

**Calendar No. 178**

119TH CONGRESS }  
*1st Session*

SENATE

{ REPORT  
119-73

ALASKA'S RIGHT TO IVORY SALES AND  
TRADITION ACT

---

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

ON

S. 254



OCTOBER 6, 2025.—Ordered to be printed

---

U.S. GOVERNMENT PUBLISHING OFFICE

69-010

WASHINGTON : 2025

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

TED CRUZ, Texas, *Chairman*

|                                     |                                 |
|-------------------------------------|---------------------------------|
| JOHN THUNE, South Dakota            | MARIA CANTWELL, Washington      |
| ROGER F. WICKER, Mississippi        | AMY KLOBUCHAR, Minnesota        |
| DEB FISCHER, Nebraska               | BRIAN SCHATZ, Hawaii            |
| JERRY MORAN, Kansas                 | EDWARD J. MARKEY, Massachusetts |
| DAN SULLIVAN, Alaska                | GARY C. PETERS, Michigan        |
| MARSHA BLACKBURN, Tennessee         | TAMMY BALDWIN, Wisconsin        |
| TODD YOUNG, Indiana                 | TAMMY DUCKWORTH, Illinois       |
| TED BUDD, North Carolina            | JACKY ROSEN, Nevada             |
| ERIC SCHMITT, Missouri              | BEN RAY LUJAN, New Mexico       |
| JOHN CURTIS, Utah                   | JOHN W. HICKENLOOPER, Colorado  |
| BERNIE MORENO, Ohio                 | JOHN FETTERMAN, Pennsylvania    |
| TIM SHEEHY, Montana                 | ANDY KIM, New Jersey            |
| SHELLEY MOORE CAPITO, West Virginia | LISA BLUNT ROCHESTER, Delaware  |
| CYNTHIA M. LUMMIS, Wyoming          |                                 |

BRAD GRANTZ, *Majority Staff Director*

LILA HARPER HELMS, *Democratic Staff Director*

## Calendar No. 178

119TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
119-73

### ALASKA'S RIGHT TO IVORY SALES AND TRADITION ACT

---

OCTOBER 6, 2025.—Ordered to be printed

---

Mr. CRUZ, from the Committee on Commerce, Science, and  
Transportation, submitted the following

### R E P O R T

[To accompany S. 254]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 254) 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, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

#### PURPOSE OF THE BILL

The purpose of S. 254, the Alaska's Right to Ivory Sales and Tradition Act, is to protect the cultural practices and livelihoods of artists and producers by preventing States from prohibiting the sale of authentic Alaska Native handicrafts or clothing made of marine mammal ivory, bone, or baleen.

#### BACKGROUND AND NEEDS

Under the Marine Mammal Protection Act, Alaska Native people residing along the coasts of the North Pacific Ocean and the Arctic Ocean are legally permitted to produce and sell traditional handicrafts made from marine mammal parts, such as walrus ivory and whalebone.<sup>1</sup> The sale of traditional handicrafts produced by Alaska

---

<sup>1</sup> 16 U.S.C. 1371(b).

Natives from legally harvested marine mammal parts provides substantial financial benefits to Alaska Native villages.<sup>2</sup>

Several States—including California (2015),<sup>3</sup> Hawaii (2016),<sup>4</sup> New Jersey (2014),<sup>5</sup> New York (2014),<sup>6</sup> Oregon (2016),<sup>7</sup> Washington (2015),<sup>8</sup> and the District of Columbia (2020)<sup>9</sup>—have laws prohibiting sale or possession of ivory that do not provide exceptions for marine mammal ivory or items legally produced by Alaska Natives.<sup>10</sup> While Federal law already preempts State law in this context, the passage of these State laws broadly prohibiting ivory and ivory products created a perception that marine mammal ivory handicrafts produced by Alaska Natives are illegal.<sup>11</sup> As a result of the confusion, Alaska Native artisans have experienced reduced demand or penalties for their artwork.<sup>12</sup>

#### SUMMARY OF PROVISIONS

S. 254 would prohibit States from enacting State-level prohibitions on possession or sale of authentic Alaska Native handicrafts and clothing produced out of marine mammal ivory, bone, or baleen.

#### LEGISLATIVE HISTORY

S. 254 was introduced on January 24, 2025, by Senator Sullivan (for himself and Senator Murkowski) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. On June 25, 2025, the Committee met in open Executive Session and, by voice vote, ordered S. 254 reported favorably with an amendment (in the nature of a substitute).

#### *118th Congress*

S. 5253, the ARTIST Act, was introduced on September 25, 2024, by Senator Sullivan and was referred to the Committee on Commerce, Science, and Transportation of the Senate.

<sup>2</sup>“Protecting Alaska Native Art, Culture, and Economics,” U.S. Fish and Wildlife Service, July 6, 2022, <https://www.fws.gov/story/2022-07/protecting-alaska-native-art-culture-and-economics>.

<sup>3</sup>State of California, Fish and Game Code, section 2022, 2015, [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=FGC&sectionNum=2022](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=FGC&sectionNum=2022).

<sup>4</sup>State of Hawaii, Act 125, SB 2647, 2016, <https://www.capitol.hawaii.gov/sessions/session2016/bills/GM1226.PDF>.

<sup>5</sup>State of New Jersey, Public Law 2014, chapter 22 (S2012 1R), 2014, <https://pub.njleg.gov/bills/2014/AL14/22.HTM>.

<sup>6</sup>State of New York, Environmental Conservation Law, section 11-0535, 2025, <https://newyork.public.law/laws/n.y.environmental.conservations.law.section.11-0535-a>.

<sup>7</sup>State of Oregon, chapter 3, Measure 100, 2017, [https://www.oregonlegislature.gov/bills\\_laws/lawsstatutes/2017orlaw0003.pdf](https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2017orlaw0003.pdf).

<sup>8</sup>State of Washington, RCW 77.15.135, 2015, <https://app.leg.wa.gov/rcw/default.aspx?cite=77.15.135>.

<sup>9</sup>District of Columbia, Law L23-0126, 2020, <https://lims.dccouncil.gov/downloads/LIMS/41624/Other/B23-0034-L23-126.pdf?Id=212340>.

<sup>10</sup>“Current Laws,” Walrus Ivory, <https://walrusivory.org/current-laws/>.

<sup>11</sup>Zachariah Hughes, “Ivory Ban Hurts Alaska’s Natives Who Legally Carve Walrus Tusks,” *National Public Radio*, November 24, 2016, <https://www.npr.org/2016/11/24/503036303/ivory-ban-hurts-native-alaskans-who-legally-carve-walrus-tusks>; Jack Carney, “Alaska Natives Concerned After Etsy Bans Ivory Products,” *Alaska’s News Source*, February 7, 2018, <https://www.alaskasnewsresource.com/content/news/Native-Alaskans-concerned-after-Etsy-bans-ivory-products--473266483.html>.

<sup>12</sup>Liz Ruskin, “Alaskans Push for Acceptance of Walrus Ivory, but There’s an Elephant in the Room,” *Alaska Public Media*, June 17, 2019, <https://alaskapublic.org/top-stories/2019-06-17/alaskans-push-for-acceptance-of-walrus-ivory-but-theres-an-elephant-in-the-room>.

### 116th Congress

S. 804, the Empowering Rural Economies Through Alaska Native Sustainable Arts and Handicrafts Act, was introduced on March 14, 2019, by Senator Sullivan (for himself and Senator Murkowski) and was referred to the Committee on Commerce, Science and Transportation of the Senate. On September 16, 2020, the Committee met in open Executive Session and, by voice vote, ordered S. 804 reported favorably without amendment.

H.R. 1806, an identical House bill, was introduced on March 14, 2019, by Representative Young and was referred to the Committee on Natural Resources of the House of Representatives.

### 115th Congress

S. 1965, the Allowing Alaska IVORY Act, was introduced on October 17, 2017, by Senator Sullivan (for himself and Senator Murkowski) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. On September 5, 2018, the Committee met in open Executive Session and, by voice vote, ordered S. 1965 reported favorably with an amendment (in the nature of a substitute).

### ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

| <b>S. 254, ARTIST Act</b>                                                                              |      |                                              |                      |
|--------------------------------------------------------------------------------------------------------|------|----------------------------------------------|----------------------|
| As ordered reported by the Senate Committee on Commerce, Science, and Transportation on June 25, 2025  |      |                                              |                      |
| By Fiscal Year, Millions of Dollars                                                                    | 2025 | 2025-2030                                    | 2025-2035            |
| Direct Spending (Outlays)                                                                              | 0    | 0                                            | 0                    |
| Revenues                                                                                               | 0    | 0                                            | 0                    |
| Increase or Decrease (-) in the Deficit                                                                | 0    | 0                                            | 0                    |
| Spending Subject to Appropriation (Outlays)                                                            | 0    | 0                                            | 0                    |
| Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2036? | No   | Statutory pay-as-you-go procedures apply? No |                      |
| Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2036?  | No   | <b>Mandate Effects</b>                       |                      |
|                                                                                                        |      | Contains intergovernmental mandate?          | Yes, Under Threshold |
|                                                                                                        |      | Contains private-sector mandate?             | No                   |

S. 254 would amend the Marine Mammal Protection Act of 1972 to prohibit any state from banning the importation, sale, barter, or possession of marine mammal ivory, bone, or baleen that has been incorporated into an authentic Alaska Native article of handicrafts and clothing. An authentic Alaska Native article of handicrafts and clothing is defined in the bill as an item made of natural materials and produced by an Alaska Native through traditional native handicraft methods.

Because S. 254 would not change federal policy related to the sale of marine mammal ivory or bones, CBO estimates that implementing the bill would not affect the federal budget.

S. 254 would preempt state laws governing the possession, trade, or sale of handicrafts or clothing produced by certain Alaska Natives using animal ivory or bone. That preemption would be a mandate as defined in the Unfunded Mandates Reform Act (UMRA). Although the bill would limit the application of state laws, it would impose no duty on state governments that would result in additional spending.

S. 254 contains no private-sector mandate as defined by UMRA.

The CBO staff contacts for this estimate are Emilia Oliva (for federal costs) and Rachel Austin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,  
*Director, Congressional Budget Office.*

#### REGULATORY IMPACT STATEMENT

Because S. 254 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

#### CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title.*

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

##### *Section 2. Alaska Native handicrafts.*

Subsection (b)(1) would redefine the terms “authentic Alaska Native article of handicrafts and clothing” and “traditional Alaska Native handicrafts”. It would also define the term “marine mammal ivory”.

Subsection (b)(2) would clarify the existing exemptions in law covering 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.

Subsection (b)(3) would require the Secretary of Commerce to demonstrate in writing on a public website that proceedings for certain regulations, assessments, determinations or findings provided for in existing law, and under this section, are supported by substantial evidence, including that Indigenous knowledge has

been considered if raised. It would clarify, however, that this requirement only applies in an action brought by one or more Alaska Native organizations representing persons to which the subsection applies.

Subsection (b)(4) would prevent States from banning 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, bone, or baleen incorporated into authentic Alaska Native handicrafts or clothing.

Subsection (b)(5) would ensure that the provisions in this section do not impact the rights of any Indian Tribe in effect on the date of enactment or undermine any government-to-government consultation or engagement.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

## MARINE MAMMAL PROTECTION ACT OF 1972

\* \* \* \* \*

[16 U.S.C. 1371(b)]

SEC. 101. (a) Except as may be authorized by a permit issued pursuant to section 102 or section 103 of this title, and subject to regulations issued pursuant to section 108 of this title,

(1) no person shall transport from the United States, and

(2) in the case of a vessel or aircraft registered in the United States or flying the United States flag or in the case of a United States department, agency, or instrumentality, no person shall transport from any location.

any material for the purpose of dumping it into ocean waters.

[(b) Except as may be authorized by a permit issued pursuant to section 102 of this title, and subject to regulations issued pursuant to section 108 of this title, no person shall dump any material transported from a location outside the United States (1) into the territorial sea of the United States, or (2) into zone contiguous to the territorial sea of the United States, extending to a line twelve nautical miles seaward from the base line from which the breadth of the territorial sea is measured, to the extent that it may affect the territorial sea or the territory of the United States.]

(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) 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.

\* \* \* \* \*