

establish a system (pursuant to section 504) to ensure that the legitimate use of such electronic methods and retention of such reproductions by businesses, hobbyists, press and others shall not be unduly restricted.

(June 25, 1948, ch. 645, 62 Stat. 706; Pub. L. 102-550, title XV, §1552, Oct. 28, 1992, 106 Stat. 4070; Pub. L. 104-208, div. A, title I, §101(f) [title VI, §648(a)], title II, §2603(a), Sept. 30, 1996, 110 Stat. 3009-314, 3009-367, 3009-470; Pub. L. 107-56, title III, §374(e)(1)-(3), Oct. 26, 2001, 115 Stat. 340.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §264 (Mar. 4, 1909, ch. 321, §150, 35 Stat. 1116).

References to persons causing, procuring, assisting or aiding were omitted as unnecessary as such persons are made principals by section 2 of this title.

Changes in phraseology were made.

AMENDMENTS

2001—Pub. L. 107-56, §374(e)(3), substituted “, stones, or analog, digital, or electronic images” for “or stones” in section catchline.

Subsec. (a). Pub. L. 107-56, §374(e)(1), inserted after second par. “Whoever, with intent to defraud, makes, executes, acquires, scans, captures, records, receives, transmits, reproduces, sells, or has in such person’s control, custody, or possession, an analog, digital, or electronic image of any obligation or other security of the United States; or”.

Subsec. (b). Pub. L. 107-56, §374(e)(2), inserted first sentence and struck out former first sentence which read as follows: “For purposes of this section, the terms ‘plate’, ‘stone’, ‘thing’, or ‘other thing’ includes any electronic method used for the acquisition, recording, retrieval, transmission, or reproduction of any obligation or other security, unless such use is authorized by the Secretary of the Treasury.”

1996—Subsec. (a). Pub. L. 104-208, §§101(f) [title VI, §648(a)] and 2603(a), amended subsec. (a) identically, substituting “class B felony” for “class C felony” in last par.

1992—Subsec. (a). Pub. L. 102-550, §1552(1)-(4), designated existing provisions as subsec. (a), in sixth undesignated par., substituted “United States—” for “United States; or” at end, struck out seventh undesignated par. which read as follows: “Whoever has or retains in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury or some other proper officer of the United States—”, and amended last undesignated par. generally. Prior to amendment, last par. read as follows: “Shall be fined not more than \$5,000 or imprisoned not more than fifteen years, or both.”

Subsec. (b). Pub. L. 102-550, §1552(5), added subsec. (b).

EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(f) [title VI, §648(c)] of div. A of Pub. L. 104-208 provided that: “This section [enacting section 514 of this title and amending this section and section 474A of this title] and the amendments made by this section shall become effective on the date of enactment of this Act [Sept. 30, 1996] and shall remain in effect during each fiscal year following that date of enactment.”

§ 474A. Deterrents to counterfeiting of obligations and securities

(a) Whoever has in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations

and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury, is guilty of a class B felony.

(b) Whoever has in his control or possession, after a distinctive counterfeit deterrent has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States by publication in the Federal Register, any essentially identical feature or device adapted to the making of any such obligation or security, except under the authority of the Secretary of the Treasury, is guilty of a class B felony.

(c) As used in this section—

(1) the term “distinctive paper” includes any distinctive medium of which currency is made, whether of wood pulp, rag, plastic substrate, or other natural or artificial fibers or materials; and

(2) the term “distinctive counterfeit deterrent” includes any ink, watermark, seal, security thread, optically variable device, or other feature or device;

(A) in which the United States has an exclusive property interest; or

(B) which is not otherwise in commercial use or in the public domain and which the Secretary designates as being necessary in preventing the counterfeiting of obligations or other securities of the United States.

(Added Pub. L. 102-550, title XV, §1553(a), Oct. 28, 1992, 106 Stat. 4070; amended Pub. L. 104-208, div. A, title I, §101(f) [title VI, §648(a)], title II, §2603(a), Sept. 30, 1996, 110 Stat. 3009-314, 3009-367, 3009-470.)

AMENDMENTS

1996—Subsecs. (a), (b). Pub. L. 104-208, §§101(f) [title VI, §648(a)] and 2603(a), amended section identically, substituting “class B felony” for “class C felony”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective Sept. 30, 1996, and to remain in effect for each fiscal year following Sept. 30, 1996, see section 101(f) [title VI, §648(c)] of Pub. L. 104-208, set out as a note under section 474 of this title.

§ 475. Imitating obligations or securities; advertisements

Whoever designs, engraves, prints, makes, or executes, or utters, issues, distributes, circulates, or uses any business or professional card, notice, placard, circular, handbill, or advertisement in the likeness or similitude of any obligation or security of the United States issued under or authorized by any Act of Congress or writes, prints, or otherwise impresses upon or attaches to any such instrument, obligation, or security, or any coin of the United States, any business or professional card, notice, or advertisement, or any notice or advertisement whatever, shall be fined under this title. Nothing in this section applies to evidence of postage payment approved by the United States Postal Service.

(June 25, 1948, ch. 645, 62 Stat. 706; July 16, 1951, ch. 226, §2, 65 Stat. 122; Pub. L. 103-322, title XXXIII, §330016(1)(G), Sept. 13, 1994, 108 Stat.