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ELECTRONIC DUCK STAMP ACT OF 2005

DECEMBER 8, 2005.—Ordered to be printed

Filed under authority of the order of the Senate of November 18, 2005

Mr. INHOFE, from the Committee on Environment and Public Works, submitted the following

REPORT

[to accompany S. 1496]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 1496) to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

Since the enactment of the Act of March 16, 1934, known as the Migratory Bird Hunting Stamp Act or simply the “Duck Stamp Act”, all waterfowl hunters 16 years of age or older have been required to purchase and carry a Migratory Bird Hunting and Conservation Stamp (“Duck Stamp”) for the current hunting season. Ninety-eight cents out of every dollar generated from the sale of the Duck Stamp goes directly to purchase or lease wetland habitat for protection in the National Wildlife Refuge System. As of 2003, the sale of duck stamps have generated more than \$600 million, which has been used to acquire approximately 5 million acres of national wildlife refuge lands. As a result, the Federal Duck Stamp Program has become known as one of the most successful conservation programs ever initiated. Besides serving as a hunting license and a conservation tool, a current year’s Federal Duck Stamp also serves as an entrance pass for National Wildlife Refuges where ad-

mission is normally charged. Duck Stamps and the products that bear duck stamp images are also popular collector items.

Federal Duck Stamps are sold in many post offices across the country. They can also be purchased on the internet and at many sporting goods and outdoor stores. However, in order to serve as a valid hunting license for migratory waterfowl, the actual Duck Stamp must be carried and signed by the hunter in the field. This can pose a problem for some hunters who may find it difficult to locate a Duck Stamp vendor with convenient hours of operation or on short notice. Although many States now have electronic means of purchasing State licenses and permits for migratory bird hunting, no such alternative methods for purchasing the Federal Duck Stamp exist. Duck Stamps purchased over the internet must still be shipped and received before they can be used in the field. The convenience of 24 hours a day/7 days a week access to purchasing Duck Stamps would make it easier and more cost effective for many sportsmen to get out in the field in a timely manner without having to wait for an internet purchased Duck Stamp to arrive in the mail or purchase their Duck Stamp in person at a Post Office or other vendor with limited supplies and hours of operation.

OBJECTIVES OF THE LEGISLATION

The Electronic Duck Stamp Act instructs the Secretary of the Interior to conduct a 3-year pilot program allowing sportsmen and stamp collectors to purchase their Federal Duck Stamps electronically in up to 15 States. The legislation does not raise the cost of the \$15 stamp and hunters would still have the option of purchasing stamps in the traditional manner. The program will, however, allow hunters to purchase their stamps over the phone or internet, giving them immediate access to a verification number that will allow them to hunt immediately, while they wait to receive an actual paper stamp. This will dramatically reduce the time and effort it takes for hunters to get their Duck Stamps and get out in the field.

The legislation further serves to modernize and make technical corrections to the original Duck Stamp Act of 1934 and subsequent amendments, which contain outdated provisions that do not reflect the shift of administrative responsibilities under the Act from the Department of Agriculture to the Department of the Interior.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section provides that this Act may be cited as the “Electronic Duck Stamp Act of 2005”.

Sec. 2. Findings.

This section provides congressional findings supporting the need for the Act.

Sec. 3. Definitions.

This section provides definitions for terms relevant to the Act.

Sec. 4. Electronic Duck Stamp pilot program.

This section directs the Secretary of the Interior to conduct a 3-year pilot program under which up to 15 States are authorized to issue Federal Duck Stamps electronically.

Sec. 5. State application.

This section provides the authority and parameters for States to apply for participation in the pilot program.

Sec. 6. State obligations and authorities.

This section specifies the duties of States selected to participate in the pilot program relative to delivering actual paper stamps to electronic purchasers and collecting revenue and customer information.

Sec. 7. Electronic stamp requirements; recognition of electronic stamp.

This section provides that the format of an electronic stamp be the same as other automated licenses issued by the participating State and further provides that the electronic stamp shall be recognized nationally as a valid Federal Duck Stamp and shall be valid for a period not to exceed 45 days.

Sec. 8. Termination of State participation.

This section provides for the termination of participation of any State in the pilot program by the Secretary or the participating State.

Sec. 9. Evaluation.

This section provides that 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 Duck Stamps. It also requires the Secretary to submit a report to Congress on the findings of the evaluation.

Sec. 10. Technical corrections.

This section makes technical changes to the Duck Stamp Act of 1934 by adding title headings to each section of the Act, updating terminology, making terminology consistent throughout the Act, and reflecting current administrative practices. Additionally, unbounded narratives containing multiple directives within certain sections of the Act are further divided to more clearly convey the intent of Congress and the elements of each individual directive. The section also clarifies that nothing in the Act requires (or prohibits) an individual to affix the Duck Stamp to a State hunting license as has been the historical custom adopted by several States.

Specifically, changes to reflect current administrative practices include the reassignment of responsibility for issuing the Duck Stamp from the Department of Agriculture to the Department of the Interior. Based on the historical practice when the Act was passed in 1934, the Postal Service has continued to provide for the printing of Duck Stamps, despite the fact that the Postal Service

no longer performs the actual printing of stamps, but instead contracts these services out through commercial enterprises. Recognizing these operational differences that have occurred over time, this section reassigns this responsibility to the Department of the Interior, along with the authority to make advance allotments of revenues to the U.S. Fish and Wildlife Service for such purposes.

In addition, the authority to issue Duck Stamps on consignment is reassigned to the Department of the Interior from the Postal Service, who no longer desires to provide the consignment service to third parties. Other duties and responsibilities retained by the Postal Service are now expanded to be held jointly by the Department of the Interior, including the disposition of unsold stamps and destruction of surplus stock.

LEGISLATIVE HISTORY

On July 26, 2005, Senator Crapo introduced S. 1496, which was cosponsored by Senators Lott, Lincoln, Nelson of Nebraska, Snowe, Inhofe, Martinez, Obama, Jeffords, Chafee, Murkowski, Allen, Cochran, Stabenow, Craig, Enzi, Burns, Coleman, Stevens, Baucus, and Burr. The bill was received, read twice and referred to the Senate Committee on Environment and Public Works. The committee met on November 17, 2005 to consider the bill. S. 1496 was ordered favorably reported, as amended, by voice vote.

HEARINGS

No committee hearings were held on S. 1496.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 1496 on November 17, 2005. The committee agreed to an amendment offered by Senators Inhofe, Jeffords and Chafee by a voice vote. The bill was ordered favorably reported, as amended, by voice vote. No roll call votes were taken.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 1496 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that S. 1496 would not impose Federal intergovernmental unfunded mandates on State, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

S. 1496, Electronic Duck Stamp Act of 2005, As ordered reported by the Senate Committee on Environment and Public Works on November 17, 2005

S. 1496 would authorize the U.S. Fish and Wildlife Service (USFWS) to conduct a 3-year pilot program to distribute Federal duck stamps electronically. CBO estimates that implementing the legislation would cost the Federal Government \$750,000 over the next 3 years, assuming the availability of appropriated funds.

The bill would authorize the USFWS to allow up to 15 States to sell electronic versions of Federal duck stamps, which serve as annual hunting permits for Federal lands. Nearly all States use their own versions of duck stamps as hunting permits, and most of these States also have electronic licensing or online sales systems. The pilot program authorized by S. 1496 would help to coordinate the sale of Federal and State permits using the State systems. CBO estimates that the USFWS would spend about \$250,000 annually to carry out the 3-year project, assuming the availability of appropriated funds. We expect that such amounts would be used by the agency to process applications from States who wish to participate in the program, to collect duck stamp revenues from those States, and to evaluate program results.

Because S. 1496 would not change the current \$15 price of the Federal duck stamp, enacting the legislation would not affect revenues. The bill would allow the States to collect a surcharge for each electronic duck stamp sold. A portion of such fees would be transferred to the USFWS (along with the sales proceeds from the electronic duck stamp revenues) and would be credited to the agency's operating account. CBO estimates that such offsetting collections would have a minimal effect on annual discretionary spending. Enacting S. 1496 would not affect direct spending.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments. Any State that chooses to participate in this pilot program would do so voluntarily. The bill would allow States to charge fees to cover any costs that they might incur.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in italic, existing law in which no change is proposed is shown in roman:

ACT POPULARLY KNOWN AS THE DUCK STAMP ACT
(ACT OF MARCH 16, 1934)

AN ACT To supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes.

* * * * *

【That no person who has attained the age of sixteen years shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting and conservation stamp validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds; except that no such stamp shall be required for the taking of migratory waterfowl by Federal or State institutions or official agencies, or for propagation, or by the resident owner, tenant, or share cropper of the property or officially designated agencies of the Department of Agriculture for the killing, under such restrictions as the Secretary of Agriculture may by regulation prescribe, of such waterfowl when found injuring crops or other property. Any person to whom a stamp has been sold under this Act shall upon request exhibit such stamp for inspection to any officer or employee of the Department of Agriculture authorized to enforce the provisions of this Act or to any officer of any State or any political subdivision thereof authorized to enforce game laws.】

SECTION 1. 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; or

(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.

(b) DISPLAY OF STAMP.—Any individual to whom a stamp has been sold under this Act 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 Act; 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.*

【SEC. 2.(a) The stamps required by section 1 of this Act shall be issued and sold by the Postal Service and may be sold by the Department of the Interior, pursuant to regulations prescribed jointly by the Postal Service and the Secretary of the Interior, at (1) each post office of the first- and second-class, and (2) any establishment, facility, or location as the Postal Service and the Secretary of the Interior shall direct or authorize. The funds received from the sale of such stamps by the Department of the Interior shall be deposited in the migratory bird conservation fund in accordance with the provisions of section 4 of this Act. Except as provided in subsection (b), for each stamp sold under the provisions of this section for any hunting year there shall be collected by the Postal Service a sum of not less than \$3 and not more than \$5 as 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. No such stamp shall be valid under any circumstances to authorize the taking of migratory waterfowl except in compliance with Federal and State laws and regulations and then only when the person so taking such waterfowl shall himself have written his signature in ink across the face of the stamp prior to such taking. Such stamps shall be usable as migratory-bird hunting stamps only during the year for which issued. The Postal Service, pursuant to regulations prescribed by it, shall provide for the redemption, on or before the 30th day of June of each year, of blocks composed of two or more attached unused stamps issued for such year (A) that were sold on consignment to any person, including, but not limited to, retail dealers for resale to their customers, and (B) that have not been resold by any such person. As used in this section, the term “retail dealers” means persons regularly engaged in the business of retailing hunting or fishing equipment, and persons duly authorized to act as agents of a State or political subdivision thereof for the sale of State or county hunting or fishing licenses.】

SEC. 2. SALES; FUND DISPOSITION; UNSOLD STAMPS.

(a) SALES.—

(1) *IN GENERAL.*—*The stamps required under section 1 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 Act by the Department of the Interior shall be deposited in the Migratory Bird Conservation Fund in accordance with section 4.*

(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 Act 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 Act 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 Act to any individual, business, or organization; or

(B) redeem stamps issued under this Act that are sold on consignment by the Secretary (or any agent of the Secretary).

[(b) The]

(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, and \$15.00 for each hunting year thereafter, if the [Secretary of the Interior] 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] *Migratory Bird Conservation Fund* available for obligation and attributable to—

(1) amounts appropriated pursuant to the Act 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. [For purposes of this section, the term “hunting year” means the 12-month period beginning on July 1 of any such year.]

[SEC. 3. Nothing]

SEC. 3. AUTHORIZATION AND EXEMPTION.

Nothing in this Act 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.

【SEC. 4. 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 Agriculture. All moneys received into such fund are hereby appropriated for the following objects and shall be available therefor until expended:】

SEC. 4. EXPENDITURE OF FUNDS.

(a) *IN GENERAL.*—All funds received for stamps sold under this Act 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.

(b) *USE OF FUNDS.*—All funds received into the fund are appropriated for the following purposes, to remain available until expended:

【(a) 【(1) 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】

(1) *ADVANCE ALLOTMENTS.*—So much as may be necessary shall be used by the Secretary for engraving, printing, issuing, selling, and accounting for 【migratory bird hunting stamps】 *Migratory Bird Hunting and Conservation Stamps* and moneys received from the sale thereof, in addition to expenses for 【personal】 *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】 *Postal Service*.

【(b) 【(2) Except as authorized in subsections (c) and (d) of this section】

(2) *AREAS FOR REFUGES.*—Except as provided in paragraph (3) 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.

【(c) 【(3) 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,】

(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 pot-hole 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 subsection】 *this paragraph.*

【(d)】 (c) *PROMOTION OF STAMP SALES.*—【(1) The Secretary of the Interior may utilize】

(1) *IN GENERAL.*—*The Secretary may use funds from the sale of* 【migratory bird hunting and conservation stamps】 *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.*

【(2) The Secretary of the Interior】

(2) *COMPONENTS OF 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) a description of activities conducted under this subsection in the year covered by the report.*

【SEC. 5. (a) That no person to whom has been sold a migratory-bird hunting stamp,】

SEC. 5. 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 1 of this Act, 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) Except as provided in clauses (i) and (ii) of section 504(1)(D) of title 18, United States Code, no person shall alter】

(b) *ALTERATION.*—*Except as provided in clauses (i) and (ii) of section 504(l)(D) of title 18, United States Code, no person shall alter, mutilate, imitate, or counterfeit any stamp authorized by this Act, 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) Notwithstanding】

(c) *REPRODUCTION.*—*Notwithstanding* the provisions of subsection (b), or the prohibition in section 474 of title 18, United States Code, or other provisions of law, the **【Secretary of the Interior】** *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 stamps】** *Migratory Bird Hunting and Conservation Stamps* authorized by sections 1 through 4 and 6 through 9 of this Act, which otherwise satisfies the requirements of clauses (ii) and (iii) of section 504(1) of title 18, United States Code. Any such reproduction shall be subject to those terms and conditions deemed necessary by the **【Secretary of the Interior】** *Secretary* by regulation or otherwise and any proceeds received by the Federal Government as a result of such reproduction **【shall be paid into the migratory bird conservation fund】** *shall be paid, after deducting expenses for marketing, into the Migratory Bird Conservation Fund* established under section 4 of this Act.

【SEC. 6. For the efficient】

SEC. 6. ENFORCEMENT.

For the efficient execution of this Act, the judges of the several courts, established under the laws of the United States, United States commissioners, and persons appointed by the **【Secretary of Agriculture】** *Secretary* to enforce the provisions of this Act, shall have, with respect thereto, like powers and duties as are conferred upon said judges, commissioners, and employees of the **【Department of Agriculture】** *Department of the Interior* by the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*) or any other Act to carry into effect any treaty for the protection of migratory birds with respect to that Act. Any bird or part thereof taken or possessed contrary to this Act shall, when seized, be disposed of by the Secretary in accordance with law.

【SEC. 7. Any person who shall violate any provision of this Act or who shall violate or fail to comply with any regulation made pursuant thereto shall be subject to the penalties provided in section 6 of the Migratory Bird Treaty Act.

【SEC. 8. The Secretary of Agriculture is authorized to cooperate with the several States and Territories in the enforcement of the provisions of this Act.

【SEC. 9. (a) Terms defined in the Migratory Bird Treaty Act, or the Migratory Bird Conservation Act, shall, when used in this Act, have the meaning assigned to such terms in such Acts, respectively.

【(b) As used in this Act (1) the term “migratory waterfowl” means the species enumerated in paragraph (a) of subdivision 1 of article I of the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916; (2) the term “State” includes the several States and Territories of the United States and the District of Columbia; and (3) the term “take” means pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

【SEC. 10. Notwithstanding any other provision of law, moneys received by the United States Fish and Wildlife Service in the form of fees for entering the migratory-bird hunting and conservation

stamp contest shall be credited first to the appropriation account from which expenditures for the administration of such contest are made, and second, to the extent such moneys exceed the expenditures for administration of the contest, to the migratory-bird conservation fund.】

SEC. 7. VIOLATIONS.

Any person that violates or fails to comply with any provision of this Act (including a regulation promulgated under this Act) shall be subject to the penalties described in section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707).

SEC. 8. COOPERATION.

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

SEC. 9. 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.

SEC. 10. DEFINITIONS.

(a) IN GENERAL.—In this Act, 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 Act:

(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.

SEC. 11. SHORT TITLE.

This Act may be cited as the 'Migratory Bird Hunting and Conservation Stamp Act'.

* * * * *

[P.L. 84-838; 70 STAT. 722]

(ACT OF JULY 30, 1956)

AN ACT To provide for the redemption by the Post Office Department of certain unsold Federal migratory-bird hunting stamps, and to clarify the requirements with respect to the age of hunters who must possess Federal migratory-bird hunting stamps.

* * * * *

【SEC. 3. (a) Hereafter such quantity of migratory-bird hunting stamps, not sold at the end of the fiscal year for which issued, as determined by the Postmaster General 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.】

SEC. 3. 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 10 of the Migratory Bird Hunting and Conservation Stamp Act) 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. 【Any surplus stock of such migratory-bird hunting stamps may be destroyed in such manner as the Postmaster General shall direct.】

(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.

【(b)】 *(c) The fourth sentence of section 2 of the Act of March 16, 1934, as amended (48 Stat. 451; 16 U.S.C., sec 718b), is hereby further amended to read as follows: "Such stamps shall be usable as migratory-bird hunting stamps only during the fiscal year for which issued."*

[(c)] *(d)* The first and second provisos in the paragraph under the heading "Migratory Bird Conservation Fund" in the Act of June 28, 1941 (55 Stat.356; 16 U.S.C., sec. 718i) are hereby repealed."

* * * * *

