

Union Calendar No. 520

115TH CONGRESS
2^D SESSION

H. R. 4069

[Report No. 115–675]

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 HOUSE OF REPRESENTATIVES

OCTOBER 12, 2017

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural Resources

MAY 15, 2018

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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. PURPOSE.**

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

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

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

14 (3) the Convention between the United States
15 and Japan for the Protection of Migratory Birds
16 and Birds in Danger of Extinction and Their Envi-
17 ronment, signed at Tokyo March 4, 1974 (TIAS
18 7990) (16 U.S.C. 703 et seq.); and

19 (4) the Convention between the United States
20 and the Soviet Union Concerning the Conservation
21 of Migratory Birds and Their Environment, signed
22 at Moscow November 19, 1976 (TIAS 9073) (16
23 U.S.C. 703 et seq.).

1 **SEC. 2. CLARIFICATION FOR ALASKA NATIVE ARTICLES**
2 **CONTAINING MIGRATORY BIRD PARTS.**

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

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

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

9 “(A) ALASKA NATIVE.—The term ‘Alaska
10 Native’ means a member of any Indian tribe (as
11 defined in section 4 of the Indian Self-Deter-
12 mination and Education Assistance Act (25
13 U.S.C. 5304)) that is based in the State of
14 Alaska.

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 and

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

26 “(aa) by an Alaska Native;

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

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

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

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

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

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

1 ceiving for shipment, transportation, or carriage of
2 any authentic Alaska Native article of handicraft on
3 the basis that the authentic Alaska Native article of
4 handicraft contains a nonedible migratory bird part.

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

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

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