

Subsec. (f). Pub. L. 95-469, §1(a)(3), substituted “The Secretary shall carry out any revenue producing activity referred to in subsection (a)(1), (2), and (3) of this section within any fee area or reserve area subject to such terms, conditions, or regulations, including sales in the open markets, as the Secretary determines to be in the best interest of the United States.” for “The disposition or sale of surplus animals, minerals, and other products, the grant of privileges, and the carrying out of any other activities that result in the collection of revenues within any areas of the System may be accomplished upon such terms, conditions, or regulations, including sale in the open markets, as the Secretary shall determine to be in the best interest of the United States.” and reenacted substance of second sentence, setting out provision for regulations at beginning rather than end of sentence.

Subsec. (g). Pub. L. 95-469, §1(a)(3), substituted definitions of certain terms for prior provision for superseding by Pub. L. 88-523 of repealed paragraph of “Management of National Wildlife Refuges” in the General Appropriation Act, 1951, approved Sept. 6, 1950 (64 Stat. 595, 693 to 694).

Subsec. (h). Pub. L. 95-469, §1(a)(4), added subsec. (h). 1974—Subsec. (e). Pub. L. 93-509 substituted provisions that moneys remaining in the fund after all payments under this section are made for any fiscal year shall be transferred to the Migratory Bird Conservation Fund and shall be available for land acquisition under the Migratory Bird Conservation Act with exception that the funds available for the management of the National Wildlife Refuge System or for enforcement of the Migratory Bird Treaty Act shall not be diminished for provisions that moneys remaining in the fund after all payments are made for any fiscal year may be used by the Secretary thereafter for management of the System, including but not limited to the construction, improvement, repair, and alteration of buildings, roads, and other facilities, and for enforcement of the Migratory Bird Treaty Act.

1973—Subsec. (a). Pub. L. 93-205 substituted “listed pursuant to section 1533 of this title as endangered species or threatened species,” for “threatened with extinction.”

1966—Subsec. (a). Pub. L. 89-669 defined the National Wildlife Refuge System to include lands acquired or reserved for the protection and conservation of fish and wildlife that are threatened with extinction.

1964—Pub. L. 88-523 substituted provisions designated as subsecs. (a) to (g) for former provisions constituting one paragraph consisting of a first clause with three provisos and a second clause; required in subsec. (a) all receipts from the National Wildlife Refuge System to be covered into a separate fund in the United States 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.

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.

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.

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.”

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.

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 conservation 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, 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 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.)

AMENDMENTS

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.

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