



H.R. 6021

## Archie Cavanaugh Migratory Bird Treaty Clarification Act

*Sponsor: Rep. Nick Begich (R-AK, At-Large) | House Committee on Natural Resources*

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### OVERVIEW

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For thousands of years, Alaska Native artists have used nonedible parts of migratory birds — feathers, down, and similar materials — in traditional handicrafts. Because the Migratory Bird Treaty Act (MBTA) prohibits the sale or transport of migratory bird parts without exception, this cultural practice has repeatedly collided with federal law, most notably in the 2012 prosecution of Alaska Native artist Archie Cavanaugh for selling a feathered headdress and hat consistent with his cultural tradition.

A 2017 U.S. Fish and Wildlife Service rule provided narrow relief, but it covers only 27 bird species harvested under the U.S.–Canada and U.S.–Mexico treaties and does not reach species covered by the U.S.–Japan treaty, under which Mr. Cavanaugh was prosecuted. H.R. 6021 fixes this gap in statute rather than leaving Alaska Native artists dependent on discretionary agency rulemaking.

### KEY PROVISIONS

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- Clarifies that the MBTA does not prohibit the sale or shipment of an authentic Alaska Native article of handicraft on the basis that it contains nonedible migratory bird parts, so long as those parts were not taken in a wasteful or illegal manner.
- Directs the Secretary of State, working with the Secretary of the Interior, to negotiate bilateral procedures with treaty partner countries — including Japan — to formally clarify this treatment under all four MBTA treaties. This clarification is achieved entirely through negotiation with treaty partners — the bill does not authorize any unilateral action that would put the United States out of compliance with its existing treaty obligations.
- Authorizes the Secretary of the Interior to modify implementing regulations as needed, in consultation with the Alaska Migratory Bird Co-Management Council and the Pacific Flyway Council, while preserving the ability to remove a species from coverage if conservation concerns arise.

### WHY MEMBERS SHOULD SUPPORT H.R. 6021

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- Protects a cultural tradition, not a loophole. Applies only to authentic Alaska Native handicrafts made from lawfully obtained, nonedible bird parts — subsistence limits and conservation protections are untouched.
- Ends a two-tier system by applying one consistent standard across all four MBTA treaties, including the U.S.–Japan treaty species left out of current relief.
- **Fully treaty-compliant.** The bill works through bilateral negotiation with treaty partner nations — it does not direct or permit any action that would place the U.S. out of compliance with its MBTA treaty obligations.
- Corrects a genuine injustice: Archie Cavanaugh faced up to ten years in prison and a \$100,000 fine for a cultural tradition passed down for generations.

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#### Questions?

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