

119TH CONGRESS
1ST SESSION

S. 254

AN ACT

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 Ivory
3 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 and that is produced, decorated, or fash-
16 ioned in the exercise of traditional Alaska Na-
17 tive handicrafts by an Alaska Native who re-
18 sides in Alaska and who dwells on the coast of
19 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 walrus (*Odobenus rosmarus*) or a spe-
25 cies of cetacean.

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

6 “(2) EXEMPTION.—

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

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

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

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

20 “(B) SPECIAL RULES.—

21 “(i) INTERSTATE COMMERCE OF
 22 ITEMS.—An item presented as an authen-
 23 tic Alaska Native article of handicrafts and
 24 clothing may be sold in interstate com-

merce only if it comports with the definition provided in paragraph (1)(A).

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

“(3) LIMITATIONS.—

“(A) IN GENERAL.—Notwithstanding paragraph (2), if, under this Act, the Secretary determines any species or stock of marine mammal subject to taking by Alaska Natives to be depleted, the Secretary may prescribe regulations upon the taking of such marine mammals by any Alaska Native described in this subsection.

“(B) CONTENT OF REGULATIONS.—The regulations described in subparagraph (A) may be established with reference to species or stocks, geographical area, the season for taking, or any other factors related to the reason for establishing such regulations and consistent with the purposes of 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.

24 “(E) APPLICABILITY.—The requirement
 25 under subparagraph (D) shall only be applica-

1 ble in an action brought by one or more Alaska
 2 Native organizations representing persons to
 3 which this subsection applies.

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

12 “(5) RULE OF CONSTRUCTION.—Nothing in
 13 this subsection shall be construed to—

14 “(A) impact the rights of any Indian Tribe
 15 (as defined in section 4 of the Indian Self-De-
 16 termination and Education Assistance Act (25
 17 U.S.C. 5304)) in effect on the date of enact-
 18 ment of the Alaska’s Right to Ivory Sales and
 19 Tradition Act; or

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

Passed the Senate October 8, 2025.

Attest:

Secretary.

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