

118TH CONGRESS
2D SESSION

S. 5258

To amend the Migratory Bird Treaty Act to clarify the treatment of authentic Alaska Native articles of handicraft containing nonedible migratory bird parts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. SULLIVAN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Migratory Bird Treaty Act to clarify the treatment of authentic Alaska Native articles of handicraft containing nonedible migratory bird parts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Archie Cavanaugh Mi-
5 gratory Bird Treaty Amendment Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to clarify the treatment
8 of authentic Alaska Native articles of handicraft under—

1 (1) the Convention between the United States
2 and Great Britain for the Protection of Migratory
3 Birds, signed at Washington on August 16, 1916
4 (USTS 628) (16 U.S.C. 703 et seq.);

5 (2) the Convention between the United States
6 and Mexico for the Protection of Migratory Birds
7 and Game Mammals, signed at Mexico City on Feb-
8 ruary 7, 1936 (USTS 912) (16 U.S.C. 703 et seq.);

9 (3) the Convention between the United States
10 and Japan for the Protection of Migratory Birds
11 and Birds in Danger of Extinction and Their Envi-
12 ronment, signed at Tokyo on March 4, 1974 (TIAS
13 7990) (16 U.S.C. 703 et seq.); and

14 (4) the Convention between the United States
15 and the Soviet Union Concerning the Conservation
16 of Migratory Birds and Their Environment, signed
17 at Moscow on November 19, 1976 (TIAS 9073) (16
18 U.S.C. 703 et seq.).

19 **SEC. 3. CLARIFICATION FOR ALASKA NATIVE ARTICLES**
20 **CONTAINING MIGRATORY BIRD PARTS.**

21 (a) IN GENERAL.—Section 2 of the Migratory Bird
22 Treaty Act (16 U.S.C. 703) is amended by adding at the
23 end the following:

24 “(c) CLARIFICATION FOR AUTHENTIC ALASKA NA-
25 TIVE ARTICLES OF HANDICRAFT.—

1 “(1) DEFINITIONS.—In this subsection:

2 “(A) ALASKA NATIVE.—The term ‘Alaska
3 Native’ means a member of any Indian Tribe
4 (as defined in section 4 of the Indian Self-De-
5 termination and Education Assistance Act (25
6 U.S.C. 5304)) that is based in the State of
7 Alaska, as verified through issuance of—

8 “(i) a Tribal enrollment card;

9 “(ii) a Certificate of Degree of Indian
10 Blood (commonly known as a ‘CDIB’) by
11 the Bureau of Indian Affairs; or

12 “(iii) a permit under the Silver Hand
13 program of the Alaska State Council on
14 the Arts.

15 “(B) AUTHENTIC ALASKA NATIVE ARTICLE
16 OF HANDICRAFT.—

17 “(i) IN GENERAL.—The term ‘authen-
18 tic Alaska Native article of handicraft’
19 means any item that is—

20 “(I) composed, wholly or in a sig-
21 nificant respect, of natural materials
22 that were found, foraged, or gifted;
23 and

24 “(II) produced, decorated, or
25 fashioned in significant part—

1 “(aa) by an Alaska Native;

2 “(bb) in the exercise of tra-
3 ditional Alaska Native handi-
4 crafts; and

5 “(cc) without the use of any
6 mass copying device.

7 “(ii) INCLUSIONS.—The term ‘authen-
8 tic Alaska Native article of handicraft’ in-
9 cludes—

10 “(I) any weaving, carving, stitch-
11 ing, sewing, lacing, beading, drawing,
12 or painting that meets the criteria de-
13 scribed in clause (i); and

14 “(II) any item, including cloth-
15 ing, described in subclause (I) that
16 combines the techniques described in
17 that subclause.

18 “(2) CLARIFICATION FOR CERTAIN AUTHENTIC
19 ALASKA NATIVE ARTICLES OF HANDICRAFT.—Sub-
20 ject to paragraph (3) and notwithstanding any other
21 provision of this Act, nothing in this Act prohibits
22 the possession, offering for sale, sale, offering to
23 barter, barter, offering to purchase, purchase, deliv-
24 ery for shipment, shipment, causing to be shipped or
25 delivered for transportation, transport, causing to be

1 transported, carrying, causing to be carried, or re-
2 ceiving for shipment, transportation, or carriage of
3 any authentic Alaska Native article of handicraft on
4 the basis that the authentic Alaska Native article of
5 handicraft contains a nonedible migratory bird part.

6 “(3) LIMITATION.—This subsection does not
7 apply to an authentic Alaska Native article of handi-
8 craft containing a part of a migratory bird that was
9 taken in a wasteful or illegal manner.”.

10 (b) ADMINISTRATION.—Not later than 180 days after
11 the date of enactment of this Act—

12 (1) the Secretary of State shall work with the
13 Secretary of the Interior to enter into appropriate
14 bilateral procedures, as necessary, with countries
15 that are parties to the treaties described in para-
16 graphs (1) through (4) of section 2 to clarify the
17 treatment of authentic Alaska Native articles of
18 handicraft (as defined in subsection (c)(1) of section
19 2 of the Migratory Bird Treaty Act (16 U.S.C.
20 703)) containing nonedible migratory bird parts
21 from the species of migratory birds listed in those
22 treaties in accordance with the amendments made by
23 subsection (a); and

24 (2) the Secretary of the Interior shall modify
25 any regulations implementing the Migratory Bird

1 Treaty Act (16 U.S.C. 703 et seq.), as appropriate,
2 to implement the amendments made by this Act.

3 (c) TECHNICAL AMENDMENT.—Section 2(a) of the
4 Migratory Bird Treaty Act (16 U.S.C. 703) is amended
5 by inserting a comma after “March 4, 1972”.

