

106TH CONGRESS
2D SESSION

H. R. 4338

To restore the reservation lands of the Elk Valley Band of Indians of the
Elk Valley Rancheria of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2000

Mr. THOMPSON of California introduced the following bill; which was referred
to the Committee on Resources

A BILL

To restore the reservation lands of the Elk Valley Band
of Indians of the Elk Valley Rancheria of California,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Elk Valley Land Restoration Act”.

6 (b) FINDINGS.—Congress finds the following:

7 (1) In *Hardwick v. United States of America*,
8 United States District Court, Northern District of
9 California, Case No. C-79-1710-SW, the Court de-
10 clared that the plaintiff Elk Valley Rancheria “were

1 never and are not now lawfully terminated under the
2 California Rancheria Act of August 18, 1958 (72
3 Stat. 619), as amended by the Act of August 11,
4 1964 (78 Stat. 390), in that the requirements of
5 section 3 of that Act were not fulfilled prior to the
6 conveyance of the deeds to the Rancheria Parcels”.

7 (2) As a direct result of its unlawful termi-
8 nation and subsequent conveyance of Rancheria par-
9 cels to third parties, the United States no longer
10 owns any lands in trust for the Elk Valley Band.

11 (3) The Court held that “as a consequence, (it)
12 has authority as a court of equity to remedy the ef-
13 fects of the premature and unlawful termination of
14 the plaintiff Rancherias”.

15 (4) Pursuant to the Court’s judgment, the Sec-
16 retary of the Interior published a notice in the Fed-
17 eral Register (Vol. 63, No. 250, December 30, 1998)
18 acknowledging that the United States maintains a
19 government-to-government relationship with the Elk
20 Valley Band of Indians of the Elk Valley Rancheria
21 of California.

22 (5) Recognizing the special trust relationship
23 between the United States and the Elk Valley Band
24 and acknowledging that the United States was re-
25 sponsible for the premature and unlawful termi-

1 nation of the Elk Valley Band’s reservation, the
2 United States has an obligation to restore a reserva-
3 tion for the Band.

4 (6) The best means of accomplishing this goal
5 is to require the Secretary of the Interior to take
6 title to lands acquired by the Elk Valley Band in Del
7 Norte County, California, in the name of the United
8 States of America in trust for the Band subject to
9 the provisions of this Act.

10 **SEC. 2. DEFINITIONS.**

11 For purposes of this Act:

12 (1) **TRIBE.**—The term “Tribe” means the Elk
13 Valley Band of Indians of the Elk Valley Rancheria
14 of California.

15 (2) **SECRETARY.**—The term “Secretary” means
16 the Secretary of the Interior.

17 **SEC. 3. TRANSFER OF LAND TO BE HELD IN TRUST.**

18 (a) **LANDS TO BE TAKEN IN TRUST.**—The Secretary
19 shall accept title to and take into trust for the benefit of
20 the Tribe any real property located in Del Norte County,
21 California, if—

22 (1) such property is conveyed or otherwise
23 transferred to the Secretary by or for the benefit of
24 the Tribe; and

1 (2) at the time of such conveyance or transfer,
2 there are no adverse legal claims to such property,
3 including outstanding liens, mortgages, or taxes
4 owed.

5 (b) LANDS TO BE PART OF RESERVATION.—Any
6 real property taken into trust pursuant to subsection (a)
7 shall be considered part of the Tribe’s initial reservation.

8 (c) SERVICE AREA.—For the purposes of the delivery
9 of Federal services to enrolled members of the Tribe, the
10 Tribe’s service area shall be deemed to be the area com-
11 prised of Del Norte County, California.

12 **SEC. 4. GENERAL PROVISION.**

13 The Secretary may promulgate such regulations as
14 may be necessary to carry out the provisions of this Act.

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