

One Hundred Nineteenth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Saturday,
the third day of January, two thousand and twenty six*

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.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

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

SEC. 2. ALASKA NATIVE HANDICRAFTS.

Section 101(b) of the Marine Mammal Protection Act Of 1972 (16 U.S.C. 1371(b)) is amended to read as follows:

“(b) EXEMPTION FOR ALASKAN NATIVES.—

“(1) DEFINITIONS.—In this subsection:

“(A) AUTHENTIC ALASKA NATIVE ARTICLE OF HANDICRAFTS AND CLOTHING.—The term ‘authentic Alaska Native article of handicrafts and clothing’ means an item composed wholly, or in some significant respect, of natural materials and that is produced, decorated, or fashioned in the exercise of traditional Alaska Native handicrafts by an Alaska Native who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean without the use of a pantograph, multiple carvers, or any other mass copying device.

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

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

“(2) EXEMPTION.—

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

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

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

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

“(B) SPECIAL RULES.—

“(i) INTERSTATE COMMERCE OF ITEMS.—An item presented as an authentic Alaska Native article of handicrafts and clothing may be sold in interstate commerce 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.

“(C) NOTICE AND HEARING; REMOVAL OF REGULATIONS.—The regulations described in subparagraph (A) shall be prescribed after notice and hearing required by section 103 of this title and shall be removed as soon as the Secretary determines that the need for their imposition has disappeared.

“(D) REGULATIONS TO BE SUPPORTED BY SUBSTANTIAL EVIDENCE.—In promulgating any regulation or making any assessment pursuant to a hearing or proceeding under this subsection or section 117(b)(2), or in making any determination of depletion under this subsection or finding regarding unmitigable adverse impacts under subsection (a)(5) that affects stocks or persons to which this subsection applies, the Secretary shall demonstrate in writing (and make such writing publicly available on the website of the Secretary) that, in consideration of the whole record, including Indigenous knowledge, such regulation, assessment, determination, or finding is supported by substantial evidence.

“(E) APPLICABILITY.—The requirement under subparagraph (D) shall only be applicable in an action brought by one or more Alaska Native organizations representing persons to which this subsection applies.

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

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

“(A) impact the rights of any Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) in effect on the date of enactment of the Alaska’s Right to Ivory Sales and Tradition Act; or

“(B) undermine any government-to-government consultation or engagement.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*