

**Tilford Denver, Vice-Chairman, Bishop Paiute Tribe**  
**Testimony before the House Committee on Appropriations**  
**Subcommittee for Interior, Environment, and Related Agencies**  
**February 12, 2020**

Chairwoman McCollum, Ranking Member Calvert, Members of the committee,

Good afternoon, and thank you for the opportunity to testify before the Committee and to provide input in the federal appropriations process. My name is Tilford Denver, and I am the Vice-Chairman of the Bishop Paiute Tribe. With more than 2,000 enrolled members, the Bishop Paiute Tribe is the 5th largest Tribe in the state of California.

Located at the foot of the Eastern Sierra Nevada Mountains in California's Owens Valley, the Bishop Paiute Tribe faces a unique set of challenges. Our reservation encompasses less than one square mile, the majority of which is already developed with housing and our government's footprint. As a result, we have had to make difficult decisions about how best to use what's left of our land to support our people.

The tribe has historically used, and is currently seeking out, a number of federal grants and loan guarantees. This funding will be used to educate, provide health care, and create economic opportunity for our people.

**ICDBG Funding**

The Bishop tribe is proud of our comprehensive Elders program that supports seniors living on the Bishop Paiute Indian Reservation. The Bishop Tribal Elders Program offers a nutrition program, caregivers support program, supportive services, and assistance through a combination of a Title VI Nutrition Services Improvement Program grant, support from the Owens Valley Career Development Center tribal TANF program, and direct support from the Bishop Paiute Tribe.

With a total Tribal Elder population of 396 – the largest Elder population that the Tribe has ever had - we are struggling to accommodate growing needs of this community. To achieve this, the Bishop Paiute Tribe is going to submit an Indian Community Development Block Grant (ICDBG) for the remodel of the current Elders building. If funded this grant will provide funding for needed kitchen improvements, fire sprinklers, solar panels, a walk in freezer, expansion for the current dining area and lobby, backup generators, improved access to/from the parking lot, a new multi use room, and other essential upgrades.

I know that ours is not the only meritorious application for funding from this program, so I respectfully request that Congress provide robust funding for this program across the board so that applications like ours can be fully funded.

### **Hunting Permit**

Hunting and fishing have been fundamental components of our history for thousands of years yet, like many tribes, we lack treaty rights allowing us to carry out these cultural practices.

Hunting and fishing on federal lands is generally governed by state laws, and as hunting in our region is popular, access is limited to those individuals who have received a permit through the statewide lottery. As a result, our members who sought to engage in traditional hunting practices have been unable to do so legally for years.

However, we are pleased to report that the Bishop Tribe recently signed a Memorandum Of Understanding with the California Department of Fish & Wildlife that stipulates that Members of the Bishop Tribe may carry out limited traditional hunting activities in support of culturally significant practices.

We appreciate the open mind with which the State Department of Fish and Game approached our request and we would urge the Committee to work federal land management agencies try and replicate agreements like this one for other tribes.

### **Tribal justice funding**

The Bishop Paiute Tribe also respectfully requests that the Committee direct the Bureau of Indian Affairs to provide equitable law enforcement and tribal court funding to tribal governments in P.L. 280 states. As you know, P.L. 280 takes primary criminal jurisdiction away from the federal government and gives it to state law enforcement agencies in California, Minnesota, Nebraska, Oregon, Wisconsin, and Alaska.

Notwithstanding the fact that primary jurisdiction resides with the State in our community, our people are still entitled to a functional law enforcement and judicial system. The Bureau must allocate more robust funding under the Operation of Indian Programs, Public Safety and Justice account to strengthen these services in PL 280 states. Failure to do so exacerbates the inability of Bishop Paiute Tribal Police to work in concert with local law enforcement in our county--a failure that has already led to significant miscarriages of justice for our tribal members and officers.

## **Fair-Market Rent for Tribal TANF Facilities**

Lastly, I would like to once again draw this Committee and Congress' attention to an injustice our tribe continues to struggle with. As I mentioned earlier in my testimony, our tribe's land base is woefully inadequate to support our tribal membership. Many tribal members who want to live on the Bishop Paiute reservation are unable to do so. Still, the tribe chose to allow the Owens Valley Career Development Center to locate its headquarters on tribal land because we wanted to make it as easy as possible for tribal members to access the TANF services available there. Unfortunately, in contradiction of how every other program under the Indian Self Determination and Education Assistance Act of 1975 (ISDEAA), HHS has interpreted tribal TANF statute to prevent our tribe from recouping fair market rent for the facilities and land used by the program.

We do not believe that Congress intended for this, and in fact the underlying statute explicitly allows the principals of ISDEAA to apply to rent for tribal TANF facilities. Failing to allow tribes to charge fair market rents for the placement of TANF facilities on tribal lands can result in the diversion of scarce resources toward facilities owned by non-Indian landowners that are far removed from reservation communities and target populations.

Several years ago, Congress included report language directing HHS to work with tribes to resolve this issue. Despite this, HHS has done nothing to resolve the problem, and has demonstrated a continued unwillingness to consider a more sensible interpretation of statute. The Bishop Paiute Tribe will continue working with the authorizing Committee, the Administration, and this Committee to address this issue.

## **Conclusion**

In conclusion, I would like to reiterate Bishop Paiute's thanks to the Committee for the opportunity to provide testimony, and for Congress' continued support for tribal programs. While many continue to be underfunded, this Committee has worked hard to support tribes, at times at the cost of other important non-Indian programs. We still have a long way to go to fully funding the federal trust responsibility to tribes, but it is comforting to know that so many of the Members on this Committee are with us and fighting alongside us toward this end. Thank you.