

Treasury, made the fund available until expended, provided for expenditures without further appropriation, and defined the National Wildlife Refuge System; incorporated the third proviso of the first clause and the second clause in subsec. (b) and the parenthetical matter of subsec. (c); incorporated in the reserved public lands provision of subsec. (c)(1) the formula of the first clause for returning twenty-five per centum of the net revenues from the System to the counties in which the producing refuges are located for the benefit of the public schools and roads therein; incorporated the first proviso of the first clause in subsec. (c)(1) proviso; substituted subsec. (c)(2) providing an option plan for payment of either 25 per centum of the net receipts from lands acquired in fee by the United States to the counties in which such acquired lands are located or three-fourths of 1 per centum of the adjusted cost of the acquired lands, whichever is higher, for the formula of the first clause for returning 25 per centum of the revenues; inserted provisions of subsecs. (d), (e), and (g); and incorporated the second proviso of the first clause in subsec. (f).

1951—Act Oct. 31, 1951, in second proviso, inserted reference to application regulations of the Federal Property and Administrative Services Act of 1949, as amended, and, in third proviso, inserted reference to section 485 of Title 40.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT; FISCAL YEAR OF AVAILABILITY OF APPROPRIATION AUTHORIZATION

Pub. L. 95-469, § 2, Oct. 17, 1978, 92 Stat. 1321, provided that: “The amendments made by this Act [amending this section and sections 1603, 1605 and 1606 of former Title 31, Money and Finance], shall apply with respect to payments made to counties under title IV of the Act of June 15, 1935 [this section], for the fiscal year ending September 30, 1979, and for fiscal years thereafter; except that the amendments made to such title IV [this section] which amend section 401(a) and (g), add paragraph (4) to section 401(c) [subsecs. (a) and (g), and (c)(4) of this section], and amend the title heading [of this section] shall take effect on the date of the enactment of this Act [Oct. 17, 1978]. No authorization for appropriation shall be available under this Act before the fiscal year ending September 30, 1980.”

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-205 effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as an Effective Date note under section 1531 of this title.

REFUGE REVENUE SHARING

Pub. L. 105-83, title I, § 132, Nov. 14, 1997, 111 Stat. 1570, provided that: “Notwithstanding any other provision of law, hereafter the United States Fish and Wildlife Service may disburse to local entities impact funding pursuant to Refuge Revenue Sharing that is associated with Federal real property transferred to the United States Geological Survey from the United States Fish and Wildlife Service.”

Executive Documents

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Reorg. Plan No. III of 1940, set out in the Appendix to Title 5, consolidated Bureau of Fisheries and Bureau of Biological Survey, with their respective functions, into one agency in Department of the Interior to be known as the Fish and Wildlife Service.

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 715a of this title.

SUBCHAPTER IV—HUNTING AND CONSERVATION STAMP TAX

§ 718. Repealed. Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 677

Section, act Mar. 16, 1934, ch. 71, § 9, 48 Stat. 452, defined subchapter terms.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2014 AMENDMENT

Pub. L. 113-264, § 1, Dec. 18, 2014, 128 Stat. 2939, provided that: “This Act [amending sections 718a, 718b, and 718d of this title] may be cited as the ‘Federal Duck Stamp Act of 2014’.”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-266, § 1, Aug. 3, 2006, 120 Stat. 670, provided that: “This Act [enacting sections 718g to 718j of this title, amending sections 718a to 718f of this title, repealing this section and former sections 718g, 718h, and 718j of this title, and enacting provisions set out as notes under this section] may be cited as the ‘Electronic Duck Stamp Act of 2005’.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-269, § 1, Oct. 19, 1998, 112 Stat. 2381, provided that: “This Act [amending section 718d of this title] may be cited as the ‘Migratory Bird Hunting and Conservation Stamp Promotion Act’.”

SHORT TITLE

Act Mar. 16, 1934, ch. 71, § 11, as added by Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 679, provided that: “This Act [enacting this subchapter] may be cited as the ‘Migratory Bird Hunting and Conservation Stamp Act’.”

ELECTRONIC DUCK STAMP PILOT PROGRAM

Pub. L. 109-266, §§ 2-9, Aug. 3, 2006, 120 Stat. 670-673, provided that:

“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 [718] 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 [Aug. 3, 2006], 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.

“SEC. 3. DEFINITIONS.

“In this Act [see Short Title of 2006 Amendment note above]:

“(1) ACTUAL STAMP.—The term ‘actual stamp’ means a Federal migratory-bird hunting and con-

servation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a [718] 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 [Aug. 3, 2006].

“(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.

“(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 [Aug. 3, 2006]; 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.

“SEC. 5. STATE APPLICATION.

“(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.

“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—

“(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—

“(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.

“(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.

“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.

“(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).”

§ 718a. 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 (as defined in section 718o of this title) or validated by the signature of the individual written in ink across the face of the actual stamp (as defined in that section) 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;

(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; or

(D) by a rural Alaska resident for subsistence uses (as that term is defined in section 3113 of this title).

(b) Display of stamp

Any individual to whom a stamp has been sold under this subchapter 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 subchapter; 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.

(Mar. 16, 1934, ch. 71, §1, 48 Stat. 451; June 15, 1935, ch. 261, title I, §1, 49 Stat. 378; 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; July 30, 1956, ch. 782, §1, 70 Stat. 722; Pub. L. 94-215, §3(a), Feb. 17, 1976, 90 Stat. 189; Pub. L. 109-266, §10(a), Aug. 3, 2006, 120 Stat. 674; Pub. L. 113-264, §4, Dec. 18, 2014, 128 Stat. 2940; Pub. L. 118-25, §2(d), Dec. 19, 2023, 137 Stat. 130.)

Editorial Notes

AMENDMENTS

2023—Subsec. (a)(1). Pub. L. 118-25 inserted “as an electronic stamp (as defined in section 718o of this title) or” after “Conservation Stamp,” and substituted “face of the actual stamp (as defined in that section)” for “face of the stamp”.

2014—Subsec. (a)(2)(D). Pub. L. 113-264 added subpar. (D).

2006—Pub. L. 109-266 amended section generally. Prior to amendment, section related to hunting and conservation stamp for taking migratory waterfowl.

1976—Pub. L. 94-215 substituted “hunting and conservation stamp” for “hunting stamp” in first sentence.

1956—Act July 30, 1956, substituted “no person who has attained the age of sixteen years”, for “no person over sixteen years of age”.

1935—Act June 15, 1935, substituted “validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds” for “issued to him in the manner hereinafter provided,” and struck out provisions which authorized the Secretary of Agriculture to adopt and promulgate regulations for the protection of private property in the injury of crops.

Executive Documents

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds to Secretary of the Interior.

§ 718b. Sales; fund disposition; unsold stamps

(a) Sales

(1) In general

The stamps required under section 718a of this title 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 subchapter by the Department of

the Interior shall be deposited in the Migratory Bird Conservation Fund in accordance with section 718d of this title.

(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 subchapter 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 subchapter 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 subchapter to any individual, business, or organization; or

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

(b) Cost of stamps

The Postal Service shall collect \$10.00 for each stamp sold under the provisions of this section for hunting years 1987 and 1988, \$12.50 for hunting years 1989 and 1990, \$15.00 for hunting years 1991 through 2013, and \$25 for each hunting year thereafter, if the Secretary determines, at any time before February 1 of the calendar year in which such hunting year begins, that all sums in the Migratory Bird Conservation Fund available for obligation and attributable to—

(1) amounts appropriated pursuant to this subchapter for the fiscal year ending in the immediately preceding calendar year; and

(2) the sale of stamps under this section during such fiscal year

have been obligated for expenditure.

(c) Reduction in price of stamp

The Secretary may reduce the price of each stamp sold under the provisions of this section for a hunting year if the Secretary determines that the increase in the price of the stamp after hunting year 2013 resulted in a reduction in revenues deposited into the fund.

(Mar. 16, 1934, ch. 71, § 2, 48 Stat. 451; June 15, 1935, ch. 261, title I, § 2, 49 Stat. 379; Aug. 12, 1949, ch. 421, § 1, 63 Stat. 599; July 30, 1956, ch. 782, §§ 2, 3(c), formerly § 3(b), 70 Stat. 722, renumbered Pub. L. 109-266, § 10(i)(1), Aug. 3, 2006, 120 Stat. 679; Pub. L. 85-585, § 1, Aug. 1, 1958, 72 Stat. 486; Pub. L. 92-214, §§ 1, 2, Dec. 22, 1971, 85 Stat. 777; Pub. L. 94-215, § 3(b), (c), Feb. 17, 1976, 90 Stat. 189; Pub. L. 94-273, § 34, Apr. 21, 1976, 90 Stat. 380; Pub. L. 95-552, § 1, Oct. 30, 1978, 92 Stat. 2071; Pub. L. 95-616, § 7(a), Nov. 8, 1978, 92 Stat. 3114; Pub. L. 99-625, § 3, Nov. 7, 1986, 100 Stat. 3502; Pub. L. 99-645, title II, § 202, Nov. 10, 1986, 100 Stat. 3586; Pub. L. 109-266, § 10(b), (c), Aug. 3, 2006, 120 Stat. 674, 675; Pub. L. 113-264, § 2(1), (2), Dec. 18, 2014, 128 Stat. 2939.)

Editorial Notes

AMENDMENTS

2014—Subsec. (b). Pub. L. 113-264, § 2(1), substituted “1990, \$15.00 for hunting years 1991 through 2013, and \$25 for each hunting year thereafter” for “1990, and \$15.00 for each hunting year thereafter”.

Subsec. (c). Pub. L. 113-264, § 2(2), added subsec. (c).

2006—Pub. L. 109-266, § 10(b), inserted section catchline.

Subsec. (a). Pub. L. 109-266, § 10(b), added subsec. (a) and struck out former subsec. (a) which related to issuance and sale of stamps, fund disposition, and unsold stamps.

Subsec. (b). Pub. L. 109-266, § 10(c)(4), which directed amendment of par. (2) by striking “For purposes” and all that follows through “of any such year.”, was executed by striking “For purposes of this section, the term ‘hunting year’ means the 12-month period beginning on July 1 of any such year.” at the end of the concluding provisions following par. (2), to reflect the probable intent of Congress.

Pub. L. 109-266, § 10(c)(1)–(3), inserted heading and substituted “Secretary” for “Secretary of the Interior” and “Migratory Bird Conservation Fund” for “migratory bird conservation fund” in introductory provisions.

1986—Subsec. (b). Pub. L. 99-645, § 202(1), (2), in introductory provisions, substituted “\$10.00 for each stamp sold under the provisions of this section for hunting years 1987 and 1988, \$12.50 for hunting years 1989 and 1990, and \$15.00 for each hunting year thereafter, if” for “\$7.50 for each stamp sold under the provisions of this section for any hunting year if”.

Pub. L. 99-625 and Pub. L. 99-645, § 202(3), amended subsec. (b) identically, inserting “available for obligation” before “attributable to”.

1978—Subsec. (a). Pub. L. 95-616 substituted “June” for “September” in sixth sentence.

Pub. L. 95-552, § 1(1), (2), designated existing provisions as subsec. (a), inserted in third sentence introductory text “Except as provided in subsection (b) of this section,” and “for any hunting year” before “there shall be collected”.

Subsec. (b). Pub. L. 95-552, § 1(3), added subsec. (b).

1976—Pub. L. 94-273 substituted “the year” for “the fiscal year” and “each year” for “each fiscal year”.

Pub. L. 94-215 authorized sale of stamps by the Department of the Interior, substituted provision for prescription of regulations jointly by the Postal Service and the Secretary of the Interior for prior provision for such prescription by the Postal Service and provision for sale of stamps at any establishment, facility, or location as the Postal Service and the Secretary of the Interior shall direct and authorize for prior provision for sale of stamps at such post offices other than first- and second-class post offices as the Postal Service shall direct and inserted provision respecting deposit of funds from sale of stamps by the Department of the Interior in the migratory bird conservation fund; and substituted “September” for “June” in relation to redemption of blocks of stamps, designated existing provisions as cls. (A) and (B), and substituted “consignment to any person, including, but not limited to, “retail dealers” for “consignment to retail dealers” in cl. (A) and “by any such person” for “by such dealers” in cl. (B), respectively.

1971—Pub. L. 92-214 substituted “Postal Service” for “Post Office Department” and “Postmaster General” and inserted provisions authorizing the collection of up to \$5 for each stamp sold to be determined by the Secretary of the Interior after taking into consideration, among other matters, the increased cost of lands needed for the conservation of migratory birds.

1958—Pub. L. 85-585 increased cost of stamp from \$2 to \$3.

1956—Act July 30, 1956, §2, struck out in existing next to last sentence requirement that stamps remaining unsold by the Post Office Department subsequent to becoming void after the 30th day of June next succeeding issuance be destroyed, substituted provisions in existing last sentence relating to redemption of blocks of unused stamps sold on consignment to retail dealers for resale to their customers, for provisions prohibiting the redemption by the Department in cash or kind of stamps sold under this Act, and inserted sentence defining “retail dealers”. For further amendment of next to last sentence of this section, see section 3(c) of act July 30, 1956, set out below.

Act July 30, 1956, §3(c), formerly §3(b), as renumbered by Pub. L. 109-266, §10(i)(1), substituted provisions in fourth sentence authorizing use as migratory-bird stamps only during fiscal year for which issued, for provisions requiring stamps to expire and be void after the 30th day of June next succeeding issuance. Amendment of fourth sentence by section 3(c) further amends amendments made to next to last sentence by section 2 of act July 30, 1956, as set out above.

1949—Act Aug. 12, 1949, increased cost of stamp from \$1 to \$2.

1935—Act June 15, 1935, amended section generally.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85-585, §4, Aug. 1, 1958, 72 Stat. 487, provided that: “The amendment made by the first section of this Act [amending this section] shall become effective on July 1, 1959. The amendment made by section 2 of this Act [amending section 718d of this title] making available the net proceeds of all moneys received in the migratory bird conservation fund for the location, ascertainment, and acquisition of Waterfowl Production Areas and suitable areas for migratory bird refuges shall become effective on July 1, 1960. The remaining amendments made by this Act [amending section 718d of this title] shall become effective on the date of the enactment of this Act [Aug. 1, 1958]. Any unobligated balance remaining in the migratory bird conservation fund on June 30, 1960, shall thereafter be available for expenditure only for the purposes specified in the Migratory Bird Hunting Stamp Act [now Migratory Bird Hunting and Conservation Stamp Act] of March 16, 1934 [this subchapter], as amended by this Act.”

SPENDING OF STAMP MONEY

Act Aug. 12, 1949, ch. 421, §1, 63 Stat. 599, provided in part: “That the moneys derived from the sale of such

stamps shall be spent only upon specific appropriation by the Congress.”

§ 718b-1. 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 718j of this title) 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.

(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.

(July 30, 1956, ch. 782, §3(a), (b), formerly §3(a), 70 Stat. 722; Pub. L. 92-214, §3, Dec. 22, 1971, 85 Stat. 777; renumbered §3(a), (b) and amended Pub. L. 109-266, §10(i)(2), Aug. 3, 2006, 120 Stat. 679.)

Editorial Notes

CODIFICATION

Section was not enacted as part of act Mar. 16, 1934, which comprises this subchapter.

PRIOR PROVISIONS

A prior section 3(b) of act July 30, 1956, ch. 782, 70 Stat. 722, amended section 718b of this title prior to being redesignated 3(c) by section 10(i)(1) of Pub. L. 109-266.

AMENDMENTS

2006—Pub. L. 109-266 inserted section catchline and substituted subsecs. (a) and (b) for former text which read: “On or after July 30, 1956, such quantity of migratory-bird hunting stamps, not sold at the end of the fiscal year for which issued, as determined by the Postal Service to be (1) required to supply the market for sale to collectors, and (2) in suitable condition for such sale to collectors, shall be turned over to the Philatelic Agency and therein placed on sale. Any surplus stock of such migratory-bird hunting stamps may be destroyed in such manner as the Postal Service shall direct.”

1971—Pub. L. 92-214 substituted “Postal Service” for “Postmaster General”.

§ 718c. Authorization and exemption

Nothing in this subchapter shall be construed to authorize any person to take any migratory waterfowl otherwise than in accordance with regulations adopted and approved pursuant to any treaty or convention heretofore or hereafter entered into between the United States and any other country for the protection of migratory birds, nor to exempt any person from complying with the game laws of the several States.

(Mar. 16, 1934, ch. 71, §3, 48 Stat. 451; Pub. L. 95-616, §7(b), Nov. 8, 1978, 92 Stat. 3114; Pub. L. 109-266, §10(d), Aug. 3, 2006, 120 Stat. 675.)

Editorial Notes**AMENDMENTS**

2006—Pub. L. 109-266 inserted section catchline.

1978—Pub. L. 95-616 inserted “or convention” after “treaty”.

§ 718d. Expenditure of funds**(a) In general**

All funds received for stamps sold under this subchapter 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, in which there shall be a subaccount to which the Secretary of the Treasury shall transfer all amounts in excess of \$15 that are received from the sale of each stamp sold for each hunting year after hunting year 2013.

(b) Use of funds

All funds received into the fund are appropriated for the following purposes, to remain available until expended:

(1) Advance allotments

Except as provided in paragraph (4), so much as may be necessary shall be used by the Secretary for engraving, printing, issuing, selling, and accounting for Migratory Bird Hunting and Conservation Stamps and moneys received from the sale thereof, in addition to expenses for personnel services in the District of Columbia and elsewhere, and such other expenses as may be necessary in executing the duties and functions required of the Postal Service.

(2) Areas for refuges

Except as provided in paragraphs (3) and (4) and subsection (c), the remainder shall be available for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.) and for the administrative costs incurred in the acquisition of such areas.

(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, to acquire, or defray the expense incident to the acquisition by gift, devise, lease, purchase, or exchange of, small wetland and pothole areas, interests therein, and rights-of-way to provide access thereto. Such small areas, to be designated as “Waterfowl Production Areas”, may be acquired without regard to the limitations and requirements of the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.), but all of the provisions of such Act which govern the administration and protection of lands acquired thereunder, except the inviolate sanctuary provisions of such Act, shall be applicable to areas acquired pursuant to this paragraph.

(4) Conservation easements

Amounts in the subaccount referred to in subsection (a)(3) shall be used by the Secretary solely to acquire easements in real property in the United States for conservation of migratory birds.

(c) Promotion of stamp sales

The Secretary may use funds from the sale of Migratory Bird Hunting and Conservation Stamps, not to exceed \$1,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003, for the promotion of additional sales of those stamps, in accordance with a Migratory Bird Conservation Commission approved annual marketing plan. Such promotion shall include the preparation of reports, brochures, or other appropriate materials to be made available to the public that describe the benefits to wildlife derived from stamp sales.

(d) Annual report

The Secretary shall include in each annual report of the Commission under section 3 of the Migratory Bird Conservation Act (16 U.S.C. 715b)—

(1) a description of activities conducted under subsection (c) in the year covered by the report;

(2) an annual assessment of the status of wetlands conservation projects for migratory bird conservation purposes, including a clear and accurate accounting of—

(A) all expenditures by Federal and State agencies under this section; and

(B) all expenditures made for fee-simple acquisition of Federal lands in the United States, including the amount paid and acreage of each parcel acquired in each acquisition;

(3) an analysis of the refuge lands opened, and refuge lands closed, for hunting and fishing in the year covered by the report, including—

(A) identification of the specific areas in each refuge and the reasons for the closure or opening; and

(B) a detailed description of each closure including detailed justification for such closure;

(4) the total number of acres of refuge land open for hunting and fishing, and the total number of acres of refuge land closed for hunting and fishing, in the year covered by the report; and

(5) a separate report on the hunting and fishing status of those lands added to the system in the year covered by the report.

(Mar. 16, 1934, ch. 71, § 4, 48 Stat. 451; June 15, 1935, ch. 261, title I, §§ 3, 4, 49 Stat. 379, 380; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Aug. 12, 1949, ch. 421, § 2, 63 Stat. 600; Oct. 20, 1951, ch. 520, 65 Stat. 451; Pub. L. 85-585, §§ 2, 3, Aug. 1, 1958, 72 Stat. 486, 487; Pub. L. 89-669, § 6, Oct. 15, 1966, 80 Stat. 929; Pub. L. 92-214, § 2, Dec. 22, 1971, 85 Stat. 777; Pub. L. 94-215, § 3(d), Feb. 17, 1976, 90 Stat. 190; Pub. L. 105-269, § 2, Oct. 19, 1998, 112 Stat. 2381; Pub. L. 109-266, § 10(e), Aug. 3, 2006, 120 Stat. 676; Pub. L. 113-264, §§ 2(3), 3, Dec. 18, 2014, 128 Stat. 2939, 2940.)

Editorial Notes

REFERENCES IN TEXT

The Migratory Bird Conservation Act, referred to in subsec. (b)(2), (3), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, which is classified generally to subchapter III (§715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 715 of this title and Tables.

AMENDMENTS

2014—Subsec. (a)(3). Pub. L. 113-264, §2(3)(A), inserted before period at end “, in which there shall be a sub-account to which the Secretary of the Treasury shall transfer all amounts in excess of \$15 that are received from the sale of each stamp sold for each hunting year after hunting year 2013”.

Subsec. (b)(1). Pub. L. 113-264, §2(3)(B), substituted “Except as provided in paragraph (4), so much” for “So much”.

Subsec. (b)(2). Pub. L. 113-264, §2(3)(C), substituted “paragraphs (3) and (4)” for “paragraph (3)”.

Subsec. (b)(4). Pub. L. 113-264, §2(3)(D), added par. (4).

Subsec. (c). Pub. L. 113-264, §3(1), struck out par. (1) designation and heading and par. (2). Prior to amendment, text of par. (2) read as follows: “The Secretary shall include in each annual report of the Commission under section 715b of this title a description of activities conducted under this subsection in the year covered by the report.”

Subsec. (d). Pub. L. 113-264, §3(2), added subsec. (d).

2006—Pub. L. 109-266, §10(e)(1), (2), inserted section catchline, substituted subsec. (a) for introductory provisions which read “All moneys received for such stamps shall be accounted for by the Postal Service or the Department of the Interior, whichever is appropriate, and paid into the Treasury of the United States, and shall be reserved and set aside as a special fund to be known as the migratory bird conservation fund, to be administered by the Secretary of the Interior. All moneys received into such fund are appropriated for the following objects and shall be available therefor until expended:”, inserted subsec. (b) designation, heading, and introductory provisions, redesignated former subsecs. (a) to (c) as pars. (1) to (3), respectively, of subsec. (b), and realigned margins.

Subsec. (b)(1). Pub. L. 109-266, §10(e)(3), inserted heading and substituted “So much as may be necessary shall be used by the Secretary for engraving” for “So much as may be necessary shall be used by the Secretary of the Interior to make advance allotments to the Postal Service at such times and in such amounts as may be mutually agreed upon by the Secretary of the Interior and the Postal Service for direct expenditure by the Postal Service for engraving”, “Migratory Bird Hunting and Conservation Stamps” for “migratory bird hunting stamps”, “personnel” for “personal”, and “Postal Service” for “postal service”.

Subsec. (b)(2). Pub. L. 109-266, §10(e)(4)(B), inserted “(16 U.S.C. 715 et seq.)” after “Migratory Bird Conservation Act”.

Pub. L. 109-266, §10(e)(4)(A), which directed amendment of par. (2) by substituting heading “Areas for refuges” and text “Except as provided in paragraph (3) and subsection (c)” for “Except as provided in subsections (c) and (d) of this section”, was executed by making the substitution for “Except as authorized in subsections (c) and (d) of this section” to reflect the probable intent of Congress.

Subsec. (b)(3). Pub. L. 109-266, §10(e)(5), inserted heading, inserted “(16 U.S.C. 715 et seq.)” after “Migratory Bird Conservation Act”, and substituted “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,” for “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 “pursuant to this paragraph” for “pursuant to this subsection”.

Subsec. (c). Pub. L. 109-266, §10(e)(6), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b)(3).

Subsec. (c)(1). Pub. L. 109-266, §10(e)(7)(A), inserted heading and substituted “The Secretary may use” for “The Secretary of the Interior may utilize” and “Migratory Bird Hunting and Conservation Stamps” for “migratory bird hunting and conservation stamps”.

Subsec. (c)(2). Pub. L. 109-266, §10(e)(7)(B), inserted heading and substituted “The Secretary” for “The Secretary of the Interior”.

Subsec. (d). Pub. L. 109-266, §10(e)(6), redesignated subsec. (d) as (c).

1998—Subsecs. (b), (d). Pub. L. 105-269 substituted “subsections (c) and (d)” for “subsection (c)” in subsec. (b) and added subsec. (d).

1976—Pub. L. 94-215 inserted “or the Department of the Interior, whichever is appropriate,” after “Postal Service” in first sentence.

1971—Pub. L. 92-214 substituted “Postal Service” for “Post Office Department” in introductory provisions and “Postal Service” for “Post Office Department” and “Postmaster General” in subsec. (a).

1966—Subsec. (b). Pub. L. 89-669 struck out provisos relating to wildlife management areas and rule making for such areas which are now covered by section 668bb(d) (1) of this title.

1958—Subsecs. (a), (b). Pub. L. 85-585 earmarked proceeds from sale of stamps, less expenses of Post Office Department in connection with fish and wildlife matters, for the acquisition of migratory bird refuges, and permitted hunting of resident game birds in designated wildlife management areas.

Subsec. (c). Pub. L. 85-585 added subsec. (c).

1951—Subsec. (a). Act Oct. 20, 1951, substituted “85 per centum” for “90 per centum”.

Subsec. (b). Act Oct. 20, 1951, inserted “in enforcing” after “The remainder shall be available for expenses”.

1949—Subsec. (a). Act Aug. 12, 1949, inserted proviso.

1935—Act June 15, 1935, amended section generally.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1958 AMENDMENT

For effective date of amendment by Pub. L. 85-585, see section 4 of Pub. L. 85-585, set out as a note under section 718b of this title.

Executive Documents

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 718a of this title.

§ 718e. 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, validated as provided in section 718a of this title, shall loan or transfer such stamp to any person during the period of its validity; nor shall any person other than the person validating such stamp use it for any purpose during such period.

(b) Alteration

Except as provided in clauses (i) and (ii) of section 504(l)(D)¹ of title 18, no person shall alter, mutilate, imitate, or counterfeit any stamp authorized by this subchapter, or imitate or coun-

¹ So in original. Probably should be “504(l)(D)”.

terfeit any die, plate, or engraving therefor, or make, print, or knowingly use, sell, or have in his possession any such counterfeit, die, plate, or engraving.

(c) Reproduction

Notwithstanding the provisions of subsection (b), or the prohibition in section 474 of title 18, or other provisions of law, the Secretary may authorize, with the concurrence of the Secretary of the Treasury,

- (1) the color reproduction, or
- (2) the black and white reproduction,

of Migratory Bird Hunting and Conservation Stamps authorized by sections 718 to 718b, 718c, 718d, and 718f to 718h of this title, which otherwise satisfies the requirements of clauses (ii) and (iii) of section 504(1) of title 18. Any such reproduction shall be subject to those terms and conditions deemed necessary by the Secretary by regulation or otherwise and any proceeds received by the Federal Government as a result of such reproduction shall be paid, after deducting expenses for marketing, into the Migratory Bird Conservation Fund established under section 718d of this title.

(Mar. 16, 1934, ch. 71, § 5, 48 Stat. 452; June 15, 1935, ch. 261, title I, § 5, 49 Stat. 380; Pub. L. 98-369, div. A, title X, § 1077(a), (b)(3), July 18, 1984, 98 Stat. 1054, 1055; Pub. L. 100-653, title III, § 302, Nov. 14, 1988, 102 Stat. 3827; Pub. L. 109-266, § 10(f), Aug. 3, 2006, 120 Stat. 677.)

Editorial Notes

AMENDMENTS

2006—Pub. L. 109-266, § 10(f)(1), inserted section catchline.

Subsec. (a). Pub. L. 109-266, § 10(f)(1), inserted heading and substituted “Migratory Bird Hunting and Conservation Stamp” for “migratory-bird hunting stamp” in text.

Subsec. (b). Pub. L. 109-266, § 10(f)(2), inserted heading and substituted “Except as provided in clauses (i) and (ii) of section 504(D) of title 18, no person shall alter” for “Except as provided in clauses (i) and (ii) of section 504(1)(D) of title 18, no person shall alter” in text.

Subsec. (c). Pub. L. 109-266, § 10(f)(3)(C)(ii), which directed substitution of “shall be paid, after deducting expenses for marketing, into the Migratory Bird Conservation Fund” for “shall be paid into the migratory bird conservation fund” in concluding provisions, was executed by making the substitution for “shall be paid, after deducting expenses for marketing, into the migratory bird conservation fund” to reflect the probable intent of Congress.

Pub. L. 109-266, § 10(f)(3)(A), (B), (C)(i), inserted heading, substituted “Secretary may” for “Secretary of the Interior may” in introductory provisions, and substituted “Secretary” for “Secretary of the Interior” and “Migratory Bird Hunting and Conservation Stamps” for “migratory bird hunting stamps” in concluding provisions.

1988—Subsec. (c). Pub. L. 100-653 inserted “, after deducting expenses for marketing,” after “paid”.

1984—Subsec. (b). Pub. L. 98-369, § 1077(b)(3), substituted “Except as provided in clauses (i) and (ii) of section 504(1)(D) of title 18, no person” for “No person”.

Subsec. (c). Pub. L. 98-369, § 1077(a), added subsec. (c).
1935—Act June 15, 1935, amended section generally.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-369, div. A, title X, § 1077(c), July 18, 1984, 98 Stat. 1055, provided that: “The amendments made by

this section [amending this section and section 504 of Title 18, Crimes and Criminal Procedure] shall take effect on the date of the enactment of this Act [July 18, 1984].”

§ 718f. Enforcement

For the efficient execution of this subchapter, the judges of the several courts, established under the laws of the United States, United States magistrate judges, and persons appointed by the Secretary to enforce the provisions of this subchapter, shall have, with respect thereto, like powers and duties as are conferred upon said judges, magistrate judges, and employees of the Department of the Interior by the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), or any other Act to carry into effect any treaty for the protection of migratory birds with respect to that Act. Any bird or part thereof taken or possessed contrary to this subchapter shall, when seized, be disposed of by the Secretary in accordance with law.

(Mar. 16, 1934, ch. 71, § 6, 48 Stat. 452; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 95-616, § 3(i), Nov. 8, 1978, 92 Stat. 3112; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 109-266, § 10(g), Aug. 3, 2006, 120 Stat. 677.)

Editorial Notes

REFERENCES IN TEXT

The Migratory Bird Treaty Act, and “that Act”, referred to in text, is act July 3, 1918, ch. 128, 40 Stat. 755, which is classified generally to subchapter II (§ 703 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 710 of this title and Tables.

AMENDMENTS

2006—Pub. L. 109-266 inserted section catchline, substituted “Secretary to” for “Secretary of Agriculture to” and “Department of the Interior” for “Department of Agriculture”, and inserted “(16 U.S.C. 703 et seq.)” after “Migratory Bird Treaty Act”.

1978—Pub. L. 95-616 substituted in last sentence “contrary to this subchapter shall, when seized, be disposed of by the Secretary in accordance with law” for “contrary to such Acts shall, when seized, be disposed of as provided by the Migratory Bird Treaty Act, or Acts aforesaid”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“United States magistrate judges” and “magistrate judges” substituted for “United States magistrates” and “magistrates”, respectively, in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “magistrates” substituted in text for “commissioners” pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

§ 718g. Violations

Any person that violates or fails to comply with any provision of this subchapter (including a regulation promulgated under this subchapter) shall be subject to the penalties described in section 707 of this title.

(Mar. 16, 1934, ch. 71, § 7, as added Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 678.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 718g, act Mar. 16, 1934, ch. 71, § 7, 48 Stat. 452, related to penalties prior to repeal by Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 677.

§ 718h. Cooperation

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

(Mar. 16, 1934, ch. 71, § 8, as added Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 678.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 718h, act Mar. 16, 1934, ch. 71, § 8, 48 Stat. 452; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to cooperation with States and Territories prior to repeal by Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 677.

§ 718i. 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.

(Mar. 16, 1934, ch. 71, § 9, as added Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 678.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 9 of act Mar. 16, 1934, was classified to section 718 of this title prior to repeal by Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 677.

A prior section 718i, act June 28, 1941, ch. 259, § 1, 55 Stat. 356, related to disposal of surplus stamps and restricted use of stamps to the fiscal year for which issued prior to repeal by act July 30, 1956, ch. 782, § 3(d), formerly § 3(c), 70 Stat. 722, renumbered Pub. L. 109-266, § 10(i)(1), Aug. 3, 2006, 120 Stat. 679.

§ 718j. Definitions**(a) In general**

In this subchapter, 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 subchapter:

(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.

(Mar. 16, 1934, ch. 71, § 10, as added Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 678.)

Editorial Notes**REFERENCES IN TEXT**

The Migratory Bird Conservation Act, referred to in subsec. (a), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 715 of this title and Tables.

The Migratory Bird Treaty Act, referred to in subsec. (a), is act July 3, 1918, ch. 128, 40 Stat. 755, which is classified generally to subchapter II (§ 703 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 710 of this title and Tables.

PRIOR PROVISIONS

A prior section 718j, Mar. 16, 1934, ch. 71, § 10, as added Pub. L. 97-307, Oct. 14, 1982, 96 Stat. 1450, related to crediting of funds received as fees for entering migratory-bird hunting and conservation stamp contest prior to repeal by Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 677.

§ 718k. Use of fees collected for Federal migratory bird permits

On and after October 21, 1998, all fees collected for Federal migratory bird permits shall be available to the Secretary, without further appropriation, to be used for the expenses of the U.S. Fish and Wildlife Service in administering such Federal migratory bird permits, and shall remain available until expended.

(Pub. L. 105-277, div. A, § 101(e) [title I], Oct. 21, 1998, 112 Stat. 2681-231, 2681-236.)

**SUBCHAPTER IV—A—PERMANENT
ELECTRONIC DUCK STAMP****§ 718o. Definitions**

In this subchapter:

(1) Actual stamp

The term “actual stamp” means a Migratory Bird Hunting and Conservation Stamp re-