

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:”, inserted subsec. (b) designation, heading, and introductory provisions, redesignated former subsecs. (a) to (c) as pars. (1) to (3), respectively, of subsec. (b), and realigned margins.

Subsec. (b)(1). Pub. L. 109-266, §10(e)(3), inserted heading and substituted “So much as may be necessary shall be used by the Secretary for engraving” for “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”, “Migratory Bird Hunting and Conservation Stamps” for “migratory bird hunting stamps”, “personnel” for “personal”, and “Postal Service” for “postal service”.

Subsec. (b)(2). Pub. L. 109-266, §10(e)(4)(B), inserted “(16 U.S.C. 715 et seq.)” after “Migratory Bird Conservation Act”.

Pub. L. 109-266, §10(e)(4)(A), which directed amendment of par. (2) by substituting heading “Areas for refuges” and text “Except as provided in paragraph (3) and subsection (c)” for “Except as provided in subsections (c) and (d) of this section”, was executed by making the substitution for “Except as authorized in subsections (c) and (d) of this section” to reflect the probable intent of Congress.

Subsec. (b)(3). Pub. L. 109-266, §10(e)(5), inserted heading, inserted “(16 U.S.C. 715 et seq.)” after “Migratory Bird Conservation Act”, and substituted “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.” for “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,” and “pursuant to this paragraph” for “pursuant to this subsection”.

Subsec. (c). Pub. L. 109-266, §10(e)(6), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b)(3).

Subsec. (c)(1). Pub. L. 109-266, §10(e)(7)(A), inserted heading and substituted “The Secretary may use” for “The Secretary of the Interior may utilize” and “Migratory Bird Hunting and Conservation Stamps” for “migratory bird hunting and conservation stamps”.

Subsec. (c)(2). Pub. L. 109-266, §10(e)(7)(B), inserted heading and substituted “The Secretary” for “The Secretary of the Interior”.

Subsec. (d). Pub. L. 109-266, §10(e)(6), redesignated subsec. (d) as (c).

1998—Subsecs. (b), (d). Pub. L. 105-269 substituted “subsections (c) and (d)” for “subsection (c)” in subsec. (b) and added subsec. (d).

1976—Pub. L. 94-215 inserted “or the Department of the Interior, whichever is appropriate,” after “Postal Service” in first sentence.

1971—Pub. L. 92-214 substituted “Postal Service” for “Post Office Department” in introductory provisions and “Postal Service” for “Post Office Department” and “Postmaster General” in subsec. (a).

1966—Subsec. (b). Pub. L. 89-669 struck out provisos relating to wildlife management areas and rule making for such areas which are now covered by section 668bb(d) (1) of this title.

1958—Subsecs. (a), (b). Pub. L. 85-585 earmarked proceeds from sale of stamps, less expenses of Post Office Department in connection with fish and wildlife matters, for the acquisition of migratory bird refuges, and permitted hunting of resident game birds in designated wildlife management areas.

Subsec. (c). Pub. L. 85-585 added subsec. (c).

1951—Subsec. (a). Act Oct. 20, 1951, substituted “85 per centum” for “90 per centum”.

Subsec. (b). Act Oct. 20, 1951, inserted “in enforcing” after “The remainder shall be available for expenses”.

1949—Subsec. (a). Act Aug. 12, 1949, inserted proviso. 1935—Act June 15, 1935, amended section generally.

#### EFFECTIVE DATE OF 1958 AMENDMENT

For effective date of amendment by Pub. L. 85-585, see section 4 of Pub. L. 85-585, set out as a note under section 718b of this title.

#### TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 718a of this title.

### § 718e. Loans and transfers, alteration, and reproduction of stamps

#### (a) In general

No person to whom has been sold a Migratory Bird Hunting and Conservation 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.

#### (b) Alteration

Except as provided in clauses (i) and (ii) of section 504(l)(D)<sup>1</sup> 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

Notwithstanding the provisions of subsection (b), or the prohibition in section 474 of title 18, or other provisions of law, the Secretary 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 and Conservation 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 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.

(Mar. 16, 1934, ch. 71, §5, 48 Stat. 452; June 15, 1935, ch. 261, title I, §5, 49 Stat. 380; Pub. L. 98-369, div. A, title X, §1077(a), (b)(3), July 18, 1984, 98 Stat. 1054, 1055; Pub. L. 100-653, title III, §302, Nov. 14, 1988, 102 Stat. 3827; Pub. L. 109-266, §10(f), Aug. 3, 2006, 120 Stat. 677.)

#### AMENDMENTS

2006—Pub. L. 109-266, §10(f)(1), inserted section catchline.

Subsec. (a). Pub. L. 109-266, §10(f)(1), inserted heading and substituted “Migratory Bird Hunting and Con-

<sup>1</sup> So in original. Probably should be “504(l)(D)”.

ervation Stamp” for “migratory-bird hunting stamp” in text.

Subsec. (b). Pub. L. 109-266, §10(f)(2), inserted heading and substituted “Except as provided in clauses (i) and (ii) of section 504(l)(D) of title 18, no person shall alter” for “Except as provided in clauses (i) and (ii) of section 504(l)(D) of title 18, no person shall alter” in text.

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(l)(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.

#### 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.)

#### 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, as amended, 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”.

#### 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.)

#### 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.)

#### 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.)

#### 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 restricted 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.