

Tribal Member Use of Feathers or Other Parts of Federally Protected Birds: Fact Sheet on Department of Justice Policy

Eagles and other migratory birds are protected under federal wildlife laws, including the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. These laws generally prohibit the possession, use, and sale of the feathers or other parts of federally protected birds, as well as the unauthorized killing of such birds. Such restrictions help ensure that eagle and other bird populations remain healthy and sustainable.

At the same time, eagles and other raptors hold great meaning for many Indian tribes and may play a role in tribal religious and cultural practices. In recognition of this, and in keeping with the United States' government-to-government relationship with federally recognized tribes, the Department of Justice has announced a policy addressing the ability of members of federally recognized tribes to use the feathers and other parts of federally protected birds. The Department worked closely with the Department of the Interior and consulted extensively with tribes in developing this policy.

This policy balances the Department of Justice's commitment to enforce federal wildlife laws with its commitment to support tribal sovereignty and tribal self-determination.

The policy provides generally that:

- The Department of Justice will not prosecute members of federally recognized tribes who:
 - Have or use the feathers or other parts of eagles or other migratory birds.
 - Pick up naturally fallen or molted feathers found in the wild, without disturbing birds or their nests.
 - Give or lend the feathers or other parts of eagles or other migratory birds to other members of federally recognized tribes.
 - Exchange with other members of federally recognized tribes, without payment of any kind, the feathers or other parts of eagles or other migratory birds for other such items.
 - Give the feathers or other parts of eagles or other migratory birds to craftspersons who are also members of federally recognized tribes to be fashioned into cultural or religious items. Craftspersons may be paid for their work, but no payment may be made for the feathers or other parts of the eagles or other migratory birds.
 - Travel in the United States with the feathers or other parts of eagles or other migratory birds.
 - Travel internationally with the feathers or other parts of eagles or other migratory birds, subject to permit requirements.
- The Department of Justice will continue to prosecute tribal members and nonmembers alike for:
 - Buying or selling the feathers or other parts of eagles or other migratory birds or trading them for goods or services (or attempting to do so).
 - Killing federally protected birds without a permit. Tribal members can apply to the U.S. Fish and Wildlife Service for permits to take (including kill) eagles for religious purposes.
- Members of federally recognized tribes do not need permits to possess the feathers or other parts of eagles or other migratory birds or to engage in the other activities listed above (with the exception of certain international travel).

The policy is available on the Department of Justice website at www.justice.gov/otj. Tribal members with questions about the policy may contact the Office of Tribal Justice: (202) 514-8812.

Tribal members can also find information on other eagle feathers issues on the U.S. Fish and Wildlife Service website, at www.fws.gov/le/national-eagle-repository.html and links available from that page.