

Congress of the United States
Washington, DC 20510

January 10, 2012

Secretary Ken Salazar
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Secretary Tom Vilsack
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Secretary Shaun Donovan
U.S. Department of Housing and Urban Development
451 7th Street S.W.
Washington, DC 20410

Dear Secretaries Salazar, Vilsack and Donovan:

We are writing to request your assistance in identifying federal programs under the control of your respective agencies that promote Indian housing and economic development. We believe this information will be useful to the Navajo Nation and others seeking to address one of the most desperate and tragic housing situations found in Indian Country known as the Bennett Freeze.

As you know, the former Bennett Freeze area is located in western area of the Navajo Nation, Arizona, and was the product of a longstanding Indian land dispute aggravated by the federal government's inexact delineation of Navajo and Hopi Indian reservation boundaries. In response to a myriad of legal questions and court challenges involving Navajo families who settled on Hopi territory and vice versa, Bureau of Indian Affairs (BIA) Commissioner Robert Bennett issued an administrative order in 1966 banning housing construction and development on approximately 700,000 acres. This decision, which was later codified by Congress as part of the Navajo-Hopi Land Settlement Act, effectively prevented about 7,000 Navajos living in the area from building new homes, improving roads and infrastructure, or making improvements on their existing homes.

The freeze was intended to be a temporary measure to prevent one tribe infringing on another until the dispute could be resolved. Unfortunately, the conflict was nowhere near resolution until 2006 when both tribes signed a historic intergovernmental compact that ended outstanding litigation. In 2009, Congress passed legislation (P.L. 111-18) which formally repealed the Bennett Freeze order previously codified at 25 U.S. C. 640d-9(f). All this time, however, housing conditions in the freeze area haven't changed in half a century. Generations of

families have been forced to live together in crumbling homes that lack electricity, running water, or natural gas. While the area's population has increased by approximately 65%, most of the homes have been declared unfit for human habitation.

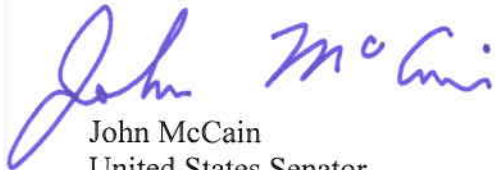
We believe that the federal government's new focus for this area should be to improve the housing conditions and promote economic development for those living in the former freeze area. It is our hope that this can be accomplished through the principles of tribal self-governance and Indian self-determination, rather than the creation or expansion of federal programs, and consistent with the federal government's trust obligation for Native Americans. In your response please identify the following:

- 1) Competitive programs for Indian housing and economic development that could assist an area like the former Bennett Freeze area.
- 2) Formula programs for Indian housing and economic development and instructions on how to participate.
- 3) Potential programs that promote small business development and entrepreneurship.
- 4) Any unobligated funds currently available to the Navajo Nation under the Native American Housing and Self Determination Act that could be utilized in the former Freeze area.
- 5) Any readily identifiable federal regulations or policies that are inhibiting private investment or economic development for the former Freeze area.


As our nation continues to struggle with tough budgetary challenges, we are cognizant that it may become necessary to scale back or eliminate some of the federal programs you'll identify. Therefore, we ask that your response provide as much information as possible on those federal programs with a proven track record of success and exclude programs that are duplicative or at risk for fraud, waste, and abuse. If you have any questions, please contact Nick Matiella, Office of Senator John McCain, 241 Russell Senate Office Bldg., Washington, DC 20510; 202-224-2235.

Thank you for your attention to this important matter.

Sincerely,



John McCain
United States Senator



Jon Kyl
United States Senator



Paul Gosar
Member of Congress