

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 6021**  
**OFFERED BY MR. BEGICH OF ALASKA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Archie Cavanaugh Mi-  
3 gratory Bird Treaty Clarification Act”.

**4 SEC. 2. PURPOSE.**

5       The purpose of this Act is to clarify the treatment  
6 of authentic Alaska Native articles of handicraft offered  
7 for sale under the Convention between the United States  
8 and Japan for the Protection of Migratory Birds and  
9 Birds in Danger of Extinction and Their Environment,  
10 signed at Tokyo March 4, 1974 (TIAS 7990).

**11 SEC. 3. CLARIFICATION FOR AUTHENTIC ALASKA NATIVE**  
**12 ARTICLES OF HANDICRAFT CONTAINING MI-**  
**13 GRATORY BIRD PARTS.**

14       (a) IN GENERAL.—Not later than 180 days after the  
15 date of the enactment of this Act—

16               (1) the Secretary of State shall work with the  
17 Secretary of the Interior to enter into appropriate  
18 bilateral procedures, as necessary, with the foreign

1 country that is party to the treaty described in sec-  
2 tion 2 to clarify the treatment of authentic Alaska  
3 Native articles of handcraft to be offered for sale  
4 containing nonedible migratory bird parts from the  
5 species of migratory birds listed in the treaty; and

6 (2) the Secretary of the Interior may modify  
7 any regulations implementing the Migratory Bird  
8 Treaty Act (16 U.S.C. 703 et seq.), as appropriate,  
9 consistent with the treaty described in section 2, in  
10 consultation with the foreign country that is party to  
11 the treaty, the Alaska Migratory Bird Co-Manage-  
12 ment Council, and the Pacific Flyway Council, and  
13 in coordination with the Law Enforcement Office of  
14 the United States Fish and Wildlife Service, to im-  
15 plement any necessary clarifications resulting from  
16 the procedures described in paragraph (1), including  
17 conditions for consignment and re-sale, certification  
18 of authenticity, and provisions pertaining to species  
19 of conservation concern.

20 (b) MODIFICATION OF REGULATIONS.—If the Sec-  
21 retary of the Interior determines that any of the species  
22 used under this section show significant population de-  
23 clines or is determined to be a Bird of Conservation Con-  
24 cern pursuant to section 13 of the Fish and Wildlife Con-  
25 servation Act of 1980 (16 U.S.C. 2912), the Secretary

1 may modify regulations to remove the species from appli-  
2 cation under this section.

3 (c) OUTREACH.—The Secretary of the Interior shall  
4 work in collaboration with the Alaska Migratory Bird Co-  
5 Management Council and other appropriate stakeholders  
6 to develop outreach and communication resources and  
7 means to communicate rules pertaining to the sale of au-  
8 thentic Alaska Native articles of handicraft including  
9 parts of migratory birds.

10 (d) 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”.

13 (e) DEFINITIONS.—In this Act:

14 (1) ALASKA NATIVE.—The term “Alaska Na-  
15 tive” means a member of any Indian Tribe that is  
16 based in the State of Alaska, as verified through  
17 issuance of—

18 (A) a Tribal enrollment card;

19 (B) a Certificate of Degree of Indian  
20 Blood (commonly known as a “CDIB”) by the  
21 Bureau of Indian Affairs; or

22 (C) a permit under the Silver Hand pro-  
23 gram of the Alaska State Council on the Arts.

1           (2) AUTHENTIC ALASKA NATIVE ARTICLE OF  
2     HANDICRAFT.—The term “authentic Alaska Native  
3     article of handicraft”—

4           (A) means any item that is—

5                 (i) composed, wholly or in a signifi-  
6                 cant respect, of natural materials that  
7                 were found, foraged, or gifted; and

8                 (ii) produced, decorated, or fashioned  
9                 in significant part—

10                         (I) by an Alaska Native;

11                         (II) in the exercise of traditional  
12                         Alaska Native handicrafts; and

13                         (III) without the use of any mass  
14                         copying device;

15           (B) includes—

16                 (i) any weaving, carving, stitching,  
17                 sewing, lacing, beading, drawing, or paint-  
18                 ing that meets the criteria described in  
19                 clause (i); and

20                 (ii) any item, including clothing, de-  
21                 scribed in subclause (I) that combines the  
22                 techniques described in that subclause; and

23           (C) does not include any item that con-  
24     tains a part of a migratory bird that was taken  
25     in a wasteful or illegal manner.

1           (3) INDIAN TRIBE.—The term “Indian Tribe”  
2       has the meaning given the term in section 4 of the  
3       Indian Self-Determination and Education Assistance  
4       Act (25 U.S.C. 5304).

Amend the title so as to read: “A bill to clarify the treatment of authentic Alaska Native articles of handi-craft containing nonedible migratory bird parts under the Migratory Bird Treaty Act, and for other purposes”.

