <https://archive.jsonline.com/sports/outdoors/new-25-federal-duck-stamp-aims-to-raise-funds-for-habitat-b99411831z1-286476101.html/>.

2015, many migratory bird hunters and stamp collectors would have to purchase a Duck Stamp in person even though many states allowed the same individuals to buy a state migratory bird stamp over the internet.⁶ As a result of this inconsistency and in an effort to modernize the program, the Permanent Electronic Duck Stamp Act of 2013 (Public Law 113–239) was enacted in December 2014 to create an automated licensing system.⁷ This law specifically authorized state fish and wildlife agencies, after approval from the Secretary, to issue an electronic Duck Stamp or “E-Stamp.” To date, twenty-nine states have participated in this program.

H.R. 2872 would amend the Permanent Electronic Duck Stamp Act of 2013 to allow states to issue electronic Duck Stamps for the entire hunting season. The bill would remove the 45-day limit on current electronic Duck Stamps and make valid any electronic stamps sold for the entirety of the stamp year, which runs from July 1 in the preceding year to June 30 of the following year. H.R. 2872 would also amend the Migratory Bird Hunting and Conservation Stamp Act of 1934, by making it an option to have either an electronic stamp or a physical signed stamp as the license required for hunting waterfowl. The hunter would instead receive the physical Duck Stamp after migratory bird season ends.

The bill upholds the art competition tradition by ensuring that a physical Duck Stamp is mailed to hunters and all others who have purchased a Duck Stamp. As Mr. Bryan McClinton, the Undersecretary of the Louisiana Department of Wildlife and Fisheries, testified, “this means all waterfowl hunters and stamp collectors would still receive their actual federal duck stamp in the mail, thereby maintaining the artistic integrity of the federal duck stamp . . . the duck stamp art contest is one of the oldest and absolutely the most unique conservation art contests in the United States. Therefore, this legislation allows the contest and its rich heritage to remain strong.”⁸

In addition, this legislation does not mandate a state to issue electronic Duck Stamps as it maintains participation voluntary. However, according to a 2022 report by the Association for Fish and Wildlife Agencies, 44 of the 49 states that allow waterfowl hunting allow for electronic licenses and 42 of those states allow either digital or physical proof of licensure.⁹

The reforms in this bill are designed to improve the customer experience for waterfowl hunters, reflect in statute advances in technology, while at the same time maintaining the integrity of the existing Duck Stamp system and not placing an additional burden on the states.

COMMITTEE ACTION

H.R. 2872 was introduced on April 26, 2023, by Rep. Garret Graves (R–LA). The bill was referred to the Committee on Natural

⁶U.S. Fish and Wildlife Service, Federal Duck Stamp. <https://www.fws.gov/service/duck-stamps>.

⁷Permanent Electronic Duck Stamp Act of 2013, P.L. 113–239. <https://www.govinfo.gov/content/pkg/PLAW-113publ239/pdf/PLAW-113publ239.pdf>.

⁸“Written Testimony of Bryan McClinton, Undersecretary, Louisiana Department of Wildlife and Fisheries.” House Natural Resources Committee. 5/10/23. [testimony_mcclinton.pdf](https://www.house.gov/committees/natural-resources/51023-testimony-mcclinton.pdf) (house.gov).

⁹“Federal Duck Stamp Task Group DRAFT Report.” Association of Fish and Wildlife Agencies. 2/28/22. [Duck_Stamp_Report_Final_2-28-22.pdf](https://www.aofwl.org/wp-content/uploads/2022/02/Duck_Stamp_Report_Final_2-28-22.pdf) (fishwildlife.org).

Resources, and within the Committee to the Subcommittee on Water, Wildlife and Fisheries. On May 10, 2023, the Subcommittee on Water, Wildlife and Fisheries held a hearing on the bill. On June 21, 2023, the Committee on Natural Resources met to consider the bill. The Subcommittee on Water, Wildlife and Fisheries was discharged from further consideration of H.R. 2872 by unanimous consent. Rep. Garret Graves (R-LA) offered an amendment, designated Graves_031. The amendment offered by Rep. Graves was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Wildlife and Fisheries held on May 10, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Authorizing fully electronic stamps

Section 1 ends the existing requirement for a state to send a physical copy of the Duck Stamp to the purchaser within 45-days of purchase. Requires a state to issue a physical stamp after March 10 of each year to each individual that purchased an electronic stamp from the state during the preceding 1-year period.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

| H.R. 2872, a bill to amend the Permanent Electronic Duck Stamp Act of 2013 to allow the Secretary of the Interior to issue electronic stamps under such Act, and for other purposes | | | |
|---|------|---|---------------|
| As ordered reported by the House Committee on Natural Resources on June 21, 2023 | | | |
| By Fiscal Year, Millions of Dollars | 2023 | 2023-2028 | 2023-2033 |
| Direct Spending (Outlays) | 0 | * | * |
| Revenues | 0 | * | * |
| Increase or Decrease (-) in the Deficit | 0 | * | * |
| Spending Subject to Appropriation (Outlays) | 0 | * | not estimated |
| Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034? | No | Statutory pay-as-you-go procedures apply? Yes | |
| | | Mandate Effects | |
| Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034? | No | Contains intergovernmental mandate? | No |
| | | Contains private-sector mandate? | No |
| * = between -\$500,000 and \$500,000. | | | |

H.R. 2872 would expand the use of electronic Federal Migratory Bird Hunting and Conservation Stamps (referred to as federal duck stamps), which are annual permits sold by the U.S. Fish and Wildlife Service (USFWS) to hunters of migratory waterfowl. Under current law, the agency must send a physical duck stamp within 45 days of purchase. H.R. 2872 would allow the physical duck stamp to be sent later and, in the interim, allow the electronic stamp to count as proof of purchase.

CBO assumes that the bill will be enacted late in fiscal year 2023. Using information about the cost of similar activities, CBO estimates that implementing the changes under H.R. 2872 would have an insignificant effect on administrative costs of the USFWS.

Under current law, amounts collected from the sale of duck stamps are deposited into the Migratory Bird Conservation Fund and are recorded in the budget as revenues. Those collections are available to be spent without further appropriation for waterfowl conservation projects. CBO expects sales of duck stamps would not be significantly affected under the bill. Thus, CBO estimates that enacting the bill would have no significant effect on direct spending or revenues in any year and over the 2023–2033 period.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to amend the Permanent Electronic Duck Stamp Act of 2013 to allow the Secretary of the Interior to issue electronic stamps under such Act, and for other purposes.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 2872, as ordered reported by the Committee, contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

PERMANENT ELECTRONIC DUCK STAMP ACT OF 2013

* * * * *

SEC. 2. DEFINITIONS.

In this Act:

(1) **ACTUAL STAMP.**—The term “actual stamp” means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the “Duck Stamp Act”), that is printed on paper and sold through the means established by the authority

of the Secretary immediately before the date of enactment of this Act.

(2) AUTOMATED LICENSING SYSTEM.—

(A) IN GENERAL.—The term “automated licensing system” means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) INCLUSION.—The term “automated licensing system” includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

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

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

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

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this Act, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; **[and]**

(E) is described in the State application approved by the Secretary under section 4(b)**[.]**; *and*

(F) may contain an image of the actual stamp.

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

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SEC. 5. STATE OBLIGATIONS AND AUTHORITIES.

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

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

(1) upon the date of purchase; and

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

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

(1) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this section—

(A) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

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

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

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

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

(c) **ELECTRONIC STAMP ISSUANCE FEE.**—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this Act, including costs of delivery of actual stamps *under subsection (e)*.

(d) **DUPLICATE ELECTRONIC STAMPS.**—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(e) **DELIVERY OF ACTUAL STAMPS.**—*The Secretary shall issue an actual stamp after March 10 of each year to each individual that purchased an electronic stamp for the preceding waterfowl seasons.*

[(e)] (f) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this Act.

SEC. 6. ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.

(a) **STAMP REQUIREMENTS.**—The Secretary shall require an electronic stamp issued by a State under this Act—

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

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

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

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

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

(3) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(c) **DURATION.**—An electronic stamp issued by a State shall be valid **[(for a period agreed to by the State and the Secretary, which shall not exceed 45 days)] until the first June 30 that occurs after the date of issuance of such stamp.**

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**MIGRATORY BIRD HUNTING AND CONSERVATION
STAMP ACT**

SECTION 1. PROHIBITION ON TAKING.

(a) **PROHIBITION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), no individual who has attained the age of 16 years shall take any migratory waterfowl unless, at the time of the taking, the individual carries on the person of the individual a valid Migratory Bird Hunting and Conservation Stamp, *as an electronic stamp*

or validated by the signature of the individual written in ink across the face of the *actual* stamp prior to the time of the taking by the individual of the waterfowl.

(2) EXCEPTION.—No stamp described in paragraph (1) shall be required for the taking of migratory waterfowl—

(A) * * *

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