

“SEC. 5. 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 OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.—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.

“SEC. 6. 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 not 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 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 not 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 elec-

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, as an electronic stamp (as defined in section 718o

of this title) or validated by the signature of the individual written in ink across the face of the actual stamp (as defined in that section) 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; Pub. L. 118-25, §2(d), Dec. 19, 2023, 137 Stat. 130.)

Editorial Notes

AMENDMENTS

2023—Subsec. (a)(1). Pub. L. 118-25 inserted “as an electronic stamp (as defined in section 718o of this title) or” after “Conservation Stamp,” and substituted “face of the actual stamp (as defined in that section)” for “face of the stamp”.

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