

comment from the public regarding universal service in the form of petitions for reconsideration, oppositions to those petitions, and comments on those petitions. In the Order, the Commission responded to various issues raised in the petitions for reconsideration and/or clarification of the Commission's May 8th Report and Order on Universal Service. The Commission reconsidered certain aspects of the Universal Service Order and exempted additional entities from universal service contribution and reporting requirements. Broadcasters and schools, colleges, universities, rural health care providers, and systems integrators that derive *de minimis* amounts of revenue from the resale of telecommunications will not be required to contribute to universal service. See 47 CFR Section 54.703. Entities whose annual contribution would be less than \$10,000 will not be required to contribute to universal service or comply with universal service reporting requirements. See 47 CFR Section 54.705. Obligation to comply: Mandatory.

Public reporting burden for the collections of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, D.C. 20554.

Federal Communications Commission.

**Magalie Roman Salas,**  
Secretary.

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

### Draft American Indian and Alaska Native Policy

**AGENCY:** Federal Emergency  
Management Agency (FEMA).

**ACTION:** Notice, with request for  
comments.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) has developed a draft American Indian and Alaska Native Policy that reflects the Agency's commitment to a government-to-government relationship. The draft policy reinforces the importance of partnership between and among all levels of government on issues related to disaster preparedness, mitigation, response and recovery. Contained within this draft policy are guiding principles for FEMA's interactions with Tribal governments.

**DATES:** We invite your comments on this policy and are extending the comment period to March 15, 1998.

**ADDRESSES:** Please send written comments to the Office of Policy and Regional Operations, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472. Comments may also be submitted via facsimile, (202) 646-4215, or by e-mail to Tribal.Liaison@fema.gov.

**FOR FURTHER INFORMATION CONTACT:** Rachael A. Rowland, Intergovernmental Affairs, Office of Policy and Regional Operations, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2889.

**SUPPLEMENTARY INFORMATION:** In order to provide more time for comments on this draft policy we are republishing this notice, which first appeared in the **Federal Register** on November 17, 1997, and we are extending the comment period to March 15, 1998. The draft FEMA American Indian and Alaska Native Policy follows:

The United States has historically bonded together during times of disaster to provide assistance to those who have suffered the losses of loved ones or personal belongings. The guiding principle of the Federal Emergency Management Agency is "people helping people." It is in this spirit that the Federal Emergency Management Agency declares its policy towards American Indians and Alaska Natives.

The American Indian and Alaska Native tribal governments hold a unique status in the United States with the rights and benefits of sovereign nations. This policy outlines the principles under which all employees of the Federal Emergency Management Agency are to operate with regard to American Indian and Alaska Native tribal governments. This policy is based on the United States Constitution, Federal treaties, policy, statutes, court decisions, and the ongoing political relationship between Indian tribes and the Federal Government.

In recognition of the historic relationship between the United States, the American Indians and Alaska Native tribal governments, the Federal Emergency Management Agency supports a government-to-government relationship between the Federal Government and American Indian and Alaska Native tribes.

This policy pertains to federally recognized tribes and provides guidance to employees of the Federal Emergency Management Agency for issues affecting American Indians and Alaska Natives. This policy does not apply to Federal Emergency Management Agency

interactions with State-recognized tribes, Indians, or Alaska Natives who are not members of tribes with respect to matters provided for by Federal statute or regulation.

This partnership is intended to be flexible and dynamic to provide for the evolution of the partnerships between the Federal Emergency Management Agency and American Indian governments. Working relationships between the Federal Emergency Management Agency and the American Indian governments will be generally consistent nationwide; however, they will vary according to the legal basis and management requirements for each relationship.

This policy is adopted pursuant to and consistent with existing law and does not preempt or modify the authorities of the Federal Emergency Management Agency or other Federal departments and agencies. Nor does the policy suggest recognition of tribal authority that does not currently exist. However, the Federal Emergency Management Agency need not wait for judicial recognition over emergency management programs when such authority is already supported by law. This policy is for internal management only and shall not be construed to grant or vest any right to any party in respect to any Federal action not otherwise granted or vested by existing law or regulations.

### Definitions

**Indian Tribe:** Any tribe, band, nation, Pueblo, or other organized group or community, including any Alaska Native Village (as defined in, or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*)), that is acknowledged by the Federal Government to constitute a tribe with a government-to-government relationship with the United States and eligible for the programs, services, and other relationships established by the United States for Indians because of their status as Indians and tribes.

**Tribal Government:** The recognized government of an Indian tribe and any affiliated or component Band government of such tribe that has been determined eligible for specific services by Congress or officially recognized by inclusion in 61 Fed. Reg. 58211, November 13, 1996, "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs."

### Policy Principles

The following policy statements provide general guidance to Federal Emergency Management Agency

employees for responsibilities associated with interactions with American Indian and Alaska Native governments.

*1. The Federal Emergency Management Agency recognizes and commits to a government-to-government relationship with American Indian and Alaska Native tribal governments.* The Federal Emergency Management Agency recognizes that the tribal right of self-government flows from the inherent sovereignty of Indian tribes and Indian nations and that Federally recognized tribes have a unique and direct relationship with the Federal Government. The Federal Emergency Management Agency further recognizes the rights of each tribal government to set its own priorities and goals for the welfare of its membership and that the Federal Emergency Management Agency will deal with each tribal government, when appropriate as determined by FEMA, to meet that tribe's needs.

*2. The Federal Emergency Management Agency acknowledges the policy commitments of the U.S. Congress and the Chief Executive as precedents.* The Federal Emergency Management Agency recognizes House Concurrent Resolution #331, passed in 1988, which declares the policy "To Acknowledge the Contribution of the Iroquois Confederacy of Nations to Reaffirm the Continuing Government-to-Government Relationship between Indian Tribes and the United States Established in the Constitution." In addition, the Federal Emergency Management Agency incorporates the Policy Memorandum of the White House, issued April 29, 1994, herein, as it guides the Executive Departments and Agencies in the "Government-to-Government Relations with Native American Tribal Governments."

*3. The Federal Emergency Management Agency acknowledges the trust relationship between the Federal Government and American Indian and Alaska Native tribes as established by specific statutes, treaties, court decisions, executive orders, regulations, and policies.* The Federal Emergency Management Agency recognizes its fiduciary relationship and recognizes its trust responsibility. Where appropriate as determined by FEMA, the Federal Emergency Management Agency will consult and work with tribal governments prior to implementing certain actions when developing legislation, regulations, or policies that will affect the sovereignty of tribal governments, their development efforts and their lands and resources.

*4. The Federal Emergency Management Agency will, where*

*appropriate as determined by FEMA, consult and work with tribal governments before making decisions or implementing policy, rules or programs that may affect tribes to ensure that tribal rights and concerns are addressed.* The Federal Emergency Management Agency recognizes that, as a sovereign government, the tribe is responsible for the welfare and rights of its membership. FEMA will, where appropriate as determined by FEMA, involve Indian tribes and seek tribal input at the appropriate level on policies, rules, programs and issues that may affect a tribe's sovereignty.

*5. The Federal Emergency Management Agency will encourage cooperation and partnership among Tribal, State, and local governments to resolve issues of mutual concern relating to emergency management.* Effective emergency management requires the cooperation, partnership, and mutual consideration of neighboring governments, whether those governments are neighboring tribes, States, local governments, or Indian nations. Accordingly, the Federal Emergency Management Agency will encourage early communication and partnership among tribes, States, local governments, and Indian nations. This is not intended to lend Federal support to any one party to the jeopardy of the interests of the other. Instead, it recognizes that, in the field of emergency management, problems are often shared and the principle of partnership between equals and neighbors often serves the best interests of both.

*6. The Federal Emergency Management Agency will identify and take appropriate steps to remove any impediments that diminish working directly and effectively with tribal governments.* The Federal Emergency Management Agency recognizes that there may be legal, procedural, organizational or other impediments that affect its working relationships with Indian tribes. The Federal Emergency Management Agency will apply the requirements of Executive Order 12875 ("Enhancing the Intergovernmental Partnership") to design solutions and tailor Federal programs, when appropriate as determined by FEMA, to address specific or unique needs of tribal communities. The Federal Emergency Management Agency will also use the National Performance Review and government reorganization to implement effective means for direct cooperation with tribal governments on issues that directly affect them.

*7. The Federal Emergency Management Agency will work*

*cooperatively with other Federal Departments and agencies, where appropriate as determined by FEMA, to further the goals of this policy.* The Federal Emergency Management Agency recognizes the importance of and is fully committed to the fulfillment of interagency partnership and will encourage communication, coordination and cooperation among all governmental agencies to ensure that the rights of tribal governments are fully represented and upheld.

*8. The Federal Emergency Management Agency will internalize this policy to the extent possible so that it will be incorporated into ongoing and long-term planning and management processes, as well as day-to-day operations.* The Federal Emergency Management Agency will to the extent possible effectively and fully incorporate all of the principles of this policy into all operations and basic tenets of its mission. The Agency will identify the office or individual to coordinate this policy and act as a liaison with American Indian and Alaska Native Tribes in implementing and working with the policy and principles.

*9. The effective date of this policy is upon signature by the Federal Emergency Management Agency after coordination and consultation with tribal governments.* As Director of the Federal Emergency Management Agency, I am designating Intergovernmental Affairs, Office of Policy and Regional Operations, as the focal point for coordination and implementation of this Interim Policy. I am further appointing a task force of representatives of the various program and support elements of the Federal Emergency Management Agency to define those ways in which the Agency can, when appropriate as determined by FEMA, fulfill the terms of this Interim Policy.

Therefore, as Director of the Federal Emergency Management Agency, I hereby direct all Agency components to implement this policy by incorporating all of the above principles in their planning and management activities, their legislative initiatives, as well as their policy development.

Dated: January 30, 1998.

**James L. Witt,**

Director.

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