

Subsec. (c). Pub. L. 109-266, §10(f)(3)(C)(ii), which directed substitution of “shall be paid, after deducting expenses for marketing, into the Migratory Bird Conservation Fund” for “shall be paid into the migratory bird conservation fund” in concluding provisions, was executed by making the substitution for “shall be paid, after deducting expenses for marketing, into the migratory bird conservation fund” to reflect the probable intent of Congress.

Pub. L. 109-266, §10(f)(3)(A), (B), (C)(i), inserted heading, substituted “Secretary may” for “Secretary of the Interior may” in introductory provisions, and substituted “Secretary” for “Secretary of the Interior” and “Migratory Bird Hunting and Conservation Stamps” for “migratory bird hunting stamps” in concluding provisions.

1988—Subsec. (c). Pub. L. 100-653 inserted “, after deducting expenses for marketing,” after “paid”.

1984—Subsec. (b). Pub. L. 98-369, §1077(b)(3), substituted “Except as provided in clauses (i) and (ii) of section 504(1)(D) of title 18, no person” for “No person”.

Subsec. (c). Pub. L. 98-369, §1077(a), added subsec. (c).

1935—Act June 15, 1935, amended section generally.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-369, div. A, title X, §1077(c), July 18, 1984, 98 Stat. 1055, provided that: “The amendments made by this section [amending this section and section 504 of Title 18, Crimes and Criminal Procedure] shall take effect on the date of the enactment of this Act [July 18, 1984].”

§ 718f. Enforcement

For the efficient execution of this subchapter, the judges of the several courts, established under the laws of the United States, United States magistrate judges, and persons appointed by the Secretary to enforce the provisions of this subchapter, shall have, with respect thereto, like powers and duties as are conferred upon said judges, magistrate judges, and employees of the 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 subchapter shall, when seized, be disposed of by the Secretary in accordance with law.

(Mar. 16, 1934, ch. 71, §6, 48 Stat. 452; Pub. L. 90-578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 95-616, §3(i), Nov. 8, 1978, 92 Stat. 3112; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 109-266, §10(g), Aug. 3, 2006, 120 Stat. 677.)

Editorial Notes

REFERENCES IN TEXT

The Migratory Bird Treaty Act, and “that Act”, referred to in text, 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.

AMENDMENTS

2006—Pub. L. 109-266 inserted section catchline, substituted “Secretary to” for “Secretary of Agriculture to” and “Department of the Interior” for “Department of Agriculture”, and inserted “(16 U.S.C. 703 et seq.)” after “Migratory Bird Treaty Act”.

1978—Pub. L. 95-616 substituted in last sentence “contrary to this subchapter shall, when seized, be disposed

of by the Secretary in accordance with law” for “contrary to such Acts shall, when seized, be disposed of as provided by the Migratory Bird Treaty Act, or Acts aforesaid”.

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 re-

stricted 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 Migratory Bird Hunting and Conservation Stamp required under the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a et seq.) 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;

(E) is described in the State application approved by the Secretary under section 718q(b) of this title; and

(F) may contain an image of the actual stamp.

(4) Secretary

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