

Calendar No. 178

119TH CONGRESS
1ST SESSION

S. 254

[Report No. 119–73]

To amend the Marine Mammal Protection Act of 1972 to protect the cultural practices and livelihoods of producers of Alaska Native handicrafts and marine mammal ivory products, and for other purposes.

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 Commerce, Science, and Transportation

OCTOBER 6, 2025

Reported by Mr. CRUZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend the Marine Mammal Protection Act of 1972 to protect the cultural practices and livelihoods of producers of Alaska Native handicrafts and marine mammal ivory products, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Alaska’s Right To
3 Ivory Sales and Tradition Act” or the “ARTIST Act”.

4 **SEC. 2. ALASKA NATIVE HANDICRAFTS.**

5 Section 101(b) of the Marine Mammal Protection Act
6 Of 1972 (16 U.S.C. 1371(b)) is amended to read as fol-
7 lows:

8 ~~“(b) EXEMPTION FOR ALASKAN NATIVES.—~~

9 ~~“(1) DEFINITIONS.—In this subsection:~~

10 ~~“(A) AUTHENTIC ALASKA NATIVE ARTICLE~~
11 ~~OF HANDICRAFTS AND CLOTHING.—The term~~
12 ~~‘authentic Alaska Native article of handicrafts~~
13 ~~and clothing’ means an item composed wholly,~~
14 ~~or in some significant respect, of natural mate-~~
15 ~~rials that is produced, decorated, or fashioned~~
16 ~~in the exercise of traditional Alaska Native~~
17 ~~handicrafts by an Indian, Aleut, or Eskimo who~~
18 ~~resides in Alaska and who dwells on the coast~~
19 ~~of the North Pacific Ocean or the Arctic Ocean~~
20 ~~without the use of a pantograph, multiple~~
21 ~~carvers, or any other mass copying device.~~

22 ~~“(B) MARINE MAMMAL IVORY.—The term~~
23 ~~‘marine mammal ivory’ includes a tooth or tusk~~
24 ~~from a species of walrus, narwhal, or whale.~~

25 ~~“(C) TRADITIONAL ALASKA NATIVE~~
26 ~~HANDICRAFTS.—The term ‘traditional Alaska~~

Native handicrafts' includes weaving, carving, stitching, sewing, lacing, beading, drawing, and painting.

~~“(2) EXEMPTION.—~~

~~“(A) IN GENERAL.—Except as provided in section 109, the provisions of this Act shall not apply with respect to the taking of any marine mammal by any Indian, Aleut, or Eskimo who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—~~

~~“(i)(I) is for subsistence purposes; or~~

~~“(II) is done for purposes of creating and selling authentic Alaska Native articles of handicrafts and clothing; and~~

~~“(ii) in each case, is not accomplished in a wasteful manner.~~

~~“(B) SPECIAL RULES.—~~

~~“(i) INTERSTATE COMMERCE OF ITEMS.—An item presented as an authentic Alaska Native article of handicrafts and clothing may be sold in interstate commerce only if it comports with the definition provided in paragraph (1)(A).~~

1 “(ii) EDIBLE PORTION OF MARINE
 2 MAMMAL.—Any edible portion of a marine
 3 mammal taken for the primary purpose of
 4 creating and selling authentic Alaska Na-
 5 tive articles of handicrafts and clothing
 6 may be sold in a native village or town in
 7 Alaska or for native consumption.

8 “(3) LIMITATIONS.—

9 “(A) IN GENERAL.—Notwithstanding para-
 10 graph (2), if, under this Act, the Secretary de-
 11 termines any species or stock of marine mam-
 12 mal subject to taking by Indians, Aleuts, or Es-
 13 kimos to be depleted, the Secretary may pre-
 14 scribe regulations upon the taking of such ma-
 15 rine mammals by any Indian, Aleut, or Eskimo
 16 described in this subsection.

17 “(B) CONTENT OF REGULATIONS.—The
 18 regulations described in subparagraph (A) may
 19 be established with reference to species or
 20 stocks, geographical description of the area in-
 21 cluded, the season for taking, or any other fac-
 22 tors related to the reason for establishing such
 23 regulations and consistent with the purposes of
 24 this Act.

1 ~~“(C) NOTICE AND HEARING; REMOVAL OF~~
2 ~~REGULATIONS.—The regulations described in~~
3 ~~subparagraph (A) shall be prescribed after no-~~
4 ~~tice and hearing required by section 103 of this~~
5 ~~title and shall be removed as soon as the Sec-~~
6 ~~retary determines that the need for their im-~~
7 ~~position has disappeared.~~

8 ~~“(D) REGULATIONS TO BE SUPPORTED BY~~
9 ~~SUBSTANTIAL EVIDENCE.—In promulgating any~~
10 ~~regulation or making any assessment pursuant~~
11 ~~to a hearing or proceeding under this sub-~~
12 ~~section or section 117(b)(2), or in making any~~
13 ~~determination of depletion under this subsection~~
14 ~~or finding regarding unmitigable adverse im-~~
15 ~~pacts under subsection (a)(5) that affects~~
16 ~~stocks or persons to which this subsection ap-~~
17 ~~plies, the Secretary shall demonstrate in writing~~
18 ~~(and make such writing publicly available on~~
19 ~~the website of the Secretary) that, in consider-~~
20 ~~ation of the whole record, including Indigenous~~
21 ~~knowledge, such regulation, assessment, deter-~~
22 ~~mination, or finding is supported by substantial~~
23 ~~evidence. The preceding sentence shall only be~~
24 ~~applicable in an action brought by one or more~~

1 Alaska Native organizations representing per-
 2 sons to which this subsection applies.

3 ~~“(4) PROHIBITIONS.—No State shall prohibit~~
 4 ~~the importation, sale, offer for sale, transfer, trade,~~
 5 ~~barter, possession, or possession with the intent to~~
 6 ~~sell, transfer, trade, or barter of marine mammal~~
 7 ~~ivory or marine mammal bone or baleen incorporated~~
 8 ~~under this title by an Indian, Aleut, or Eskimo, into~~
 9 ~~an authentic Alaska Native article of handicrafts~~
 10 ~~and clothing.”.~~

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Alaska’s Right to Ivory*
 13 *Sales and Tradition Act” or the “ARTIST Act”.*

14 **SEC. 2. ALASKA NATIVE HANDICRAFTS.**

15 *Section 101(b) of the Marine Mammal Protection Act*
 16 *Of 1972 (16 U.S.C. 1371(b)) is amended to read as follows:*

17 *“(b) EXEMPTION FOR ALASKAN NATIVES.—*

18 *“(1) DEFINITIONS.—In this subsection:*

19 *“(A) AUTHENTIC ALASKA NATIVE ARTICLE*
 20 *OF HANDICRAFTS AND CLOTHING.—The term*
 21 *‘authentic Alaska Native article of handicrafts*
 22 *and clothing’ means an item composed wholly, or*
 23 *in some significant respect, of natural materials*
 24 *and that is produced, decorated, or fashioned in*
 25 *the exercise of traditional Alaska Native handi-*

crafts by an Alaska Native who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean without the use of a pantograph, multiple carvers, or any other mass copying device.

“(B) *MARINE MAMMAL IVORY*.—The term ‘marine mammal ivory’ includes a tooth or tusk from a walrus (*Odobenus rosmarus*) or a species of cetacean.

“(C) *TRADITIONAL ALASKA NATIVE HANDICRAFTS*.—The term ‘traditional Alaska Native handicrafts’ includes weaving, carving, stitching, sewing, lacing, beading, drawing, and painting.

“(2) *EXEMPTION*.—

“(A) *IN GENERAL*.—Except as provided in section 109, the provisions of this Act shall not apply with respect to the taking of any marine mammal by any Alaska Native who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

“(i)(I) is for subsistence purposes; or

“(II) is done for purposes of creating and selling authentic Alaska Native articles of handicrafts and clothing; and

1 “(ii) *in each case, is not accomplished*
 2 *in a wasteful manner.*

3 “(B) *SPECIAL RULES.—*

4 “(i) *INTERSTATE COMMERCE OF*
 5 *ITEMS.—An item presented as an authentic*
 6 *Alaska Native article of handicrafts and*
 7 *clothing may be sold in interstate commerce*
 8 *only if it comports with the definition pro-*
 9 *vided in paragraph (1)(A).*

10 “(ii) *EDIBLE PORTION OF MARINE*
 11 *MAMMAL.—Any edible portion of a marine*
 12 *mammal taken for the purpose of creating*
 13 *and selling authentic Alaska Native articles*
 14 *of handicrafts and clothing may be sold for*
 15 *native consumption or in a native village*
 16 *or town in Alaska.*

17 “(3) *LIMITATIONS.—*

18 “(A) *IN GENERAL.—Notwithstanding para-*
 19 *graph (2), if, under this Act, the Secretary deter-*
 20 *mines any species or stock of marine mammal*
 21 *subject to taking by Alaska Natives to be de-*
 22 *pleted, the Secretary may prescribe regulations*
 23 *upon the taking of such marine mammals by*
 24 *any Alaska Native described in this subsection.*

1 “(B) *CONTENT OF REGULATIONS.*—*The reg-*
 2 *ulations described in subparagraph (A) may be*
 3 *established with reference to species or stocks,*
 4 *geographical area, the season for taking, or any*
 5 *other factors related to the reason for establishing*
 6 *such regulations and consistent with the pur-*
 7 *poses of this Act.*

8 “(C) *NOTICE AND HEARING; REMOVAL OF*
 9 *REGULATIONS.*—*The regulations described in*
 10 *subparagraph (A) shall be prescribed after notice*
 11 *and hearing required by section 103 of this title*
 12 *and shall be removed as soon as the Secretary*
 13 *determines that the need for their imposition has*
 14 *disappeared.*

15 “(D) *REGULATIONS TO BE SUPPORTED BY*
 16 *SUBSTANTIAL EVIDENCE.*—*In promulgating any*
 17 *regulation or making any assessment pursuant*
 18 *to a hearing or proceeding under this subsection*
 19 *or section 117(b)(2), or in making any deter-*
 20 *mination of depletion under this subsection or*
 21 *finding regarding unmitigable adverse impacts*
 22 *under subsection (a)(5) that affects stocks or per-*
 23 *sons to which this subsection applies, the Sec-*
 24 *retary shall demonstrate in writing (and make*
 25 *such writing publicly available on the website of*

1 *the Secretary) that, in consideration of the whole*
 2 *record, including Indigenous knowledge, such*
 3 *regulation, assessment, determination, or finding*
 4 *is supported by substantial evidence.*

5 *“(E) APPLICABILITY.—The requirement*
 6 *under subparagraph (D) shall only be applicable*
 7 *in an action brought by one or more Alaska Na-*
 8 *tive organizations representing persons to which*
 9 *this subsection applies.*

10 *“(4) PROHIBITIONS.—No State shall prohibit the*
 11 *interstate commerce, importation, sale, offer for sale,*
 12 *transfer, trade, barter, possession, or possession with*
 13 *the intent to sell, transfer, trade, or barter of marine*
 14 *mammal ivory or marine mammal bone or baleen in-*
 15 *corporated under this title by an Alaska Native, into*
 16 *an authentic Alaska Native article of handicrafts and*
 17 *clothing.*

18 *“(5) RULE OF CONSTRUCTION.—Nothing in this*
 19 *subsection shall be construed to—*

20 *“(A) impact the rights of any Indian Tribe*
 21 *(as defined in section 4 of the Indian Self-Deter-*
 22 *mination and Education Assistance Act (25*
 23 *U.S.C. 5304)) in effect on the date of enactment*
 24 *of the Alaska’s Right to Ivory Sales and Tradi-*
 25 *tion Act; or*

- 1 “(B) *undermine any government-to-govern-*
2 *ment consultation or engagement.*”.

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