

**Calendar No. 178**119<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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.

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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 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 *italic*]

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**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

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

4 “(2) EXEMPTION.—

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

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

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

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

18 “(B) SPECIAL RULES.—

19 “(i) INTERSTATE COMMERCE OF  
 20 ITEMS.—An item presented as an authen-  
 21 tic Alaska Native article of handicrafts and  
 22 clothing may be sold in interstate com-  
 23 merce only if it comports with the defini-  
 24 tion 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 handiercrafts 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-*

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

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

10           “(C) *TRADITIONAL ALASKA NATIVE HANDI-*  
 11           *CRAFTS.*—*The term ‘traditional Alaska Native*  
 12           *handicrafts’ includes weaving, carving, stitching,*  
 13           *sewing, lacing, beading, drawing, and painting.*

14           “(2) *EXEMPTION.*—

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

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

23                   “(II) *is done for purposes of creating*  
 24                   *and selling authentic Alaska Native articles*  
 25                   *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.*”.

Calendar No. 178

119<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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**A BILL**

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Reported with an amendment