

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;