

119TH CONGRESS  
1ST SESSION

# S. 255

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.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2025

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

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## 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. 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 handiercraft (as de-

1 fined in subsection (c)(1) of section 2 of the Migratory  
2 Bird Treaty Act (16 U.S.C. 703)) under—

3 (1) the Convention between the United States  
4 and Great Britain for the Protection of Migratory  
5 Birds, signed at Washington August 16, 1916 (39  
6 Stat. 1702; USTS 628);

7 (2) the Convention between the United States  
8 and Mexico for the Protection of Migratory Birds  
9 and Game Mammals, signed at Mexico City Feb-  
10 ruary 7, 1936 (50 Stat. 1311; USTS 912);

11 (3) the Convention between the United States  
12 and Japan for the Protection of Migratory Birds  
13 and Birds in Danger of Extinction and Their Envi-  
14 ronment, signed at Tokyo March 4, 1974 (TIAS  
15 7990); and

16 (4) the Convention between the United States  
17 and the Soviet Union Concerning the Conservation  
18 of Migratory Birds and Their Environment, signed  
19 at Moscow November 19, 1976 (TIAS 9073).

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

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

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

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

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

10                               “(i) a Tribal enrollment card;

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

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

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

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

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

1                   “(II) produced, decorated, or  
2 fashioned in significant part—

3                   “(aa) by an Alaska Native;

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

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

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

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

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

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

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

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

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

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

1           (2) the Secretary of the Interior shall modify  
2           any regulations implementing the Migratory Bird  
3           Treaty Act (16 U.S.C. 703 et seq.), as appropriate,  
4           to implement the amendments made by this Act.

5           (c) 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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