''(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, validated by the signature of the individual written in ink across the face of the stamp 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; or

(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.

(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.)

AMENDMENTS

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.

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 stamps on consignment (including retail dealers for resale to customers); and

(ii) have not been resold by any such person.

(6) Prohibition on certain stamp sales

The Postal Service shall not—

(A) sell on consignment any stamps issued under this subchapter to any individual, business, or organization; or

(B) redeem stamps issued under this subchapter that are sold on consignment by the Secretary (or any agent of the Secretary).

(b) Cost of stamps

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 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.

(Mar. 16, 1934, ch. 71, § 2, 48 Stat. 451; June 15, 1935, ch. 261, title I, § 2, 49 Stat. 379; Aug. 12, 1949, ch. 421, § 1, 63 Stat. 599; July 30, 1956, ch. 782, §§ 2, 3(c), formerly § 3(b), 70 Stat. 722, renumbered Pub. L. 109–266, § 10(i)(1), Aug. 3, 2006, 120 Stat. 679; Pub. L. 85–585, § 1, Aug. 1, 1958, 72 Stat. 486; Pub. L. 92–214, §§ 1, 2, Dec. 22, 1971, 85 Stat. 777; Pub. L. 94–215, § 3(b), (c), Feb. 17, 1976, 90 Stat. 189; Pub. L. 94–273, § 34, Apr. 21, 1976, 90 Stat. 380; Pub. L. 95–552, § 1, Oct. 30, 1978, 92 Stat. 2071; Pub. L. 95–616, § 7(a), Nov. 8, 1978, 92 Stat. 3114; Pub. L. 99–625, § 3, Nov. 7, 1986, 100 Stat. 3502; Pub. L. 99–645, title II, § 202, Nov. 10, 1986, 100 Stat. 3586; Pub. L. 109–266, § 10(b), (c), Aug. 3, 2006, 120 Stat. 674, 675.)

AMENDMENTS

2006—Pub. L. 109–266, § 10(b), inserted section catchline.

Subsec. (a). Pub. L. 109–266, § 10(b), added subsec. (a) and struck out former subsec. (a) which related to issuance and sale of stamps, fund disposition, and unsold stamps.

Subsec. (b). Pub. L. 109–266, § 10(c)(4), which directed amendment of par. (2) by striking "For purposes" and all that follows through "of any such year.", was executed by striking "For purposes of this section, the term 'hunting year' means the 12-month period beginning on July 1 of any such year." at the end of the concluding provisions following par. (2), to reflect the probable intent of Congress.

Pub. L. 109–266, § 10(c)(1)–(3), inserted heading and substituted "Secretary" for "Secretary of the Interior" and "Migratory Bird Conservation Fund" for "migratory bird conservation fund" in introductory provisions.

1986—Subsec. (b). Pub. L. 99–645, § 202(1), (2), in introductory provisions, substituted "$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" for "$7.50 for each stamp sold under the provisions of this section for any hunting year if".

Pub. L. 99–625 and Pub. L. 99–645, § 202(3), amended subsec. (b) identically, inserting "available for obligation" before "attributable to".

1978—Subsec. (a). Pub. L. 95–616 substituted "June" for "September" in sixth sentence.

Pub. L. 95–552, § 1(1), (2), designated existing provisions as subsec. (a), inserted in third sentence introductory text "Except as provided in subsection (b) of this section," and "for any hunting year" before "there shall be collected".

Subsec. (b). Pub. L. 95–552, § 1(3), added subsec. (b).

1976—Pub. L. 94–273 substituted "the year" for "the fiscal year" and "each year" for "each fiscal year".

Pub. L. 94–215 authorized sale of stamps by the Department of the Interior, substituted provision for prescription of regulations jointly by the Postal Service and the Secretary of the Interior for prior provision for such prescription by the Postal Service and provision for sale of stamps at any establishment, facility, or location as the Postal Service and the Secretary of the Interior shall direct and authorize for prior provision for sale of stamps at such post offices other than first- and second-class post offices as the Postal Service shall direct and inserted provision respecting deposit of funds from sale of stamps by the Department of the Interior in the migratory bird conservation fund; and substituted "September" for "June" in relation to redemption of blocks of stamps, designated existing provisions as cls. (A) and (B), and substituted "consignment to any person, including, but not limited to, "retail dealers" for "consignment to retail dealers" in cl. (A) and "by any such person" for "by such dealers" in cl. (B), respectively.

1971—Pub. L. 92–214 substituted "Postal Service" for "Post Office Department" and "Postmaster General" and inserted provisions authorizing the collection of up to $5 for each stamp sold to be 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.

1958—Pub. L. 85–585 increased cost of stamp from $2 to $3.

1956—Act July 30, 1956, § 2, struck out in existing next to last sentence requirement that stamps remaining unsold by the Post Office Department subsequent to becoming void after the 30th day of June next succeeding issuance be destroyed, substituted provisions in existing last sentence relating to redemption of blocks of unused stamps sold on consignment to retail dealers for resale to their customers, for provisions prohibiting the redemption by the Department in cash or kind of stamps sold under this Act, and inserted sentence defining "retail dealers". For further amendment of next to last sentence of this section, see section 3(c) of act July 30, 1956, set out below.

Act July 30, 1956, § 3(c), formerly § 3(b), as renumbered by Pub. L. 109–266, § 10(i)(1), substituted provisions in fourth sentence authorizing use as migratory-bird stamps only during fiscal year for which issued, for provisions requiring stamps to expire and be void after the 30th day of June next succeeding issuance. Amendment of fourth sentence by section 3(c) further amends amendments made to next to last sentence by section 2 of act July 30, 1956, as set out above.

1949—Act Aug. 12, 1949, increased cost of stamp from $1 to $2.

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

EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85–585, § 4, Aug. 1, 1958, 72 Stat. 487, provided that: "The amendment made by the first section of this Act [amending this section] shall become effective on July 1, 1959. The amendment made by section 2 of this Act [amending section 718d of this title] making available the net proceeds of all moneys received in the migratory bird conservation fund for the location, ascer-

tainment, and acquisition of Waterfowl Production Areas and suitable areas for migratory bird refuges shall become effective on July 1, 1960. The remaining amendments made by this Act [amending section 718d of this title] shall become effective on the date of the enactment of this Act [Aug. 1, 1958]. Any unobligated balance remaining in the migratory bird conservation fund on June 30, 1960, shall thereafter be available for expenditure only for the purposes specified in the Migratory Bird Hunting Stamp Act [now Migratory Bird Hunting and Conservation Stamp Act] of March 16, 1934 [this subchapter], as amended by this Act.''

SPENDING OF STAMP MONEY

Section 1 of act Aug. 12, 1949, provided in part: ''That the moneys derived from the sale of such stamps shall be spent only upon specific appropriation by the Congress.''

§ 718b–1. Disposition of unsold stamps

(a) Disposition of unsold stamps

A Migratory Bird Hunting and Conservation Stamp shall be transferred to the Postal Service or the Secretary of the Interior (or a designee) for sale to a collector if the stamp—

(1) has not been sold by the end of the hunting year (as that term is defined in section 718j of this title) during which the stamp is issued; and

(2) as determined by the Postal Service or the Secretary of the Interior—

(A) is appropriate to supply a market for sale to collectors; and

(B) is in suitable condition for sale to a collector.

(b) Surplus stock

The Postal Service or the Secretary of the Interior may destroy any surplus stock of Migratory Bird Hunting and Conservation Stamps at such time and in such manner as the Postal Service or the Secretary of the Interior determines to be appropriate.

(July 30, 1956, ch. 782, § 3(a), (b), formerly § 3(a), 70 Stat. 722; Pub. L. 92–214, § 3, Dec. 22, 1971, 85 Stat. 777; renumbered § 3(a), (b) and amended Pub. L. 109–266, § 10(i)(2), Aug. 3, 2006, 120 Stat. 679.)

CODIFICATION

Section was not enacted as part of act Mar. 16, 1934, which comprises this subchapter.

PRIOR PROVISIONS

A prior section 3(b) of act July 30, 1956, ch. 782, 70 Stat. 722, amended section 718b of this title prior to being redesignated 3(c) by section 10(i)(1) of Pub. L. 109–266.

AMENDMENTS

2006—Pub. L. 109–266 inserted section catchline and substituted subsecs. (a) and (b) for former text which read: ''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.''

1971—Pub. L. 92–214 substituted ''Postal Service'' for ''Postmaster General''.

§ 718c. Authorization and exemption

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.

(Mar. 16, 1934, ch. 71, § 3, 48 Stat. 451; Pub. L. 95–616, § 7(b), Nov. 8, 1978, 92 Stat. 3114; Pub. L. 109–266, § 10(d), Aug. 3, 2006, 120 Stat. 675.)

AMENDMENTS

2006—Pub. L. 109–266 inserted section catchline.

1978—Pub. L. 95–616 inserted ''or convention'' after ''treaty''.

§ 718d. Expenditure of funds

(a) In general

All funds received for stamps sold under this subchapter shall be—

(1) accounted for by the Postal Service or the Secretary, as appropriate;

(2) paid into the Treasury of the United States; and

(3) reserved and set aside as a special fund, to be known as the ''Migratory Bird Conservation Fund'' (referred to in this section as the ''fund''), to be administered by the Secretary.

(b) Use of funds

All funds received into the fund are appropriated for the following purposes, to remain available until expended:

(1) Advance allotments

So much as may be necessary shall be used by the Secretary for engraving, printing, issuing, selling, and accounting for Migratory Bird Hunting and Conservation Stamps and moneys received from the sale thereof, in addition to expenses for personnel 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.

(2) Areas for refuges

Except as provided in paragraph (3) and subsection (c), 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.

(3) Conditions on use of funds

The Secretary may use funds made available under paragraph (2) for the purposes of that paragraph, and such other funds as may be appropriated for the purposes of that paragraph or this paragraph, 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