

Comparative Print: Changes in Existing Law for Bill number:

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Summary

- (1) 2 amendments.
- (2) 0 automated notifications.

Current Law(s) being amended

[1. Migratory Bird Treaty Act](#)

Comparative Print: Changes in Existing Law

1. Migratory Bird Treaty Act

[As Amended Through P.L. 116–9, Enacted March 12, 2019]

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Sec. 2. (a) In General.—

Unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be

carried, or receive for shipment, transportation, carriage, or export, any migratory bird ¹, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof, included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, the United States and the

Government of Japan for the protection of migratory birds and birds in danger of extinction, and their environment concluded March 4, 1972,² and the convention between the United States and the Union of Soviet Socialist Republics for the conservation of migratory birds and their environments concluded November 19, 1976.

1

For the definition of “migratory bird” for purposes of this Act, see section 11 of the Migratory Conservation Treaty Act (16 U.S.C. 715j).

2

So in original. Probably should be followed by a comma.

(b) Limitation on Application to Introduced Species.—

(1) In general.— This Act applies only to migratory bird species that are native to the United States or its territories.

(2) Native to the united states defined.—

(A) In general.— Subject to subparagraph (B), in this subsection the term “native to the United States or its territories” means occurring in the United States or its territories as the result of natural biological or ecological processes.

(B) Treatment of introduced species.— For purposes of paragraph (1), a migratory bird species that occurs in the United States or its territories solely as a result of intentional or unintentional human-assisted introduction shall not be considered native to the United States or its territories unless—

- (i) it was native to the United States or its territories and extant in 1918;
- (ii) it was extirpated after 1918 throughout its range in the United States and its territories; and
- (iii) after such extirpation, it was reintroduced in the United States or its territories as a part of a program carried out by a Federal agency.

(c) CLARIFICATION FOR AUTHENTIC ALASKA NATIVE ARTICLES OF HANDICRAFT.—

(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, as verified through issuance of—

- (i) a Tribal enrollment card;
- (ii) a Certificate of Degree of Indian Blood (commonly known as a ‘CDIB’) by the Bureau of Indian Affairs; or
- (iii) a permit under the Silver Hand program of the Alaska State Council on the Arts.

(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 that were found, foraged, or gifted; and

(II) produced, decorated, or fashioned 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.

(ii) INCLUSIONS.— The term ““authentic Alaska Native article of handicraft”” includes—

(I) any weaving, carving, stitching, sewing, lacing, beading, drawing, or painting that meets the criteria described in clause (i); and

(II) any item, including clothing, described in subclause (I) that combines the techniques described in that subclause.

(2) CLARIFICATION FOR CERTAIN AUTHENTIC ALASKA NATIVE ARTICLES OF HANDICRAFT.— Subject to paragraph (3) and notwithstanding any other provision of this Act, nothing in this Act prohibits the possession, offering for sale, sale, offering to barter, barter, offering to purchase, purchase, delivery for shipment, shipment, causing to be shipped or delivered for transportation, transport, causing to be transported, carrying, causing to be carried, or receiving for shipment, transportation, or carriage of any authentic Alaska Native article of handicraft on the basis that the authentic Alaska Native article of handicraft contains a nonedible migratory bird part.

(3) LIMITATION.— This subsection does not apply to an authentic Alaska Native article of handicraft containing a part of a migratory bird that was taken in a wasteful or illegal manner.

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