

**Calendar No. 718**

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1965**

**[Report No. 115–415]**

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

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IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2017

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

DECEMBER 5, 2018

Reported by Mr. THUNE, with an amendment

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

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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 traditional mammoth 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 “Allowing Alaska to  
3 Improve Vital Opportunities in the Rural Economy Act”  
4 or the “Allowing Alaska IVORY Act”.

5 **SEC. 2. ALASKA NATIVE HANDICRAFTS.**

6 Section 101(b) of the Marine Mammal Protection Act  
7 of 1972 (16 U.S.C. 1371(b)) is amended—

8 (1) by striking paragraph (1) and all that fol-  
9 lows through “is done” in the first sentence of para-  
10 graph (2) and inserting the following:

11 “(A)(i) is for subsistence purposes; or

12 “(ii) is done”;

13 (2) by redesignating paragraph (3) as subpara-  
14 graph (B); and indenting appropriately;

15 (3) in the matter preceding subparagraph (A)(i)  
16 (as redesignated by paragraph (1)), by striking “(b)  
17 Except as” and inserting the following:

18 “(b) APPLICATION TO CERTAIN ALASKA NATIVES.—

19 “(1) DEFINITIONS.—In this subsection:

20 “(A) AUTHENTIC NATIVE ARTICLE OF  
21 HANDICRAFTS AND CLOTHING.—The term ‘au-  
22 thentic native article of handicrafts and cloth-  
23 ing’ means an item composed wholly or in some  
24 significant respect of natural materials that is  
25 produced, decorated, or fashioned in the exer-  
26 cise of traditional native handicrafts without

1 the use of a pantograph, multiple carvers, or  
 2 any other mass copying device.

3 “(B) TRADITIONAL NATIVE HANDI-  
 4 CRAFTS.—The term ‘traditional native handi-  
 5 crafts’ includes weaving, carving, stitching, sew-  
 6 ing, lacing, beading, drawing, and painting.

7 “(2) APPLICATION.—Except as”;

8 (4) in subparagraph (A)(ii) of paragraph (2)  
 9 (as redesignated by paragraph (1)), by striking “and  
 10 clothing.” and all that follows through “painting”  
 11 and inserting “and clothing”;

12 (5) in the flush text following subparagraph (B)  
 13 of paragraph (2) (as redesignated by paragraph (2)),  
 14 by striking “Notwithstanding the preceding provi-  
 15 sions of this subsection, when” and inserting the fol-  
 16 lowing:

17 “(3) LIMITATIONS.—Notwithstanding para-  
 18 graph (2), if”;

19 and

20 (6) by adding at the end the following:

21 “(4) SPECIAL RULES.—

22 “(A) INTERSTATE COMMERCE.—Only au-  
 23 thentic native articles of handicrafts and cloth-  
 24 ing may be sold in interstate commerce.

1           “(B) EDIBLE PORTIONS OF MARINE MAM-  
 2           MALS.—Any edible portion of a marine mammal  
 3           may be sold in a native village or town in Alas-  
 4           ka or for native consumption.

5           “(5) PROHIBITIONS.—

6           “(A) WALRUS IVORY OR WHALE BONE.—  
 7           No State shall prohibit the importation, sale,  
 8           offer for sale, transfer, trade, barter, possession  
 9           or possession with the intent to sell, transfer,  
 10          trade, or barter of walrus ivory or whale bone  
 11          produced under this title by an Indian, Aleut,  
 12          or Eskimo as an authentic native article of  
 13          handicrafts and clothing.

14          “(B) MAMMOTH IVORY.—No State shall  
 15          prohibit the importation, sale, offer for sale,  
 16          transfer, trade, possession or possession with  
 17          the intent to sell, transfer, trade, or barter of  
 18          mammoth ivory or a mammoth ivory product.”.

19   **SECTION 1. SHORT TITLE.**

20          *This Act may be cited as the “Allowing Alaska to Im-*  
 21          *prove Vital Opportunities in the Rural Economy Act” or*  
 22          *the “Allowing Alaska IVORY Act”.*

23   **SEC. 2. ALASKA NATIVE HANDICRAFTS.**

24          *Section 101(b) of the Marine Mammal Protection Act*  
 25          *of 1972 (16 U.S.C. 1371(b)) is amended—*

(1) by striking paragraph (1) and all that follows through “is done” in the first sentence of paragraph (2) and inserting the following:

“(A)(i) is for subsistence purposes; or  
“(ii) is done”;

(2) by redesignating paragraph (3) as subparagraph (B), and indenting appropriately;

(3) in the matter preceding subparagraph (A)(i) (as redesignated by paragraph (1)), by striking “(b) EXEMPTIONS FOR ALASKAN NATIVES.—Except as” and inserting the following:

“(b) APPLICATION TO CERTAIN ALASKA NATIVES.—

“(1) DEFINITIONS.—In this subsection:

“(A) AUTHENTIC NATIVE ARTICLE OF HANDICRAFTS AND CLOTHING.—The term ‘authentic native article of handicrafts and clothing’ means an item composed wholly or in some significant respect of natural materials that is produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of a pantograph, multiple carvers, or any other mass copying device.

“(B) TRADITIONAL NATIVE HANDICRAFTS.—

The term ‘traditional native handicrafts’ in-

1        *cludes weaving, carving, stitching, sewing, lac-*  
 2        *ing, beading, drawing, and painting.*

3        “(2) *APPLICATION.—Except as*”;

4        (4) *in subparagraph (A)(ii) of paragraph (2) (as*  
 5        *redesignated by paragraph (1)), by striking “and*  
 6        *clothing:” and all that follows through “painting”*  
 7        *and inserting “and clothing”;*

8        (5) *in the flush text following subparagraph (B)*  
 9        *of paragraph (2) (as redesignated by paragraph (2)),*  
 10       *by striking “Notwithstanding the preceding provi-*  
 11       *sions of this subsection, when” and inserting the fol-*  
 12       *lowing:*

13       “(3) *LIMITATIONS.—Notwithstanding paragraph*  
 14       *(2), if*”; *and*

15       (6) *by adding at the end the following:*

16       “(4) *SPECIAL RULES.—*

17       “(A) *INTERSTATE COMMERCE.—Only au-*  
 18       *thentic native articles of handicrafts and cloth-*  
 19       *ing may be sold in interstate commerce.*

20       “(B) *EDIBLE PORTIONS OF MARINE MAM-*  
 21       *MALS.—Any edible portion of a marine mammal*  
 22       *may be sold in a native village or town in Alas-*  
 23       *ka or for native consumption.*

24       “(5) *PROHIBITIONS.—No State or political sub-*  
 25       *division thereof shall prohibit the importation, sale,*

1       *offer for sale, transfer, trade, barter, possession or pos-*  
2       *session with the intent to sell, transfer, trade, or bar-*  
3       *ter of mammoth, mastodon, or walrus ivory, marine*  
4       *mammal bones, teeth, or baleen produced under this*  
5       *title by an Indian, Aleut, or Eskimo as an authentic*  
6       *native article of handicrafts and clothing.”.*

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