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# United States Senate

COMMITTEE ON INDIAN AFFAIRS

WASHINGTON, DC 20510-6450

<http://indian.senate.gov>

June 28, 2006

The Honorable Alphonso R. Jackson  
U.S. Department of Housing and Urban Development  
Robert C. Weaver Federal Building  
451 Seventh Street, SW  
Mail Stop S  
Washington, D.C. 20410

*Re: Fort Peck Housing Authority v. U.S. Dep't. of Housing and Urban  
Development, et al., Case No. 05-cv-00018-RPM-CBS*

Dear Secretary Jackson:

We write to you regarding the Department of Housing and Urban Development (Department) letter to Indian tribal leaders, dated June 9, 2006, in response to the court's decision in the above-referenced case. In that case, the district court invalidated a regulation issued pursuant to the Native American Housing Assistance and Self-Determination Act governing the Formula Current Assisted Stock component of the Indian Housing Block Grant (IHBG) allocation formula. The Department's letter informed the Indian tribes that it will not process any further FY 2006 IHBG awards.

The Committee is deeply concerned about the far-reaching impacts that the Department's decision may have on Indian housing. We understand from testimony before the Committee this morning at our oversight hearing on Indian housing that nearly 561 Indian tribes may be affected and hundreds of millions of dollars potentially held up because of this decision.

To reiterate the point we made during the Committee hearing this morning, we vigorously oppose the decision to withhold all further funding of FY 2006 IHBG awards for other tribes not involved in this litigation. As you know, severe overcrowding and homelessness exist in Indian communities and the funding from these awards is critical to addressing these problems. The Committee questions any solution that will have the effect of worsening the housing problems experienced by Indian communities.

Understandably, you may have concerns about the implications of the district court's decision. However, we are confident that the Department can resolve this matter in a way that will not drastically disrupt Indian housing programs.

We urge you to continue funding the FY 2006 IHBG awards while exploring other approaches to address the district court's decision. Please inform us of any developments in this matter as well as any recommendations for our consideration.

We look forward to your response.

Sincerely,



John S. McCain  
Chairman



Byron L. Dorgan  
Vice Chairman