

116TH CONGRESS
2D SESSION

S. 4650

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2020

Mr. SULLIVAN (for himself and Ms. MURKOWSKI) 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 handiercraft 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 handiercraft under—

6 (1) the Convention between the United States
7 and Great Britain for the Protection of Migratory

1 Birds, signed at Washington August 16, 1916
 2 (USTS 628) (16 U.S.C. 703 et seq.);

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

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

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

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

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

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

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

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

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

“(i) IN GENERAL.—The term ‘authentic Alaska Native article of handicraft’ means any item that is—

“(I) composed, wholly or in a significant respect, of natural materials; and

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

“(aa) by an Alaska Native;

“(bb) in the exercise of traditional Alaska Native handicrafts; and

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

1 “(ii) INCLUSIONS.—The term ‘authen-
 2 tic Alaska Native article of handicraft’ in-
 3 cludes—

4 “(I) any weaving, carving, stitch-
 5 ing, sewing, lacing, beading, drawing,
 6 or painting that meets the criteria de-
 7 scribed in clause (i); and

8 “(II) any item, including cloth-
 9 ing, described in subclause (I) that
 10 combines the techniques described in
 11 that subclause.

12 “(2) CLARIFICATION FOR CERTAIN AUTHENTIC
 13 ALASKA NATIVE ARTICLES OF HANDICRAFT.—Sub-
 14 ject to paragraph (3) and notwithstanding any other
 15 provision of this Act, nothing in this Act prohibits
 16 the possession, offering for sale, sale, offering to
 17 barter, barter, offering to purchase, purchase, deliv-
 18 ery for shipment, shipment, causing to be shipped or
 19 delivered for transportation, transport, causing to be
 20 transported, carrying, causing to be carried, or re-
 21 ceiving for shipment, transportation, or carriage of
 22 any authentic Alaska Native article of handicraft on
 23 the basis that the authentic Alaska Native article of
 24 handicraft contains a nonedible migratory bird part.

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

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

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