

(b) Alteration

Except as provided in clauses (i) and (ii) of section 504(l)(D)¹ 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 Conservation 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(1)(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(1)(D) of title 18, no person” for “No person”.

Subsec. (c). Pub. L. 98-369, §1077(a), added subsec. (c).

¹ So in original. Probably should be “504(1)(D)”.

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.)