

# **APPLICATION PACKAGE**

**Department of the Interior  
Fish and Wildlife Service**

**Application to Participate in the  
Electronic Federal Duck Stamp Pilot Program**

**Program to Begin September 1, 2007**

**Application Deadline – June 1, 2007**

The Office of Management and Budget has granted emergency approval for the collection of information relating to the application to participate in the Electronic Federal Duck Stamp Pilot Program, to meet the requirements of the Electronic Duck Stamp Act of 2005 (Pub. L. 109-266). OMB has assigned OMB Control No. 1018-0XXX, which expires XX/XX/2007.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501), the Fish and Wildlife Service will seek OMB's approval for the reporting requirements mandated in Pub. L. 109-266 for a 3-year term. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

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## BACKGROUND

The Director of the U. S. Fish and Wildlife Service announces the opportunity for up to 15 State fish and wildlife agencies to participate in a 3-year pilot program to issue Federal Migratory Hunting and Conservation Stamps through their electronic sales outlets. The Director takes this action pursuant to the Electronic Duck Stamp Act of 2005 (P.L. 109-266).

The intent of the application is to determine a State's eligibility to participate in this 3-year pilot program. The program is expected to enhance the ability of the public to obtain required Federal Duck Stamps through the use of electronic technology, promoting greater public participation and, therefore, increasing the number of stamps sold.

### Mission of the Federal Duck Stamp Office

The Federal Migratory Bird Hunting and Conservation Stamp, commonly known as "the Duck Stamp," is a pictorial stamp produced by the U.S. Postal Service for the U.S. Fish and Wildlife Service. It is not valid for postage. Originally created in 1934 as a Federal license required for hunting migratory birds, any hunter over the age of 16 must possess a Federal Duck stamp. The Federal Duck Stamp has a much larger purpose today.

The Federal Duck Stamp is a vital tool for wetland conservation. Ninety-eight cents of every dollar generated by the sale of Federal Duck Stamps goes directly to purchase or lease wetland habitat for protection in the National Wildlife Refuge System. Understandably, the Federal Duck Stamp Program has been called one of the most successful conservation programs ever initiated and is a highly effective way to conserve America's natural resources.

P.L. 109-266 requires that the Secretary of the Interior conduct a 3-year pilot program under which up to 15 states authorized by the Secretary may issue electronic Federal Duck Stamps. There are currently 40 States that utilize internet, point of sale, or telephonic sales of their hunting and fishing licenses. The application process will lead to the selection of up to 15 eligible participants for this pilot program.

## INSTRUCTIONS

Applicants for this program must respond to all sections of the application package. An applicant is required to submit a letter of transmittal, answer all the questions in Section 4 (FWS Form 3-2341) of this application package and submit the required supporting documentation.

## APPLICATION SUBMISSION TERMS AND CONDITIONS

The Application Transmittal Letter shown below indicates applicant's acceptance of the terms and conditions of the E-Duck Stamp Pilot Program as presented in this package and attached draft Memorandum of Understanding.

The letter must bear original signatures and be included in the State's response package. The Service will review the entire application package to determine whether the applicant accepts the terms and conditions of the application process and draft Memorandum of Understanding. If not, your application will not be accepted.

The official executing this application package on behalf of the State must have authority to make such representations on behalf of the State, and the official signing the Memorandum of Understanding with the Service must have the legal authority to obligate the State to be financially and managerially responsible for carrying out the terms of the agreement. In addition, the State must unconditionally state and guarantee in its application that the State will provide all funding, management and/or other resources necessary to conduct a program in accordance with the application package and the Memorandum of Understanding with the Service.

Sample Transmittal Letter

To: Director  
U.S. Fish and Wildlife Service  
C/O Federal Duck Stamp Office  
4501 North Fairfax Drive  
Arlington, VA 22203

Dear Director:

The Department of \_\_\_\_\_ (State) hereby agrees to participate in the E-Duck stamp pilot program in accordance with the terms and conditions provided in the application issued by the public notice as listed on \_\_\_\_\_ .gov and to execute the Memorandum of Understanding with the Service without substantive modification (except as may be required by the Fish and Wildlife Service pursuant to the terms of the application).

The State's "APPLICATION" is enclosed with this letter. The State certifies that the information furnished herewith is complete, true, and correct.

The State agrees to meet all the minimum requirements of the application, eligibility requirements and that all of the mandatory information specified in the application is also provided.

The State, by submitting this Application hereby agrees, if selected for participation in the E- Duck stamp pilot program:

1. To the minimum requirements as identified in Section 3 of this application package.
2. To complete the State's execution of the Memorandum of Understanding within thirty working days after it is presented by the Fish and Wildlife Service.
3. To commence operations under the Memorandum of Understanding on or before September 1, 2007.
4. To operate under the current, Service-approved rates for handling charges to consumers, including State cost recovery rates approved by the Service.

BY \_\_\_\_\_ DATE \_\_\_\_\_

(Type or Print Name)

ORIGINAL SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

ADDRESS \_\_\_\_\_

***This is a draft Memorandum of Understanding (MOU). The final MOU for each State will be tailored as permitted to address individual State issues. This draft is provided to outline the requirements addressed in the legislation.***

**DRAFT**  
MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE U.S. FISH AND WILDLIFE SERVICE  
AND THE STATE OF \_\_\_\_\_

**I. AUTHORITY**

This memorandum of understanding (MOU) between the Secretary of the Interior acting through the Director, U.S. Fish and Wildlife Service (hereinafter referred to as the “Service”) and the State of \_\_\_\_\_ (hereinafter referred to as the “State”), and jointly referred to as the “Cooperators”, is entered into under the authority of Fish and Wildlife Coordination Act of 1934 (16 USC 718a et seq.), as amended; and “Electronic Duck Stamp Act of 2005 (P.L. 109-266).

**II. BACKGROUND**

On March 16, 1934, Congress passed, and President Roosevelt signed, the Migratory Bird Hunting Stamp Act, (popularly known as the “Duck Stamp Act”), requiring all migratory waterfowl hunters 16 years of age or older to buy a Federal migratory bird hunting and conservation stamp annually. Since that time, the Federal Duck Stamp program has become one of the most popular and successful conservation programs ever initiated. Proceeds from Duck Stamp sales have been used to purchase about 5.2 million acres of migratory waterfowl habitat on the more than 540 national wildlife refuges.

The Electronic Duck Stamp Act requires that the Secretary conduct a 3-year pilot program under which up to 15 States, authorized by the Secretary, may issue electronic Federal Duck Stamps.

**III. PURPOSE AND OBJECTIVES**

This MOU between the Service and the State is entered into to facilitate an orderly implementation and management of the 3-year pilot program. The purpose of this MOU is to outline the duties of both the Service and the State in this process and for evaluating the success of the 3-year pilot program.

#### IV. RESPONSIBILITIES OF THE PARTIES

##### A. The Service shall:

1. Permit the State to issue Migratory Bird Hunting and Conservation Stamps through the State's Electronic Licensing System as outlined and accepted through the application process and this MOU.
2. Confer with the State regarding customer service issues to help resolve those issues.
3. Provide the State with a fulfillment center that will issue the physical stamps within the specified 45-day time period.
4. Review the handling charges imposed by the States to monitor cost efficiencies.
5. Provide State and Federal law enforcement personnel with information and updates regarding the issuance and privileges accorded the E-Duck stamp.
6. Provide written notice to the State of any price change for the actual stamp.

##### B. The State shall:

1. Issue the Federal Migratory Bird Hunting and Conservation Stamp through its own authorized electronic licensing system in accordance with the application process and this MOU.
2. Have a goal to provide an effective and convenient means for issuing migratory bird hunting and conservation stamps.
3. Work to increase the availability of those stamps and to meet the State's customer satisfaction objectives.
4. Support the Duck Stamp as an effective and viable conservation tool.
5. Assist in maintaining adequate retail availability of the stamp by not promoting the electronic stamp as the only choice available to customers.
6. Issue an electronic stamp that contains a unique identifier for the individual to whom it is issued.
7. Supply the customer with a printed proof of purchase.

8. Provide the Service with any updates to laws, regulations or policies related to the State's Electronic licensing system.
9. Send weekly sales accounts to Amplex Corporation through a secure File Transfer Protocol with SSL 28-bit encryption as outlined by Amplex Corporation, the fulfillment center, in the Application guidance in Exhibit A.
10. Send all payments to Amplex Corporation as specified in the State's application, preferably through the specified electronic banking system.
11. Provide the State's own law enforcement personnel with information and updates regarding the issuance and privileges accorded the stamp.

#### V. General Provisions:

- A. The Cooperators will mutually establish policies and procedures for handling customer complaints and for issuing duplicate electronic duck stamps (lost or stolen).
- B. The State will provide information and assist the Service in monitoring and evaluating the efficiency and effectiveness of the pilot program to facilitate customer service and convenience.
- C. The Cooperators will acknowledge the State, Service, and the Duck Stamp Office's cooperation and collaboration in all facets of publicity in any materials referencing the pilot program and other informational materials promoting this partnership;
- D. State Government Relations staff or other designated contact will work with and assist the Service's office of Congressional and Legislative Affairs to inform relevant members of Congress about the pilot program, its progress and ultimate results in a timely manner.
- E. Third party partners of either cooperator will seek prior approval of all press releases, advertisements or any other materials produced to announce or promote the E-stamp pilot program and are subject to the same review conditions as the agreement's primary cooperators. This does not prevent third third parties from publishing the availability of the stamp at their location.
- F. The Cooperators will meet primarily by conference call or in conjunction with a regularly scheduled meeting of the Association of Fish and Wildlife Agencies to assess the pilot program and evaluate its efficiency. This schedule is to be determined by the committee involved in the evaluation.
- H. The Cooperators will obtain mutual approval for any press release concerning this MOU which refers to the Department of the Interior or any bureau or



employee (by name or title), or the State agency or its employees. The specific text, layout, photographs, etc. of the proposed release must be submitted for review and approved by both cooperators prior to publication.

VI. Administrative Provisions:

- A. Nothing in this MOU shall obligate the State, Service, or the United States to any current or future expenditure of resources in the absence or in advance of the availability of appropriations.
- B. This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the cooperators will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing.
- C. This MOU is subject to all applicable Federal laws, regulations, and guidelines, and nothing in this MOU is intended to conflict with any existing law, regulation, or guideline of the United States including any policy or procedure of the Department of the Interior or the Service.
- D. The Service and the State agree to be responsible for damages to their own property and injuries to their own employees and volunteers.
- E. Cooperators agree to assume liability for any and all claims by third parties arising from the acts or omissions of their respective employees or representatives to the greatest extent provided by law.
- F. This MOU is not intended to create an exclusive relationship between the Service and the State with respect to promoting the public awareness of the Federal Duck Stamp and the importance of the Federal Duck Stamp program administered by the Service.
- G. Nothing in this MOU may be interpreted to imply that the United States, the Department of the Interior, or the Service endorses any product, service or policy of the State. The State will not take any action or make any statement that implies such an endorsement.
- H. During the performance of this MOU, the participants agree to abide by the terms of the U.S. Department of the Interior-Civil Rights Assurance Certification, non-discrimination, and will not discriminate against any person because of race, color, religion, sex, or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, sexual orientation, national origin, disabilities, religion, age, or sex.

VII. Period of MOU

- A. The term of the MOU shall be for the period beginning with the execution of the MOU by both parties and shall remain in effect until September 1, 2010, unless terminated, modified or extended.
- B. This MOU may be modified, amended or supplemented by mutual consent of both the Service and the State. The cooperators agree to seek a mutually acceptable schedule to negotiate any modifications in the MOU.
- C. Either party may terminate this MOU by providing the other party with thirty (30) days written notice. In the event that one party provides the other party with notice of its intention to terminate, the cooperators will attempt to meet promptly to discuss the reason for the notice and attempt to resolve any differences.
- D. The MOU may be executed in multiple counterparts, each of which shall be deemed an original.
- E. The cooperators may agree to extend the term of this MOU provided that the agreement to extend it is in writing and is signed by both parties.

VII. Contacts for the parties:

A. Service contact:

Patricia Fisher  
 Chief, Federal Duck Stamp Office  
 4401 North Fairfax Drive  
 Mail Stop MBSP-4070  
 Arlington, VA 22203

B. State Contact:

NAME  
 TITLE  
 ADDRESS

This MOU is entered into by H. Dale Hall Director, U.S. Fish and Wildlife Service and \_\_\_\_\_ this \_\_\_\_ Day of \_\_\_\_\_, 2007.

U.S. Fish and Wildlife Service

STATE

\_\_\_\_\_

\_\_\_\_\_

(Signature)

H. Dale Hall  
Director  
U.S. Fish and Wildlife Service  
1849 C. Street, NW  
Washington, DC 20240

(Signature)

(\_\_\_\_\_)

Date of execution: \_\_\_\_\_, 2007

## EVALUATION METHODOLOGY

The minimum requirements for participation in the E-Duck Stamp Pilot Program are identified in this section of the Application Package. If the State, in its transmittal letter, does not agree to these minimum requirements, the Application will be considered unsatisfactory.

### MINIMUM REQUIREMENTS:

No application will be considered which fails to meet the minimum requirements as determined by the Director. Such minimum requirements will include the following:

1. Issue the Federal Migratory Bird Hunting and Conservation Stamp through its own authorized electronic licensing system.
2. Have a goal to provide an effective and convenient means for issuing migratory-bird hunting and conservation stamps.
3. Have as another goal to increase the availability of those stamps and to meet the State's customer satisfaction objectives.
4. Support the Duck Stamp as an effective and viable conservation tool.
5. Assist in maintaining adequate retail availability of the stamp by not promoting the electronic stamp as the only choice available to customers.
6. Issue an electronic stamp that contains a unique identifier for the individual to whom it is issued.
7. Supply the customer with a printed proof of purchase.
8. Provide the Service with any updates to laws, regulations or policies related to the State's Electronic licensing system.
9. Send weekly sales accounts to Amplex Corporation through a secure File Transfer Protocol with SSL 28-bit encryption as outlined by Amplex Corporation, the fulfillment center, in the Application guidance in Exhibit A.
10. Send all payments to Amplex Corporation as specified in the State's application, preferably through the specified electronic banking system.
11. Provide the State's own law enforcement personnel with information and updates regarding the issuance and privileges accorded the stamp.

## SELECTION OF THE BEST APPLICANTS

In selecting the best applicants, the Director will consider the following principal factors:

- A. The responsiveness of the application to the objectives of providing a cost-effective and convenient means for issuing migratory-bird hunting and conservation stamps,
- B. The experience and related background of the entity submitting the application, including the past performance and expertise of such entity in providing the same or similar services.

- C. The financial capability of the entity submitting the application regarding start-up and maintenance costs.

## SELECTION CRITERIA

The Director will apply the selection factors described in the application by assessing each application under each of the selection factors on the basis of a yes/no question often with a narrative explanation. For each selection factor, the Director will evaluate the individual factors on the merits of the application comparing them to the other proposals received, if any. If there are special concerns with specific factors, please elaborate in the narrative section.

**APPLICATION FOR PARTICIPATION IN THE  
ELECTRONIC FEDERAL DUCK STAMP PROGRAM**

SELECTION FACTOR 1. The responsiveness of the applicant to the eligibility requirements of the act. (Scored: Satisfactory/Unsatisfactory)

- 1A. The Applicant agrees to comply with all terms and conditions in the application package including compliance with all applicable laws under the terms and conditions specified in the draft Memorandum of Understanding.

\_\_\_\_\_Yes                      \_\_\_\_\_No

- 1B. The State must currently sell State hunting, fishing, and other associated licenses and products through an established electronic system, including point of sale, or internet, or telephonic systems.

Please provide information verifying the current systems the State utilizes.

- 1C. The State must issue these electronic licenses through a State automated licensing system authorized under State law;

Please provide the appropriate reference to the applicable state laws, or regulations or policies that authorize the use of these electronic systems.

- 1D. The State must agree to terms established by the Director, Fish and Wildlife Service for this pilot program to issue Federal Migratory Bird Hunting and Conservation electronic stamps.

Have you included your transmittal letter attesting to the State's unconditional concurrence with the terms and conditions of the MOU?

\_\_\_\_\_Yes                      \_\_\_\_\_No

- 1E. For a State to include the Federal Migratory Bird Hunting and Conservation Stamp in its portfolio, the electronic version of the actual stamp must contain a unique identifier for the individual to whom it is issued.

Please provide an example and explanation of the codes your State proposes to use to create and endorse this unique identifier.

- 1F. For the State to include the Federal Migratory Bird Hunting and Conservation Stamp in its portfolio, the electronic version of the actual stamp must have the ability to be printed on paper; as "Fed Duck Stamp".

Please enclose a mock up copy of the printed version of your state's proposed electronic stamp.

Please describe the format of the electronic stamp that the State will issue under the pilot program, including identifying features of the licensee to be specified on the stamp.

- 1G. For the State to include the Federal Migratory Bird Hunting and Conservation Stamp in its portfolio, the electronic version of the actual stamp must be compatible with the hunting licensing system of that State.

Is the electronic version compatible with the system of your state?

\_\_\_\_\_ Yes          \_\_\_\_\_ No

SELECTION FACTOR 2: State's responsiveness to the pilot program application requirements - narrative response (satisfactory/ unsatisfactory)

The law states that the Director may NOT approve a State application unless the application contains the following information:

2A. Please describe any fees the State will charge for issuance of an electronic stamp;

2B. Please describe the process the State will use to account for and transfer the amounts collected by the State to the fulfillment center as required under the program;

The contractor available for fulfillment services is Amplex Corporation. Please examine the requirement of the contractor (Exhibit A) in answering the following question.

2C. Please describe how and when the State will transmit electronic stamp customer data to the fulfillment center;

2D. Please describe how the actual stamps will be delivered; this information should include your choice of utilizing a consignment agreement with Amplex or direct information transfer to Amplex Corporation.

2E. Please supply a copy of the policies and procedures the State will use to issue duplicate electronic stamps.



- 2F. Please supply a copy of other policies, procedures, and information that relate to this program; i.e. , Are there separate policies in other permit language that may influence this program?

SELECTION FACTOR 3 - Stamp Requirements- the Director will require an electronic stamp issued by a State under the pilot program have specific characteristics.

- 3A. Please provide information to show that the Federal Duck Stamp issued by your State will have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State.

- 3B. Please demonstrate what specific identifying features of the licensee will appear on the “point of sale”, telephonic or web receipt that are adequate to enable Federal, State, and other law enforcement officers to identify the holder. Provide physical copies or examples where possible.

- 3C. Provide information and demonstrate how you will communicate to the purchaser and law enforcement officials in your State:

. That any electronic stamp issued by a State under the pilot program will, during the effective period of the electronic stamp:

1. bestow upon the licensee the same privileges as are bestowed by an actual stamp;
2. be nationally recognized as a valid Federal migratory bird hunting and conservation stamp; and

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

SELECTION FACTOR 4 - Guaranteed delivery of the physical stamp to the customer and improved customer service and convenience.

4A. An electronic stamp issued by a State under the pilot program will be valid for a period of time, not to exceed 45 days. What action will you take to guarantee timely information transfer to the fulfillment center which will allow them to meet the time constraints in filling the order?

4B. Please outline how your plan to resolve customer complaints regarding late, incorrect orders or missing stamp deliveries.

SELECTION FACTOR 5 – State’s agreement to the terms and conditions outlined in the Memorandum of Understanding governing the pilot program.

5A. The State agrees to comply with all of the terms and conditions specified in the Memorandum of Understanding, including its exhibits.

Yes \_\_\_\_\_ No \_\_\_\_\_

5B. Do you, the State; agree to operate at the current Service approved handling rates (Exhibit B) during the term of the pilot until such time as a new handling

rate schedule is approved by the Director justifying cost recovery. (A selected State may request a handling rate increase at any time after the selection of the State is made by the Service.)

Yes \_\_\_\_\_ No \_\_\_\_\_

5C. If the State wishes to operate their own fulfillment operations, does the State agree to accept the operating terms of the optional fulfillment opportunity as outlined by Amplex on their consignment web-site? ([www.duckstamp.com](http://www.duckstamp.com))

Yes \_\_\_\_\_ No \_\_\_\_\_

5D. Does the State agree to implement an equal opportunity program and comply with the terms of the equal opportunity and handicapped access requirements of the draft Memorandum of Understanding?

Yes \_\_\_\_\_ No \_\_\_\_\_

5E. Does the State agree to meet the public liability and property insurance requirements of the draft Memorandum of Understanding?

Yes \_\_\_\_\_ No \_\_\_\_\_

5F. Does the State agree to the use of Electronic Funds Transfer (Exhibit C) in transmitting funds to the State selected fulfillment center?

Yes \_\_\_\_\_ No \_\_\_\_\_

SELECTION FACTOR 6 – Experience and financial capability. Narrative/Statistical – (Satisfactory/Unsatisfactory)

Congress has not appropriated funds to the Service to support this Pilot Program. The selected States understand, and concur that there will be no funding provided by the Service to either launch or manage this program.

The Service believes that past experience provides a reasonable indication of how we may expect the electronic Duck Stamp sales to perform. Please provide example(s) of your State's experience in the operation and management of electronic licensing systems including any information you might have on customer satisfaction. Also, please provide information on the number of transactions for each individual system (web, phone or point-of-sale) for the years the system has been in operation, up to 6 years. This will assist us in determining a base line and measure for future performance with this method of sales.

- 6A. Provide complete contact information, including, name, mailing and FedEx address, phone, fax, cell, and e-mail, for personnel who will be involved in the state's management and operation of the system:

Information Technology Contact:  
Financial Contact:  
Project Management Contact:  
Stamp/Licensing Program Contact:

- 6B. Demonstrate that your organization and supporting partners have a history of meeting financial obligations.

- 6C. Demonstrate your understanding of the financial obligations of the pilot program by providing the following:

1. Provide your estimate of the start-up costs of this pilot including the purchase of additional equipment and technology.
  
  
  
  
  
  
  
  
  
  
2. Explain fully the methodology and the assumptions used to develop the estimate. The information provided must be of sufficient detail to allow a reviewer to fully understand how you arrived at these estimates.

- 6D. If you intend to assess a handling fee to cover costs or other forms of overhead you must CLEARLY describe what this fee is comprised of (salaries, human resources, accounting, marketing, etc.).

Additional Instructions for statistical and financial information:

1. Provide a clear and concise narrative explanation of the method(s) used to prepare the estimates and the assumptions on which you base your cost and sales projections. Information must be sufficiently detailed to allow the reviewer to understand the basis for the estimates and decide whether or not the projections are realistic.
2. Failure to provide all of the information requested may result in a non-responsive score on the evaluation.
3. Pilot program labor costs should be supported by a schedule identifying the estimated number of full- and part time employees involved. Provide the estimated number of hours each part-time employee will work per year or during the time the program is operational.

In accordance with the Privacy Act (5 U.S.C. 552a) and the Paperwork Reduction Act (44 U.S.C. 3501), please note the following information. This information collection is authorized by the Electronic Duck Stamp Act of 2005 (Pub. L. 109-266). We will use information that you provide to select participants for the 3-year pilot program and to issue actual duck stamps to purchasers. It is our policy not to use your name for any other purpose. We will maintain this information in accordance with the Privacy Act, but may release the information under a Freedom of Information Act request (5 U.S.C. 552). Your response is voluntary. OMB has assigned OMB Control No. 1018-XXXX, which expires XX/XX/XXXX. Response is not required unless a currently valid OMB control number is displayed. The relevant burden for completing this form is 40 hours. This burden estimate includes time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Collection Clearance Officer, Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW., Washington D.C. 20240.

## EXHIBIT A – AMPLEX DATA TRANSMITTAL REQUIREMENTS

Amplex Corporation  
1100 Fountain Pkwy.  
Grand Prairie, TX 75050

Fulfillment Operation  
Purchaser's record  
from participating  
State Agency -----> To Amplex

Amplex creates a fulfillment record for purchaser Data

1. Purchaser's unique record number, estimate 16 digits with a preceding from prefix of 2 letters (i.e. TX for Texas), etc. State Agency
2. Purchaser's first name
3. Purchaser's middle initial
4. Purchaser's last name
5. Purchaser's address – Line 1
6. Purchaser's address – Line 2
7. Purchaser's City of Residence
8. Purchaser's State of Residence
9. Purchaser's zip code
10. Date of E-Stamp purchase
11. Quantity

Amplex adds the following data elements to a complete fulfillment record

Data received for State Agency

Date mailing label generated and actual fulfillment date

Estimated number of days fulfilled order is in USPS mail stream

Estimated delivery date to purchaser

Total number of days from the origination of an E-Stamp order to receipt of physical Federal Duck Stamp

Amplex will charge \$1.00 per stamp handling/ mailing fee in 2007. This is subject to change and States will be provided 90 day written notice of any change.

Notice to purchaser will appear with each transaction:

Thanks for your recent purchase of an “Electronic Federal Duck Stamp” which expires 45 days after purchase.

We have enclosed the physical stamp completing your purchase. The physical stamp expires June 30, 2007. Please sign the front of the stamp and carry it with you when hunting.

Thanks again for helping conservation and the preservation of the wetlands.

### Electronic Duck Stamp Project

In order for Amplex Corporation to fulfill an Electronic Duck Stamp order within the 45-day congressionally imposed mandate, the data from the participating States need to be electronically transmitted in a secure manner. This can be achieved using a number of different transfer protocols and Amplex is already positioned to use most of them.

We recommend that the participating States use FTP with 128-bit SSL encryption. The set up costs are minimal and depending on whether the States want to “push” the data to our file server or if they prefer if we “get” the data from their server the testing phase is easily managed and controlled.

#### 128 bit SSL Encryption – How it works

Secure Sockets Layer (SSL) technology secures your Web site by encrypting information and providing authentication.

You need SSL if...

- ...You have an online store or accept online orders and credit cards.
- ...Your business partners log in to confidential information on an extranet.
- ...You have offices that share confidential information over an intranet.
- ...You process sensitive data such as address, birth date, license, or ID numbers.
- ...You need to comply with privacy and security requirements.

An SSL Certificate consists of a public key and a private key. The public key is used to encrypt information and the private key is used to decipher it. When a browser points to a secured domain, a secure sockets layer handshake authenticates the server and the client and establishes an encryption method and a unique session key. They can begin a secure session that guarantees message privacy and message integrity.

Electronic funds transfer will be accepted through both ACH transactions via automated clearing house or wire transaction via the Federal Reserve.

For further information from Amplex, contact Tammy Wright at 214-672-0508.

## **EXHIBIT B SERVICE APPROVED HANDLING RATES**

User-fee charges promote an equitable approach to financing government programs by fairly charging only those individuals receiving services designed for their convenience.

Although user charges are sometimes perceived as a form of taxation, they differ clearly in that they are linked to specific benefits, over and above those normally provided to the general public. In other words, taxes are used to fund programs for all to benefit; user fees are directed to recovering the costs of specially provided goods and services.

### **Service Approved Handling Rates**

For a State to charge a handling fee to consumers, it must submit a written cost recovery statement. Each statement will be evaluated by the Service, for its individual and cumulative impact on both the program and the consumer. The Service will send an approval letter to the State.

### **Cost Recovery Statement**

This statement justifies the handling charges associated with issuing an electronic Federal Duck Stamp. It must outline the estimated or real costs incurred by the state licensing program in providing this service to consumers and may include direct and indirect costs.

The justification should provide an estimate of the number of stamps to be sold and indicate how the total costs associated with program implementation and maintenance will impact the consumer.



**EXHIBIT C - INSTRUCTIONS FOR ELECTRONIC FUNDS TRANSFER (EFT) TO  
AMPLEX/DUCK**

FOR ACH TRANSATIONS VIA AUTOMATED CLEARING HOUSE

Bank: JPMorgan Chase Bank  
ABA: 113000609  
Account Name: Amplex Corporation/Duck  
Account Number: 22900010595

FOR WIRE TRANSFER TRANSACTIONS VIA FEDERAL RESERVE

Bank: JPMorgan Chase Bank  
ABA: 021000021  
Account Name: Amplex Corporation/Duck  
Account Number: 22900010595

For further information, please contact Tammy Wright at 214-672-0508 or Karen  
Eddlemon at 214-672-0613

PUBLIC LAW 109-266—AUG. 3, 2006

ELECTRONIC DUCK STAMP ACT OF 2005

Public Law 109–266  
109th Congress

An Act

Aug. 3, 2006  
[S. 1496]

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.

Electronic Duck  
Stamp Act of  
2005.

16 USC 718 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

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

16 USC 718 note.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) on March 16, 1934, Congress passed and President Roosevelt signed the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the “Duck Stamp Act”), which requires all migratory waterfowl hunters 16 years of age or older to buy a Federal migratory bird hunting and conservation stamp annually;

(2) the Federal Duck Stamp program has become one of the most popular and successful conservation programs ever initiated;

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

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

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

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

16 USC 718 note.

**SEC. 3. 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 a means in use 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, or telephonic system 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;

(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).

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

#### SEC. 4. ELECTRONIC DUCK STAMP PILOT PROGRAM.

16 USC 718 note.

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

(b) COMMENCEMENT AND DURATION OF PROGRAM.—The Secretary shall—

(1) use all means necessary to expeditiously implement this section by the date that is 1 year after the beginning of the first full Federal migratory waterfowl hunting season after the date of enactment of this Act; and

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

(c) CONSULTATION.—The Secretary shall carry out the program in consultation with State management agencies.

Deadline.

#### SEC. 5. STATE APPLICATION.

16 USC 718 note.

(a) APPROVAL OF APPLICATION REQUIRED.—A State may not participate in the pilot program under this Act unless the Secretary has received and approved an application submitted by the State in accordance with this section.

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

(1) a description of the format of the electronic stamp that the State will issue under the pilot program, including identifying features of the licensee that will be specified on the stamp;

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

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

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

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

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

(7) such other policies, procedures, and information as may be reasonably required by the Secretary.

(c) PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.—Not later than 30 days before the date on which the Secretary begins accepting applications for participation in the pilot program, the Secretary shall publish—

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

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

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

16 USC 718 note. **SEC. 6. STATE OBLIGATIONS AND AUTHORITIES.**

(a) DELIVERY OF ACTUAL STAMP.—The Secretary shall require that each individual to whom a State sells an electronic stamp under the pilot program shall receive an actual stamp—

Deadline.

(1) by not later than the date on which the electronic stamp expires under section 7(c); 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 participating in the pilot program 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 occurring in a month—

Deadline.

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

(B) as otherwise specified in the application of the State approved by the Secretary under section 5.

(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 participating in the pilot program may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under the program, including costs of delivery of actual stamps.

(d) DUPLICATE ELECTRONIC STAMPS.—A State participating in the pilot program may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(e) 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 the pilot program.

**SEC. 7. ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.** 16 USC 718 note.

(a) **STAMP REQUIREMENTS.**—The Secretary shall require an electronic stamp issued by a State under the pilot program—

(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 the pilot program shall, during the effective period of the electronic stamp—

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

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

16 USC 718 note.

Participation by a State in the pilot program may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under section 5; and

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

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

**SEC. 9. EVALUATION.**

16 USC 718 note.

(a) **EVALUATION.**—The Secretary, in consultation with State fish and wildlife management agencies and appropriate stakeholders with expertise specific to the duck stamp program, shall evaluate the pilot program and determine whether the pilot program has provided a cost-effective and convenient means for issuing migratory-bird hunting and conservation stamps, including whether the program has—

(1) increased the availability of those stamps;

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

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

(4) maintained adequate retail availability of the actual stamp.

(b) **REPORT.**—The Secretary shall submit to Congress a report on the findings of the Secretary under subsection (a).

**SEC. 10. TECHNICAL CORRECTIONS.**

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

**“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, validated by the signature of the individual written in ink across the face of the 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) by Federal or State agencies;

“(B) for propagation; or

“(C) by the resident owner, tenant, or sharecropper of the property, or officially designated agencies of the Department of the Interior, for the killing, under such restrictions as the Secretary may by regulation prescribe, of such waterfowl when found damaging crops or other property.

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

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

“(2) any officer of any State or political subdivision of a State authorized to enforce State game laws.

“(c) **OTHER LICENSES.**—Nothing in this section requires any individual to affix the Migratory Bird Hunting and Conservation Stamp to any other license prior to taking 1 or more migratory waterfowl.”.

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

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

“(a) **SALES.**—

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

“(A) any post office; and

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

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

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

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

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

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

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

“(5) UNUSED STAMPS.—

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

“(i) any individual or entity that is regularly engaged in the business of retailing hunting or fishing equipment; and

“(ii) any individual or entity duly authorized to act as an agent of a State or political subdivision of a State for the sale of State or county hunting or fishing licenses.

“(B) REDEMPTION OF UNUSED STAMPS.—The Department of the Interior, pursuant to regulations promulgated by the Secretary, shall provide for the redemption, on or before the 30th day of June of each year, of unused stamps issued for the year under this Act that—

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

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

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

“(A) sell on consignment any stamps issued under this Act to any individual, business, or organization; or

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

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

(1) by striking “(b) The” and inserting the following:

“(b) COST OF STAMPS.—The”;

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

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

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

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

“SEC. 3. AUTHORIZATION AND EXEMPTION.

“Nothing”.

Deadline.



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

(1) by redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively, and indenting appropriately;

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

**“SEC. 4. EXPENDITURE OF FUNDS.**

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

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

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

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

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

(3) in subsection (b)(1) (as redesignated by paragraphs (1) and (2))—

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

“(1) ADVANCE ALLOTMENTS.—So much as may be necessary shall be used by the Secretary for engraving”;

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

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

(D) by striking “postal service” and inserting “Postal Service”;

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

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

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

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

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

(A) by striking “(3) The Secretary of the Interior is authorized to utilize funds made available under subsection (b) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection,” and inserting the following:

“(3) CONDITIONS ON USE OF FUNDS.—The Secretary may use funds made available under paragraph (2) for the purposes of that paragraph, and such other funds as may be appropriated for the purposes of that paragraph or this paragraph;” and

(B) in the second sentence—

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

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

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

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

(A) in paragraph (1)—

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

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

(ii) by striking “migratory bird hunting and conservation stamps” and inserting “Migratory Bird Hunting and Conservation Stamps”; and

(B) in paragraph (2), by striking “(2) The Secretary of the Interior” and inserting the following:

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

(f) LOANS AND TRANSFERS, ALTERATION, AND REPRODUCTION OF STAMPS.—Section 5 of the Act of March 16, 1934 (16 U.S.C. 718e) is amended—

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

**“SEC. 5. LOANS AND TRANSFERS, ALTERATION, AND REPRODUCTION OF STAMPS.**

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

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

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

(3) in subsection (c)—

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

“(c) REPRODUCTION.—Notwithstanding”;

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

(C) in the matter following paragraph (2)—

(i) by striking “migratory bird hunting stamps” and inserting “Migratory Bird Hunting and Conservation Stamps”; and

(ii) by striking “shall be paid into the migratory bird conservation fund” and inserting “shall be paid, after deducting expenses for marketing, into the Migratory Bird Conservation Fund”.

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

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

**“SEC. 6. ENFORCEMENT.**

“For the efficient”; and

(2) in the first sentence—

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

(B) by striking “Department of Agriculture” and inserting “Department of the Interior”; and

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

(h) VIOLATIONS; COOPERATION; USE OF CONTEST FEES; DEFINITIONS; SHORT TITLE.—The Act of March 16, 1934 is amended by

striking sections 7 through 10 (16 U.S.C. 718g–718j) and inserting the following:

16 USC 718g.

**“SEC. 7. VIOLATIONS.**

“Any person that violates or fails to comply with any provision of this Act (including a regulation promulgated under this Act) shall be subject to the penalties described in section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707).

16 USC 718h.

**“SEC. 8. COOPERATION.**

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

16 USC 718i.

**“SEC. 9. USE OF CONTEST FEES.**

“Notwithstanding any other provision of law, funds received by the United States Fish and Wildlife Service in the form of fees for entering any Migratory Bird Hunting and Conservation Stamp contest shall be credited—

“(1) first, to the appropriation account from which expenditures for the administration of the contest are made; and

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

16 USC 718j.

**“SEC. 10. DEFINITIONS.**

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

“(b) OTHER DEFINITIONS.—In this Act:

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

“(2) MIGRATORY WATERFOWL.—The term ‘migratory waterfowl’ means the species enumerated in paragraph (a) of subdivision 1 of article I of the Convention between the United States and Great Britain for the Protection of Migratory Birds, signed at Washington on August 16, 1916 (USTS 628) (16 U.S.C. 703 et seq.).

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

“(4) STATE.—The term ‘State’ means—

“(A) a State;

“(B) the District of Columbia;

“(C) the Commonwealth of Puerto Rico;

“(D) Guam;

“(E) American Samoa;

“(F) the Commonwealth of the Northern Mariana Islands;

“(G) the Federated States of Micronesia;

“(H) the Republic of the Marshall Islands;

“(I) the Republic of Palau; and

“(J) the United States Virgin Islands.

“(5) TAKE.—The term ‘take’ means—

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

or

“(B) to attempt to pursue, hunt, shoot, capture, collect, or kill.

**“SEC. 11. SHORT TITLE.**

16 USC 718 note.

“This Act may be cited as the ‘Migratory Bird Hunting and Conservation Stamp Act’.”

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

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

16 USC 718b, 718i.

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

(A) by striking “SEC. 3. (a) Hereafter” and all that follows through the end of the first sentence and inserting the following:

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

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

“(1) has not been sold by the end of the hunting year (as that term is defined in section 10 of the Migratory Bird Hunting and Conservation Stamp Act) during which the stamp is issued; and

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

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

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

and  
(B) by striking the second sentence and inserting the following:

“(b) **SURPLUS STOCK.**—The Postal Service or the Secretary of the Interior may destroy any surplus stock of Migratory Bird Hunting and Conservation Stamps at such time and in such manner as the Postal Service or the Secretary of the Interior determines to be appropriate.”.

Approved August 3, 2006.

**LEGISLATIVE HISTORY—S. 1496:**

HOUSE REPORTS: No. 109–556 (Comm. on Resources).

SENATE REPORTS: No. 109–187 (Comm. on Environment and Public Works).

**CONGRESSIONAL RECORD:**

Vol. 151 (2005): Dec. 16, considered and passed Senate.

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