

(Pub. L. 113–239, §2, Dec. 18, 2014, 128 Stat. 2847; Pub. L. 118–25, §2(b), Dec. 19, 2023, 137 Stat. 129.)

### Editorial Notes

#### REFERENCES IN TEXT

The Migratory Bird Hunting and Conservation Stamp Act, referred to in par. (1), is act Mar. 16, 1934, ch. 71, 48 Stat. 451, which is classified generally to subchapter IV (§718 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 718 of this title and Tables.

#### AMENDMENTS

2023—Par. (1). Pub. L. 118–25, §2(b)(1), substituted “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” for “Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the ‘Duck Stamp Act’), that is printed”.

Par. (3)(F). Pub. L. 118–25, §2(b)(2), added subpar. (F).

### Statutory Notes and Related Subsidiaries

#### SHORT TITLE OF 2023 AMENDMENT

Pub. L. 118–25, §1, Dec. 19, 2023, 137 Stat. 129, provided that: “This Act [amending this section and sections 718a, 718r, and 718s of this title] may be cited as the ‘Duck Stamp Modernization Act of 2023’.”

#### SHORT TITLE

Pub. L. 113–239, §1, Dec. 18, 2014, 128 Stat. 2847, provided that: “This Act [enacting this subchapter] may be cited as the ‘Permanent Electronic Duck Stamp Act of 2013’.”

### § 718p. Authority to issue electronic duck stamps

#### (a) In general

The Secretary may authorize any State to issue electronic stamps in accordance with this subchapter.

#### (b) Consultation

The Secretary shall implement this section in consultation with State management agencies.

(Pub. L. 113–239, §3, Dec. 18, 2014, 128 Stat. 2848.)

### § 718q. State application

#### (a) Approval of application required

The Secretary may not authorize a State to issue electronic stamps under this subchapter unless the Secretary has received and approved an application submitted by the State in accordance with this section. The Secretary may determine the number of new States per year to participate in the electronic stamp program.

#### (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 this subchapter, 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 under this section, the Secretary shall publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and

(3) criteria for approving applications.

(Pub. L. 113–239, §4, Dec. 18, 2014, 128 Stat. 2848.)

### § 718r. State obligations and authorities

#### (a) Delivery of electronic stamp

The Secretary shall require that each individual to whom a State sells an electronic stamp under this subchapter shall receive the electronic stamp—

(1) on the date of purchase of the electronic stamp; 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 authorized to issue electronic stamps 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 according to the written agreement between the Secretary and the State agency.

##### (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 authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this

subchapter, including costs of delivery of actual stamps under subsection (e).

**(d) Duplicate electronic stamps**

A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

**(e) Delivery of actual stamps**

The Secretary shall issue an actual stamp after March 10 of each year to each individual that purchased an electronic stamp for the preceding waterfowl season.

**(f) 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 this subchapter.

(Pub. L. 113–239, § 5, Dec. 18, 2014, 128 Stat. 2848; Pub. L. 118–25, § 2(a), Dec. 19, 2023, 137 Stat. 129.)

**Editorial Notes**

AMENDMENTS

2023—Subsec. (a). Pub. L. 118–25, § 2(a)(1)(A), (B), substituted “electronic stamp” for “actual stamp” in heading and “the electronic stamp” for “an actual stamp” in introductory provisions.

Subsec. (a)(1). Pub. L. 118–25, § 2(a)(1)(C), added par. (1) and struck out former par. (1) which read as follows: “by not later than the date on which the electronic stamp expires under section 718s(c) of this title; and”.

Subsec. (c). Pub. L. 118–25, § 2(a)(2), substituted “actual stamps under subsection (e)” for “actual stamps”.

Subsecs. (e), (f). Pub. L. 118–25, § 2(a)(3), added subsec. (e) and redesignated former subsec. (e) as (f).

**§ 718s. Electronic stamp requirements; recognition of electronic stamp**

**(a) Stamp requirements**

The Secretary shall require an electronic stamp issued by a State under this subchapter—

(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 this subchapter shall—

(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 shall be valid through the first June 30 that occurs after the date of issuance of the electronic stamp by the State.

(Pub. L. 113–239, § 6, Dec. 18, 2014, 128 Stat. 2849; Pub. L. 118–25, § 2(c), Dec. 19, 2023, 137 Stat. 130.)

**Editorial Notes**

AMENDMENTS

2023—Subsec. (b). Pub. L. 118–25, § 2(c)(1), substituted “shall—” for “shall, during the effective period of the electronic stamp—” in introductory provisions.

Subsec. (c). Pub. L. 118–25, § 2(c)(2), substituted “through the first June 30 that occurs after the date of issuance of the electronic stamp by the State” for “for a period agreed to by the State and the Secretary, which shall not exceed 45 days”.

**§ 718t. Termination of State participation**

The authority of a State to issue electronic stamps under this subchapter 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 718q of this title; 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.

(Pub. L. 113–239, § 7, Dec. 18, 2014, 128 Stat. 2849.)

**SUBCHAPTER V—JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM**

**§ 719. Establishment of Program**

**(a) In general**

The Secretary of the Interior (in this subchapter referred to as the “Secretary”) may carry out in accordance with this subchapter a program to be known as the “Junior Duck Stamp Conservation and Design Program” (in this subchapter referred to as the “Program”) to accomplish the goals of—

(1) providing to school children environmental education opportunities relating to the conservation and management of migratory birds; and

(2) increasing the capacity for schools, States, and other educational programs to conduct conservation and education programs.

**(b) Program features**

The Program shall consist of—

(1) conducting in all interested States the activities which on the day before October 6, 1994, are conducted under the program known as the Junior Duck Stamp Conservation and Design Program;

(2) other activities authorized under the Program by this subchapter or any other Act; and

(3) any other activity necessary to carry out the conservation and education goals of the Program.

**(c) Effort to conduct Program in all States**

**(1) In general**

The Secretary shall take appropriate steps to seek to conduct the Program in all of the States.

**(2) Annual report**

The Secretary shall annually submit a report to the Congress on the status of the Program in each of the States.