

**§ 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.)

## 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 Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the “Duck Stamp Act”), that is printed on paper and sold through the means established by the authority of the Secretary immediately before December 18, 2014.

**(2) Automated licensing system****(A) In general**

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

**(B) Inclusion**

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

**(3) Electronic stamp**

The term “electronic stamp” means an electronic version of an actual stamp that—

- (A) is a unique identifier for the individual to whom it is issued;
- (B) can be printed on paper or produced through an electronic application with the same indicators as the State endorsement provides;
- (C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this subchapter, 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 718q(b) of this title.

(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 718q(b) of this title.

**(4) Secretary**

The term “Secretary” means the Secretary of the Interior.

(Pub. L. 113-239, §2, Dec. 18, 2014, 128 Stat. 2847.)

## REFERENCES IN TEXT

The Act of March 16, 1934, referred to in par. (1), is act Mar. 16, 1934, ch. 71, 48 Stat. 451, known as the Migratory Bird Hunting and Conservation Stamp Act, and also popularly known as the Duck Stamp Act, which is classified generally to subchapter IV (§718 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 718 of this title and Tables.

## SHORT TITLE

Pub. L. 113-239, §1, Dec. 18, 2014, 128 Stat. 2847, provided that: ‘‘This Act [enacting this subchapter] may be cited as the ‘Permanent Electronic Duck Stamp Act of 2013.’’’

**§ 718p. Authority to issue electronic duck stamps****(a) In general**

The Secretary may authorize any State to issue electronic stamps in accordance with this subchapter.

**(b) Consultation**

The Secretary shall implement this section in consultation with State management agencies.

(Pub. L. 113-239, §3, Dec. 18, 2014, 128 Stat. 2848.)

**§ 718q. State application****(a) Approval of application required**

The Secretary may not authorize a State to issue electronic stamps under this subchapter unless the Secretary has received and approved an application submitted by the State in accordance with this section. The Secretary may determine the number of new States per year to participate in the electronic stamp program.

**(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 this subchapter, 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 under this section, the Secretary shall publish—

- (1) deadlines for submission of applications;
- (2) eligibility requirements for submitting applications; and
- (3) criteria for approving applications.

(Pub. L. 113-239, §4, Dec. 18, 2014, 128 Stat. 2848.)

**§ 718r. 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 this subchapter shall receive an actual stamp—

(1) by not later than the date on which the electronic stamp expires under section 718s(c) of this title; and

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

**(b) Collection and transfer of electronic stamp revenue and customer information****(1) Requirement to transmit**

The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this section—

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

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

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

**(2) Time of transmittal**

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

**(3) Additional fees not affected**

This section shall not apply to the State portion of any fee collected by a State under subsection (c).

**(c) Electronic stamp issuance fee**

A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this subchapter, including costs of delivery of actual stamps.

**(d) Duplicate electronic stamps**

A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

**(e) Limitation on authority to require purchase of State license**

A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this subchapter.

(Pub. L. 113-239, §5, Dec. 18, 2014, 128 Stat. 2848.)

**§ 718s. Electronic stamp requirements; recognition of electronic stamp****(a) Stamp requirements**

The Secretary shall require an electronic stamp issued by a State under this subchapter—

(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.