

**Calendar No. 472**118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2088****[Report No. 118–208]**

To direct the Secretary of the Interior to complete all actions necessary for certain land to be held in restricted fee status by the Oglala Sioux Tribe and Cheyenne River Sioux Tribe, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

JUNE 21, 2023

Mr. ROUNDS (for himself and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

AUGUST 1, 2024

Reported by Mr. SCHATZ, without amendment

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**A BILL**

To direct the Secretary of the Interior to complete all actions necessary for certain land to be held in restricted fee status by the Oglala Sioux Tribe and Cheyenne River Sioux Tribe, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Wounded Knee Mas-  
3 sacre Memorial and Sacred Site Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **RESTRICTED FEE STATUS.**—The term “re-  
7 stricted fee status” means a status in which the  
8 Tribal land—

9 (A) shall continue to be owned by the  
10 Tribes;

11 (B) shall be part of the Pine Ridge Indian  
12 Reservation and expressly made subject to the  
13 civil and criminal jurisdiction of the Oglala  
14 Sioux Tribe;

15 (C) shall not be transferred without the  
16 consent of Congress and the Tribes;

17 (D) shall not be subject to taxation by a  
18 State or local government; and

19 (E) shall not be subject to any provision of  
20 law providing for the review or approval by the  
21 Secretary of the Interior before the Tribes may  
22 use the land for any purpose as allowed by the  
23 document titled “Covenant Between the Oglala  
24 Sioux Tribe and the Cheyenne River Sioux  
25 Tribe” and dated October 21, 2022, directly, or  
26 through agreement with another party.

1           (2) SECRETARY.—The term “Secretary” means  
2 the Secretary of the Interior.

3           (3) TRIBAL LAND.—The term “Tribal land”  
4 means the approximately 40 acres (including the  
5 surface and subsurface estate, and mineral estate,  
6 and any and all improvements, structures, and per-  
7 sonal property on those acres) on the Pine Ridge In-  
8 dian Reservation in Oglala Lakota County, at Rural  
9 County Road 4, Wounded Knee, South Dakota, and  
10 generally depicted as “Area of Interest” on the map  
11 entitled “Wounded Knee Sacred Site and Memorial  
12 Land” and dated October 26, 2022, which is a seg-  
13 ment of the December 29, 1890, Wounded Knee  
14 Massacre site.

15           (4) TRIBES.—The term “Tribes” means the  
16 Oglala Sioux Tribe and Cheyenne River Sioux Tribe  
17 of the Cheyenne River Reservation, both tribes being  
18 among the constituent tribes of the Great Sioux Na-  
19 tion and signatories to the Fort Laramie Treaty of  
20 1868 between the United States of America and the  
21 Great Sioux Nation, 15 Stat. 635.

22 **SEC. 3. LAND HELD IN RESTRICTED FEE STATUS BY THE**  
23 **TRIBES.**

24           (a) ACTION BY SECRETARY.—Not later than 365  
25 days after enactment of this Act, the Secretary shall—

1           (1) complete all actions, including documenta-  
2           tion and minor corrections to the survey and legal  
3           description of Tribal land, necessary for the Tribal  
4           land to be held by the Tribes in restricted fee status;  
5           and

6           (2) appropriately assign each applicable private  
7           and municipal utility and service right or agreement  
8           with regard to the Tribal land.

9           (b) CONDITIONS.—

10           (1) FEDERAL LAWS RELATING TO INDIAN  
11           LAND.—Except as otherwise provided in this Act,  
12           the Tribal land shall be subject to Federal laws re-  
13           lating to Indian country, as defined by section 1151  
14           of title 18, United States Code and protected by the  
15           restriction against alienation in section 177 of title  
16           25, United States Code.

17           (2) USE OF LAND.—The Tribal land shall be  
18           used for the purposes allowed by the document titled  
19           “Covenant Between the Oglala Sioux Tribe and the  
20           Cheyenne River Sioux Tribe” and dated October 21,  
21           2022.

22           (3) ENCUMBRANCES AND AGREEMENTS.—The  
23           Tribal land shall remain subject to any private or  
24           municipal encumbrance, right-of-way, restriction,

1       easement of record, or utility service agreement in  
2       effect on the date of the enactment of this Act.

3               (4) GAMING.—Pursuant to the document titled  
4       “Covenant Between the Oglala Sioux Tribe and the  
5       Cheyenne River Sioux Tribe” and dated October 21,  
6       2022, the Tribal land shall not be used for gaming  
7       activity under the Indian Gaming Regulatory Act  
8       (25 U.S.C. 2701 et seq.).

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