



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #DEN-18-002

TITLE: Calling on the U.S. Fish and Wildlife Service to Issue Revised Regulations to Promote Tribal Member Collection of Eagle Feathers

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, bald and golden eagles are protected by the Bald and Golden Eagle Protection Act, 6 U.S.C. §§ 668-668d, which criminalizes the taking or possession of eagles or their parts without a permit from the Fish and Wildlife Service (FWS); and

WHEREAS, recognizing the cultural and spiritual importance of the eagle in American Indian and Alaska Native culture and identity, in 1962 Congress amended the Act to allow members of federally recognized Indian tribes access to eagles and eagle parts for use in religious ceremonies; and

WHEREAS, under the current regulatory process, access to eagles and eagle parts is strictly regulated by the FWS, which requires all eagles and eagle parts be sent to the National Eagle and Wildlife Property Repository in Commerce City, Colorado with access only available through a permit application process with the FWS; and

WHEREAS, this regulatory process has long-standing deficiencies preventing reasonable access to eagle feathers and parts and which results in hardship and multi-year delays to acquire eagle feathers and parts; and

WHEREAS, the current regulatory framework does not contain a workable process to effectively provide tribal members access to eagles and eagle parts, but instead represents a cumbersome and bureaucratic hurdle that creates unnecessary hardship and rarely results in usable eagle parts being provided to tribal members in a timely fashion; and

WHEREAS, these shortcomings combined with the failure to offer any alternatives to accommodate the religious practices of tribal members, violate the federal government's trust responsibility to tribes, the Native American Religious Freedom Act, 42 U.S.C. § 1996, and the obligation of FWS to carry out its duties in the least restrictive means possible.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) hereby requests the United States Fish and Wildlife Service amend its existing regulations governing the possession of eagle feathers by members of federally recognized Indian tribes to provide a special permit process which would specifically allow for the direct collection and retention of deceased eagles and their parts by tribal members when found on tribal or allotted lands; and

BE IT FURTHER RESOLVED, this proposed regulatory amendment is consistent with the Eagle Protection Act and would better fulfill the intent of Congress' 1962 amendment to that Act which was to effectuate the placement of eagles, eagle feathers and eagle parts with American Indian and Alaska Natives that are members of federally recognized Indian tribes for use in religious ceremony; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2018 Annual Session of the National Congress of American Indians, held at the Hyatt Regency in Denver, Colorado October 21-26, 2018, with a quorum present.


Jefferson Keel, President

ATTEST:


Juana Majel Dixon, Recording Secretary