

114TH CONGRESS
2D SESSION

S. 2637

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

MARCH 3, 2016

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:

1 “(A) ALASKA NATIVE.—The term ‘Alaska
2 Native’ means—

3 “(i) a person who is a member of any
4 Native village, Village Corporation, or Re-
5 gional Corporation, as those terms are de-
6 fined in section 3 of the Alaska Native
7 Claims Settlement Act (43 U.S.C. 1602);
8 or

9 “(ii) a member of any Indian tribe
10 that is based in Alaska.

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

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

16 “(I) composed, wholly or in a sig-
17 nificant respect, of natural materials;
18 and

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

22 “(aa) by an Alaska Native;

23 “(bb) in the exercise of tra-
24 ditional Alaska Native handi-
25 crafts; and

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

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

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

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

14 “(C) INDIAN TRIBE.—The term ‘Indian
15 tribe’ has the meaning given the term in section
16 4 of the Indian Self-Determination and Edu-
17 cation Assistance Act (25 U.S.C. 450b).

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 manner.”.

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

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