

118TH CONGRESS  
2D SESSION

# S. 5253

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

SEPTEMBER 25, 2024

Mr. SULLIVAN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. ALASKA NATIVE HANDICRAFTS.**

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

5 “(b) EXEMPTION FOR ALASKAN NATIVES.—

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

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

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

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

1 “(2) EXEMPTION.—

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

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

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

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

15 “(B) SPECIAL RULES.—

16 “(i) INTERSTATE COMMERCE OF  
17 ITEMS.—An item presented as an authen-  
18 tic Alaska Native article of handicrafts and  
19 clothing may be sold in interstate com-  
20 merce only if it comports with the defini-  
21 tion provided in paragraph (1)(A).

22 “(ii) EDIBLE PORTION OF MARINE  
23 MAMMAL.—Any edible portion of a marine  
24 mammal taken for the primary purpose of  
25 creating and selling authentic Alaska Na-

1           tive articles of handicrafts and clothing  
2           may be sold in a native village or town in  
3           Alaska or for native consumption.

4           “(3) LIMITATIONS.—

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

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

21          “(C) NOTICE AND HEARING; REMOVAL OF  
22          REGULATIONS.—The regulations described in  
23          subparagraph (A) shall be prescribed after no-  
24          tice and hearing required by section 103 of this  
25          title and shall be removed as soon as the Sec-

1           retary determines that the need for their im-  
2           position has disappeared.

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

22          “(4) PROHIBITIONS.—No State shall prohibit  
23          the importation, sale, offer for sale, transfer, trade,  
24          barter, possession, or possession with the intent to  
25          sell, transfer, trade, or barter of marine mammal

1 ivory or marine mammal bone or baleen incorporated  
2 under this title by an Indian, Aleut, or Eskimo, into  
3 an authentic Alaska Native article of handiercrafts  
4 and clothing.”.

