

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.