

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-

1 merce only if it comports with the defini-
2 tion provided in paragraph (1)(A).

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

10 “(3) LIMITATIONS.—

11 “(A) IN GENERAL.—Notwithstanding para-
12 graph (2), if, under this Act, the Secretary de-
13 termines any species or stock of marine mam-
14 mal subject to taking by Alaska Natives to be
15 depleted, the Secretary may prescribe regula-
16 tions upon the taking of such marine mammals
17 by any Alaska Native described in this sub-
18 section.

19 “(B) CONTENT OF REGULATIONS.—The
20 regulations described in subparagraph (A) may
21 be established with reference to species or
22 stocks, geographical area, the season for taking,
23 or any other factors related to the reason for
24 establishing such regulations and consistent
25 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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