

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.

#### 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.)

#### 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.)

#### 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 Co-

lumbia 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 acre-

age 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.)

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 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”.

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.

## 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.

## 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)<sup>1</sup> of title 18, no person shall alter, mutilate, imitate, or counterfeit any stamp authorized by this subchapter, or imitate or counterfeit 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.)

## 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

<sup>1</sup> So in original. Probably should be “504(l)(D)”.