revenues from the System to the counties in which the producing refuges are located for the benefit of the public schools and roads therein; incorporated the first proviso of the first clause in subsec. (c)(3) proviso; substituted subsec. (c)(2) providing an option plan for payment of either 25 per centum of the net receipts from lands acquired in fee by the United States to the counties in which such acquired lands are located or three-fourths of 1 per centum of the adjusted cost of the acquired lands, whichever is higher, for the formula of the first clause for returning 25 per centum of the revenues; inserted provisions of subsections (d), (e), and (g); and incorporated the second proviso of the first clause in subsection (f).


Effective Date of 1978 Amendment; Fiscal Year of Availability of Appropriation Authorization

Pub. L. 95–489, § 2, Oct. 17, 1978, 92 Stat. 1321, provided that: "This Act [amending this section and sections 1603, 1605 and 1606 of former Title 31, Money and Finance], shall apply with respect to payments made to counties under title IV of the Act of June 15, 1925 [this section], for the fiscal year ending September 30, 1979, and for fiscal years thereafter; except that the amendments made to such title IV [this section] which amend section 401(a) and (g), add paragraph (4) to section 401(c) [subsecs. (a) and (g)], and (c)(4) of this section], and amend the title heading [of this section] which amend section 401(c), may be cited as the 'Federal Duck Stamp Act of 2005'."

Short Title of 2006 Amendment

Pub. L. 109–266, § 1, Aug. 3, 2006, 120 Stat. 670, provided that: "This Act [amending sections 718a to 718f of this title, amending sections 718g, 718h, and 718i of this title, and enacting provisions set out as notes under this section] may be cited as the 'Electronic Duck Stamp Act of 2005'."

Short Title of 1998 Amendment


Electroninc Duck Stamp Pilot Program


Congress finds that:

"(1) on March 16, 1934, Congress passed and President Roosevelt signed the Act of March 16, 1934 (16 U.S.C. 718a [718] et seq.) (popularly known as the 'Duck Stamp Act'), which requires all migratory waterfowl hunters 16 years of age or older to buy a Federal migratory bird hunting and conservation stamp annually;

"(2) the Federal Duck Stamp program has become one of the most popular and successful conservation programs ever initiated;

"(3) because of that program, the United States again is teeming with migratory waterfowl and other wildlife that benefit from wetland habitats;

"(4) as of the date of enactment of this Act [Aug. 3, 2006], 1,700,000 migratory bird hunting and conservation stamps are sold each year;

"(5) as of 2003, those stamps have generated more than $500,000,000 in revenue that has been used to preserve more than 5,000,000 acres of migratory waterfowl habitat in the United States;

"(6) many of the more than 540 national wildlife refuges have been paid for wholly or partially with that revenue.

SEC. 3. DEFINITIONS.

In this Act [see Short Title of 2006 Amendment note above]:

"(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 [718] et seq.) (popularly known as the 'Duck Stamp Act'), that is printed on paper and sold through a means in use immediately before the date of enactment of this Act [Aug. 3, 2006].

"(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, or telephonic system 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;
“(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this Act, 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 4(b).
“4. SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.
“B. STATE APPLICATION.
“(a) REQUIREMENT TO CONDUCT PROGRAM.—The Secretary shall conduct a 3-year pilot program under which up to 15 States authorized by the Secretary may issue electronic stamps.
“(b) COMMENCEMENT AND DURATION OF PROGRAM.—The Secretary shall—
“(1) use all means necessary to expeditiously implement this section by the date that is 1 year after the beginning of the first full Federal migratory waterfowl hunting season after the date of enactment of this Act [Aug. 3, 2006]; and
“(2) carry out the pilot program for 3 Federal migratory waterfowl hunting seasons.
“(c) CONSULTATION.—The Secretary shall carry out the program in consultation with State management agencies.
“C. STATE APPLICATION.
“(a) APPROVAL OF APPLICATION REQUIRED.—A State may not participate in the pilot program under this Act unless the Secretary has received and approved an application submitted by the State in accordance with this section.
“(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 the pilot program, 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 AND CONSENT.—Not later than 30 days before the date on which the Secretary begins accepting applications for participation in the pilot program, the Secretary shall publish—
“(1) deadlines for submission of applications to participate in the program;
“(2) eligibility requirements for participation in the program; and
“(3) criteria for selecting States to participate in the program.
“D. STATE OBLIGATIONS AND AUTHORITIES.
“(a) DELIVERY OF ACTUAL STAMP.—The Secretary shall require that each individual to whom a State sells an electronic stamp under the pilot program shall receive an actual stamp—
“(1) by no later than the date on which the electronic stamp expires under section 7(c); and
“(2) in a manner agreed upon by the State and the Secretary.
“(b) COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.—
“(1) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State participating in the pilot program to collect and submit to the Secretary in accordance with this section—
“(A) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;
“(B) the face value amount of each electronic stamp sold by the State; and
“(C) the amount of the Federal portion of any fee required by the agreement for each stamp sold.
“(2) TIME OF TRANSMITTAL.—The Secretary shall require the submission under paragraph (1) to be made with respect to sales of electronic stamps by a State occurring in a month—
“(A) by no later than the 15th day of the subsequent month; or
“(B) as otherwise specified in the application of the State approved by the Secretary under section 5.
“(3) ADDITIONAL FEES NOT AFFECTED.—This section shall not apply to the State portion of any fee collected by a State under subsection (c).
“(c) ELECTRONIC STAMP ISSUANCE FEE.—A State participating in the pilot program may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under the program, including costs of delivery of actual stamps.
“(d) DUPLICATE ELECTRONIC STAMPS.—A State participating in the pilot program may issue a duplicate electronic 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.
“E. 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) be bestowed 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.
“F. 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.
§ 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 7113 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.

§ 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); and
(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—