

16 USC 718-718k
Migratory Bird Hunting Stamp Act

SUBCHAPTER IV—HUNTING AND CONSERVATION STAMP TAX

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§ 718. Definitions

(a) Terms defined in the Migratory Bird Treaty Act [16 U.S.C. 703 et seq.], or the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.], shall, when used in this subchapter, have the meaning assigned to such terms in such Acts, respectively.

(b) As used in this subchapter

(1) the term “migratory waterfowl” means the species enumerated in paragraph (a) of subdivision 1 of article I of the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916 (39 Stat. 1702);

(2) the term “State” includes the several States and Territories of the United States and the District of Columbia; and

(3) the term “take” means pursue, hunt, shoot, capture, collect, or kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

§ 718a. Hunting and conservation stamp for taking migratory waterfowl

No person who has attained the age of sixteen years shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting and conservation stamp validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds; except that no such stamp shall be required for the taking of migratory waterfowl by Federal or State institutions or official agencies, or for propagation, or by the resident owner, tenant, or share cropper of the property or officially designated agencies of the Department of the Interior for the killing, under such restrictions as the Secretary of the Interior may by regulation prescribe, of such waterfowl when found injuring crops or other property. Any person to whom a stamp has been sold under section 718b of this title shall upon request exhibit such stamp for inspection to any officer or employee of the Department of the Interior authorized to enforce the provisions of this subchapter or to any officer of any State or any political subdivision thereof authorized to enforce game laws.

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§ 718b. Issuance and sale of stamps; deposit of funds in migratory bird conservation fund; fees; validity; expiration; redemption; "retail dealers" and "hunting year" defined

(a) Sales; fund disposition; unsold stamps

The stamps required by section 718a of this title shall be issued and sold by the Postal Service and may be sold by the Department of the Interior, pursuant to regulations prescribed jointly by the Postal Service and the Secretary of the Interior, at

(1) each post office of the first- and second-class, and

(2) any establishment, facility, or location as the Postal Service and the Secretary of the Interior shall direct or authorize. The funds received from the sale of such stamps by the Department of the Interior shall be deposited in the migratory bird conservation fund in accordance with the provisions of section 718d of this title. Except as provided in subsection (b) of this section, for each stamp sold under the provisions of this section for any hunting year there shall be collected by the Postal Service a sum of not less than \$3 and not more than \$5 as determined by the Secretary of the Interior after taking into consideration, among other matters, the increased cost of lands needed for the conservation of migratory birds. No such stamp shall be valid under any circumstances to authorize the taking of migratory waterfowl except in compliance with Federal and State laws and regulations and then only when the person so taking such waterfowl shall himself have written his signature in ink across the face of the stamp prior to such taking. Such stamps shall be usable as migratory-bird hunting stamps only during the year for which issued. The Postal Service, pursuant to regulations prescribed by it, shall provide for the redemption, on or before the 30th day of June of each year, of blocks composed of two or more attached unused stamps issued for such year

(A) that were sold on consignment to any person, including, but not limited to, retail dealers for resale to their customers, and

(B) that have not been resold by any such person. As used in this section, the term "retail dealers" means persons regularly engaged in the business of retailing hunting or fishing equipment, and persons duly authorized to act as agents of a State or political subdivision thereof for the sale of State or county hunting or fishing licenses.

(b) Cost of stamp

The Postal Service shall collect \$10.00 for each stamp sold under the provisions of this section for hunting years 1987 and 1988, \$12.50 for hunting years 1989 and 1990, and \$15.00 for each hunting year thereafter, if the Secretary of the Interior determines, at any time before February 1 of the calendar year in which such hunting year begins, that all sums in the migratory bird conservation fund available for obligation and attributable to—

(1) amounts appropriated pursuant to this subchapter for the fiscal year ending in the immediately preceding calendar year; and

(2) the sale of stamps under this section during such fiscal year

have been obligated for expenditure. For purposes of this section, the term "hunting year" means the 12-month period beginning on July 1 of any such year.

§ 718b-1. Disposition of unsold stamps; collectors' supply; destruction of surplus

On or after July 30, 1956, such quantity of migratory-bird hunting stamps, not sold at the end of the fiscal year for which issued, as determined by the Postal Service to be

(1) required to supply the market for sale to collectors, and

(2) in suitable condition for such sale to collectors, shall be turned over to the Philatelic Agency and therein placed on sale. Any surplus stock of such migratory-bird hunting stamps may be destroyed in such manner as the Postal Service shall direct.

§ 718c. Compliance with treaty or convention regulations and State game laws

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Nothing in this subchapter shall be construed to authorize any person to take any migratory waterfowl otherwise than in accordance with regulations adopted and approved pursuant to any treaty or convention heretofore or hereafter entered into between the United States and any other country for the protection of migratory birds, nor to exempt any person from complying with the game laws of the several States.

§ 718d. Disposition of receipts from sale of stamps

All moneys received for such stamps shall be accounted for by the Postal Service or the Department of the Interior, whichever is appropriate, and paid into the Treasury of the United States, and shall be reserved and set aside as a special fund to be known as the migratory bird conservation fund, to be administered by the Secretary of the Interior. All moneys received into such fund are appropriated for the following objects and shall be available therefor until expended:

(a) Advance allotments to Postal Service

So much as may be necessary shall be used by the Secretary of the Interior to make advance allotments to the Postal Service at such times and in such amounts as may be mutually agreed upon by the Secretary of the Interior and the Postal Service for direct expenditure by the Postal Service for engraving, printing, issuing, selling, and accounting for migratory bird hunting stamps and moneys received from the sale thereof, in addition to expenses for personal services in the District of Columbia and elsewhere, and such other expenses as may be necessary in executing the duties and functions required of the Postal Service.

(b) Acquisition of bird refuges

Except as authorized in subsections (c) and (d) of this section, the remainder shall be available for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.] and for the administrative costs incurred in the acquisition of such areas.

(c) Waterfowl Production Areas

The Secretary of the Interior is authorized to utilize funds made available under subsection (b) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection, to acquire, or defray the expense incident to the acquisition by gift, devise, lease, purchase, or exchange of, small wetland and pothole areas, interests therein, and rights-of-way to provide access thereto. Such small areas, to be designated as "Waterfowl Production Areas", may be acquired without regard to the limitations and requirements of the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.], but all of the provisions of such Act which govern the administration and protection of lands acquired thereunder, except the inviolate sanctuary provisions of such Act, shall be applicable to areas acquired pursuant to this subsection.

(d) Promotion of stamp sales

(1) The Secretary of the Interior may utilize funds from the sale of migratory bird hunting and conservation stamps, not to exceed \$1,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003, for the promotion of additional sales of those stamps, in accordance with a Migratory Bird Conservation Commission approved annual marketing plan. Such promotion shall include the preparation of reports, brochures, or other appropriate materials to be made available to the public that describe the benefits to wildlife derived from stamp sales.

(2) The Secretary of the Interior shall include in each annual report of the Commission under section 715b [1] of this title a description of activities conducted under this subsection in the year covered by the report.

§ 718e. Offenses

(a) Loan or transfer of stamp

No person to whom has been sold a migratory-bird hunting stamp, validated as provided in section 718a of this title, shall loan or transfer such stamp to any person during the period of its validity; nor shall any person other than the person validating such stamp use it for any purpose during such period.

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(b) Alteration and counterfeiting of stamp

Except as provided in clauses (i) and (ii) of section 504 (1)(D) of title 18, no person shall alter, mutilate, imitate, or counterfeit any stamp authorized by this subchapter, or imitate or counterfeit any die, plate, or engraving therefor, or make, print, or knowingly use, sell, or have in his possession any such counterfeit, die, plate, or engraving.

(c) Reproduction of migratory bird hunting stamps; regulation by Secretary of the Interior; disposition of proceeds

Notwithstanding the provisions of subsection (b) of this section, or the prohibition in section 474 of title 18, or other provisions of law, the Secretary of the Interior may authorize, with the concurrence of the Secretary of the Treasury,

(1) the color reproduction, or

(2) the black and white reproduction,

of migratory bird hunting stamps authorized by sections 718 to 718b, 718c, 718d, and 718f to 718h of this title, which otherwise satisfies the requirements of clauses (ii) and (iii) of section 504 (1) of title 18. Any such reproduction shall be subject to those terms and conditions deemed necessary by the Secretary of the Interior by regulation or otherwise and any proceeds received by the Federal Government as a result of such reproduction shall be paid, after deducting expenses for marketing, into the migratory bird conservation fund established under section 718d of this title.

§ 718f. Enforcement; authority of United States judges, magistrate judges, and employees of Department of the Interior

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 of the Interior 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.

§ 718g. Penalties

Any person who shall violate any provision of this subchapter, or who shall violate or fail to comply with any regulation made pursuant thereto shall be subject to the penalties provided in section 707 of this title.

§ 718h. Cooperation with States and Territories

The Secretary of the Interior is authorized to cooperate with the several States and Territories in the enforcement of the provisions of this subchapter.

§ 718i. Repealed. July 30, 1956, ch. 782, § 3(c), 70 Stat. 722

§ 718j. Crediting of funds received as fees for entering migratory-bird hunting and conservation stamp contest

Notwithstanding any other provision of law, moneys received by the United States Fish and Wildlife Service in the form of fees for entering the migratory-bird hunting and conservation stamp contest shall be credited first

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to the appropriation account from which expenditures for the administration of such contest are made, and second, to the extent such moneys exceed the expenditures for administration of the contest, to the migratory-bird conservation fund.

§ 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.