

Statutory Notes and Related Subsidiaries**CHANGE OF NAME**

“United States magistrate judges” and “magistrate judges” substituted for “United States magistrates” and “magistrates”, respectively, in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “magistrates” substituted in text for “commissioners” pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

§ 718g. Violations

Any person that violates or fails to comply with any provision of this subchapter (including a regulation promulgated under this subchapter) shall be subject to the penalties described in section 707 of this title.

(Mar. 16, 1934, ch. 71, § 7, as added Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 678.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 718g, act Mar. 16, 1934, ch. 71, § 7, 48 Stat. 452, related to penalties prior to repeal by Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 677.

§ 718h. Cooperation

The Secretary is authorized to cooperate with the States and the territories and possessions of the United States in the enforcement of this subchapter.

(Mar. 16, 1934, ch. 71, § 8, as added Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 678.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 718h, act Mar. 16, 1934, ch. 71, § 8, 48 Stat. 452; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to cooperation with States and Territories prior to repeal by Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 677.

§ 718i. Use of contest fees

Notwithstanding any other provision of law, funds received by the United States Fish and Wildlife Service in the form of fees for entering any Migratory Bird Hunting and Conservation Stamp contest shall be credited—

(1) first, to the appropriation account from which expenditures for the administration of the contest are made; and

(2) second, to the extent any funds remain, to the Migratory Bird Conservation Fund.

(Mar. 16, 1934, ch. 71, § 9, as added Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 678.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 9 of act Mar. 16, 1934, was classified to section 718 of this title prior to repeal by Pub. L. 109-266, § 10(h), Aug. 3, 2006, 120 Stat. 677.

A prior section 718i, act June 28, 1941, ch. 259, § 1, 55 Stat. 356, related to disposal of surplus stamps and restricted use of stamps to the fiscal year for which issued prior to repeal by act July 30, 1956, ch. 782, § 3(d), formerly § 3(c), 70 Stat. 722, renumbered Pub. L. 109-266, § 10(i)(1), Aug. 3, 2006, 120 Stat. 679.

§ 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.)

Editorial Notes**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.

(4) Secretary

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

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

Editorial Notes

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 Migra-

tory 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.

Statutory Notes and Related Subsidiaries

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