

tronic 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;

(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.)

## Editorial Notes

### AMENDMENTS

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.