

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 278

To authorize the establishment of the Chief Big Foot National Memorial Park and the Wounded Knee National Memorial in the State of South Dakota, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, (legislative day, JANUARY 5), 1993

Mr. DASCHLE (for himself, Mr. PRESSLER, Mr. CAMPBELL, and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To authorize the establishment of the Chief Big Foot National Memorial Park and the Wounded Knee National Memorial in the State of South Dakota, 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.**

4 This Act may be cited as the “Chief Big Foot Na-  
5 tional Memorial Park and Wounded Knee National Memo-  
6 rial Establishment Act of 1993”.

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—The Congress finds that—

1           (1) in December 1890, approximately 350–75  
2 Sioux men, women and children under the leadership  
3 of Chief Big Foot journeyed from the Cheyenne  
4 River Indian Reservation to the Pine Ridge Indian  
5 Reservation on the invitation of Chief Red Cloud to  
6 help make peace between Indians and non-Indians;

7           (2) the journey of Chief Big Foot and his band  
8 of Minneconjou Sioux occurred during the Ghost  
9 Dance period when extreme hostility existed between  
10 Sioux Indians and non-Indians residing near the  
11 Sioux reservations, and the United States Army as-  
12 sumed control of the Sioux reservations;

13           (3) Chief Big Foot and his band were inter-  
14 cepted on the Pine Ridge Indian Reservation at Por-  
15 cupine Butte by Major Whitside, and surrendered  
16 unconditionally under a white flag of truce and were  
17 escorted to Wounded Knee Creek where Colonel  
18 Forsyth assumed command;

19           (4) on December 29, 1890, an incident occurred  
20 in which soldiers under Colonel Forsyth's command  
21 killed and wounded over 300 members of Chief Big  
22 Foot's band, almost all of whom were unarmed and  
23 entitled to protection of their rights to property, per-  
24 son and life under Federal law (see 19 Stat. 254,  
25 Art. 8);

1 (5) the 1890 Wounded Knee Massacre is a his-  
2 torically significant event in that it marks the last  
3 military encounter of the Indian wars period;

4 (6) the Congress apologized to the Sioux people  
5 for the 1890 Massacre in Senate Concurrent Resolu-  
6 tion No. 153 of the 101st Congress and stated  
7 therein that Congress:

8 (A) “expresses its support for the estab-  
9 lishment of a suitable and appropriate Memo-  
10 rial to those who were so tragically slain at  
11 Wounded Knee which could inform the Amer-  
12 ican public of the historic significance of the  
13 events at Wounded Knee and accurately portray  
14 the heroic and courageous campaign waged by  
15 the Sioux people to preserve and protect their  
16 lands and their way of life during this period”;  
17 and

18 (B) “hereby expresses its commitment to  
19 acknowledge and learn from our history, includ-  
20 ing the Wounded Knee Massacre, in order to  
21 provide a proper foundation for building an ever  
22 more humane, enlightened, and just society for  
23 the future”;

24 (7) the Wounded Knee Massacre site and sites  
25 relating to the 1890 Wounded Knee Massacre on the

1 Cheyenne River Indian Reservation and Pine Ridge  
2 Indian Reservation are nationally, significant cul-  
3 tural and historic sites that must be protected  
4 through the designation of the sites as a national  
5 memorial park; and

6 (8) the Wounded Knee Massacre is a nationally  
7 significant event that must be memorialized through  
8 the erection of a suitable and appropriate memorial  
9 to the Indian victims.

10 (b) PURPOSES.—The Congress declares that the pur-  
11 poses of this Act are to—

12 (1) establish the Chief Big Foot National Me-  
13 morial Park consisting of—

14 (A) the 1890 Wounded Knee Massacre  
15 site, and sites relating to the massacre located  
16 on the Pine Ridge Indian Reservation, which  
17 shall be referred to as the “south unit”; and

18 (B) sites relating to the 1890 Wounded  
19 Knee Massacre located on the Cheyenne River  
20 Indian Reservation, which shall be referred to  
21 as the “north unit”;

22 (2) erect suitable and appropriate structures  
23 within the national memorial park to memorialize  
24 the Indian victims of the 1890 Wounded Knee Mas-  
25 sacre; and

1 (3) authorize feasibility studies to—

2 (A) establish Chief Big Foot’s route from  
3 the Cheyenne River Indian Reservation to  
4 Wounded Knee as a national historic trail;

5 (B) establish visitor centers on Interstate  
6 90 at Cactus Flats and on the Cheyenne River  
7 Indian Reservation; and

8 (C) establish a scenic two-lane highway  
9 called the “Crazy Horse Memorial Highway”  
10 from Interstate 90 to Wounded Knee, and west-  
11 ward from Wounded Knee to Highway 79.

12 **SEC. 3. ESTABLISHMENT OF CHIEF BIG FOOT NATIONAL**  
13 **MEMORIAL PARK.**

14 (a) ESTABLISHMENT.—There is established a na-  
15 tional memorial park to be known as the “Chief Big Foot  
16 National Memorial Park”. The national memorial park  
17 shall consist of all tribal lands acquired by the Secretary  
18 of the Interior for that purpose pursuant to sections 4 and  
19 5 of this Act.

20 (b) EFFECTIVE DATE.—Subsection (a) of this section  
21 shall take effect on the date of publication by the Sec-  
22 retary, pursuant to section 4 of this Act, of a notice that  
23 the Secretary has accepted the leasehold interests that  
24 meet the requirements of this Act.

1 **SEC. 4. ACQUISITION OF LANDS FOR CHIEF BIG FOOT NA-**  
2 **TIONAL MEMORIAL PARK.**

3 (a) **AUTHORITY OF SECRETARY.**—(1) If no later than  
4 36 months after the date of enactment of this Act, the  
5 Oglala Sioux Tribe, after consultation with the Bureau of  
6 Indian Affairs, offers to the Secretary a leasehold interest  
7 in tribal trust lands located on the Pine Ridge Indian Res-  
8 ervation meeting the requirements of this Act, the Sec-  
9 retary shall accept such leasehold on behalf of the Na-  
10 tional Park Service and publish in the Federal Register  
11 a notice of such acceptance.

12 (2) Within 12 months of the date the Secretary first  
13 accepts a leasehold interest in trust lands on the Pine  
14 Ridge Indian Reservation under paragraph (1), the Chey-  
15 enne River Sioux Tribe, after consultation with the Sec-  
16 retary, may offer to the Secretary a leasehold interest in  
17 tribal trust lands located on the Cheyenne River Indian  
18 Reservation meeting the requirements of this Act. The  
19 Secretary shall accept such leasehold on behalf of the Na-  
20 tional Park Service and publish in the Federal Register  
21 a notice of such acceptance.

22 (b) **REQUIREMENTS FOR ACCEPTANCE OF LEASE-**  
23 **HOLD INTERESTS.**—The Secretary shall accept a leasehold  
24 of any tribally owned lands under subsection (a) of this  
25 section if such leasehold—

1           (1) would continue for a period of at least 99  
2 years;

3           (2) would require no rentals or other payments  
4 by the United States to the Cheyenne River Sioux  
5 Tribe or Oglala Sioux Tribe, or any other party ex-  
6 cept for the allocation of fees, as provided in section  
7 5(d)(2)(A); and

8           (3) would be applicable to—

9           (A) no less than 40 acres located within  
10 the Pine Ridge Indian Reservation, including  
11 but not limited to the Wounded Knee Massacre  
12 grave site and other lands identified in the  
13 1990 boundaries studies authorized by the Na-  
14 tional Park Service, as the Director of the Na-  
15 tional Park Service, in consultation with the  
16 Oglala Sioux Tribal Council, would deem nec-  
17 essary to include in the national memorial park  
18 established in section 3 of this Act; and

19           (B) no less than 40 acres located within  
20 the Cheyenne River Indian Reservation, includ-  
21 ing but not limited to sites related to the 1890  
22 Wounded Knee Massacre, as the Director of the  
23 National Park Service, in consultation with the  
24 Cheyenne River Tribal Council, would deem

1           necessary to include in the national memorial  
2           park established in section 3 of this Act.

3           (c) BUFFER ZONE.—The Secretary shall establish, in  
4           consultation with the Cheyenne River Sioux Tribal Council  
5           or Oglala Sioux Tribal Council, a buffer zone around the  
6           tribal lands leased to the Secretary under subsection (b)  
7           of this section.

8           (d) ACQUISITION OF PRIVATELY HELD LANDS.—(1)  
9           The Secretary is authorized to acquire by purchase, dona-  
10          tion, condemnation, or otherwise, all surface and sub-  
11          surface rights to any tract of fee patented land which the  
12          Director of the National Park Service, in consultation with  
13          the Oglala Sioux Tribal Council, shall deem necessary to  
14          include in the national memorial park located within the  
15          Pine Ridge Indian Reservation. All lands acquired by the  
16          Secretary under this subsection shall be taken in the name  
17          of the United States of America in trust for the Oglala  
18          Sioux Tribe and shall be subject to lease under subsections  
19          (a)(1) and (b) of this section.

20          (2) The Secretary is authorized and directed to pro-  
21          vide all assistance necessary, including financial assist-  
22          ance, to the Oglala Sioux Tribe in acquiring lands within  
23          the Wounded Knee Massacre site as defined in the 1990  
24          boundaries studies authorized by the National Park Serv-  
25          ice. Financial assistance shall include all costs associated

1 with the relocation of businesses, homes and other struc-  
2 tures of persons who may wish to sell or exchange their  
3 lands with the Tribe. All lands acquired by the Secretary  
4 pursuant to this section shall be taken in the name of the  
5 United States of America in trust for the Oglala Sioux  
6 Tribe. The period of trust on all lands acquired for the  
7 tribe shall continue until otherwise provided by Congress.

8 (e) MAP.—As soon as possible after the publication  
9 of the first notice of acceptance pursuant to subsection  
10 (a) of this section, the Secretary shall prepare a map of  
11 the Chief Big Foot National Memorial Park and shall pro-  
12 vide copies of such map to the Committee on Natural Re-  
13 sources of the House of Representatives, the Committee  
14 on Energy and Natural Resources, the Select Committee  
15 on Indian Affairs of the Senate, the Cheyenne River Sioux  
16 Tribe and the Oglala Sioux Tribe.

17 (f) BOUNDARY ADJUSTMENTS.—The Secretary, after  
18 consultation with the Advisory Commission and with the  
19 agreement of the Cheyenne River Sioux Tribal Council  
20 and Oglala Sioux Tribal Council, may make minor revi-  
21 sions in the boundary of the park. Prior to making any  
22 such revision, the Secretary shall provide notice of the pro-  
23 posed changes in the boundary to the Committee on Natu-  
24 ral Resources of the House of Representatives, the Com-  
25 mittee on Energy and Natural Resources, the Select Com-

1 mittee on Indian Affairs of the Senate, the Cheyenne  
2 River Sioux Tribe and the Oglala Sioux Tribe. No such  
3 revision shall take effect until after the expiration of 60  
4 days following the date on which such notice was provided  
5 to such committees and tribes. After the effective date of  
6 any such revision, the Secretary shall prepare a revised  
7 map of the park, copies of which shall be provided to such  
8 committees, the Cheyenne River Sioux Tribe and the Og-  
9 lala Sioux Tribe.

10 **SEC. 5. MANAGEMENT.**

11 (a) PURPOSES.—(1) The Secretary, acting through  
12 the Director of the National Park Service, and in consulta-  
13 tion with the Advisory Commission established pursuant  
14 to section 8 of this Act, shall manage the lands covered  
15 by any leasehold accepted by the Secretary pursuant to  
16 section 3 as a unit of the National Park System consistent  
17 with the provisions of this Act, and the Act of August 25,  
18 1916 (16 U.S.C. 1 et seq.), as amended and supple-  
19 mented, and the Act of August 21, 1935 (16 U.S.C. 461),  
20 as amended.

21 (2) The Secretary shall protect, manage and admin-  
22 ister the national memorial park for all the purposes con-  
23 tained in this Act, and particularly for the purpose of pro-  
24 tecting the historical significance of the 1890 Wounded

1 Knee Massacre site, and protecting and promoting Sioux  
2 history and culture.

3 (3) In implementing this Act, the Secretary shall fully  
4 cooperate with the Cheyenne River Sioux Tribe and Oglala  
5 Sioux Tribe.

6 (b) JURISDICTION.—(1) The Secretary is authorized  
7 to enter into agreements, including cross deputization  
8 agreements, with the Cheyenne River Sioux Tribe and Og-  
9 lala Sioux Tribe for the purpose of law enforcement within  
10 the national memorial park.

11 (2) Nothing contained in this Act is intended to in-  
12 crease the criminal and civil jurisdiction of the State of  
13 South Dakota on the Cheyenne River Indian Reservation  
14 or Pine Ridge Indian Reservation.

15 (3) Nothing contained in this Act is intended to in-  
16 crease the criminal or civil jurisdiction of the Cheyenne  
17 River Sioux Tribe over the Pine Ridge Indian Reservation  
18 or the criminal or civil jurisdiction of the Oglala Sioux  
19 Tribe over the Cheyenne River Indian Reservation.

20 (c) CONSULTATION.—The Secretary, acting through  
21 the Director of the National Park Service, shall consult  
22 not less than 4 times each year with the Commission es-  
23 tablished pursuant to section 8 of this Act. The Commis-  
24 sion shall advise the Secretary on the management, oper-  
25 ation and maintenance of the national memorial park.

1 (d) FEES.—(1) All enrolled members of the following  
2 named tribes:

3 (A) Cheyenne River Sioux Tribe;

4 (B) Crow Creek Sioux Tribe;

5 (C) Devils Lake Sioux Tribe;

6 (D) Flandreau Santee Sioux Tribe;

7 (E) Lower Brule Sioux Tribe;

8 (F) Lower Sioux Tribe of Minnesota;

9 (G) Oglala Sioux Tribe;

10 (H) Prairie Island Sioux Tribe of Minnesota;

11 (I) Rosebud Sioux Tribe;

12 (J) Shakopee-Mdewakanton Sioux Tribe of  
13 Minnesota;

14 (K) Sisseton-Wahpeton Sioux Tribe;

15 (L) Standing Rock Sioux Tribe;

16 (M) Santee Sioux Tribe of Nebraska;

17 (N) Sioux Tribe of the Fort Peck Reservation;

18 (O) Upper Sioux Tribe of Minnesota;

19 (P) Yankton Sioux Tribe; and

20 (Q) Sioux Tribes of Canada

21 shall be exempt from the payment of any fees for admis-  
22 sion into the national memorial park.

23 (2) The Secretary shall collect the admission fee from  
24 all other persons entering the park. All fees collected shall

1 be disbursed yearly to the Cheyenne River Sioux Tribe and  
2 Oglala Sioux Tribe on a proportional basis as follows:

3 (A) an equivalent yearly lease payment shall be  
4 paid to each tribe for tribal lands leased to the Sec-  
5 retary under section 4 of this Act; and

6 (B) the remainder of each tribe's respective  
7 share shall be paid to the Cheyenne River Sioux  
8 Tribal College and the Oglala Lakota College to be  
9 used for scholarships for tribal members attending  
10 such colleges.

11 (e) TRAINING.—In furtherance of the purposes stated  
12 in section 2(b) of this Act, and after consultation with the  
13 Advisory Commission established by section 8, the Sec-  
14 retary is authorized to enter into cooperative agreements  
15 with the Cheyenne River Sioux Tribe and Oglala Sioux  
16 Tribe for the purpose of providing training to tribal mem-  
17 bers on the interpretation, management, protection and  
18 preservation of historical properties and in the provision  
19 of public services on the Cheyenne River Indian Reserva-  
20 tion and Pine Ridge Indian Reservation needed for the  
21 fulfillment of the purposes of this Act.

22 (f) PREFERENCE.—To the extent feasible and per-  
23 missible under existing law, the Secretary shall give pref-  
24 erence to employing qualified members of the Cheyenne  
25 River Sioux Tribe and Oglala Sioux Tribe in the develop-

1 ment, interpretation and management of the national me-  
2 morial park, and in carrying out other activities related  
3 to the park.

4 **SEC. 6. ESTABLISHMENT OF WOUNDED KNEE NATIONAL**  
5 **MEMORIAL; AUTHORIZATION FOR CHIEF BIG**  
6 **FOOT NATIONAL HISTORIC TRAIL; CACTUS**  
7 **FLATS/CHEYENNE RIVER INDIAN RESERVA-**  
8 **TION VISITOR CENTERS AND CRAZY HORSE**  
9 **MEMORIAL HIGHWAY FEASIBILITY STUDIES.**

10 (a) ESTABLISHMENT OF WOUNDED KNEE NATIONAL  
11 MEMORIAL.—The Secretary, after consultation with the  
12 Wounded Knee Survivors Associations of the Cheyenne  
13 River Indian Reservation and Pine Ridge Indian Reserva-  
14 tion, shall plan, design and construct a suitable and appro-  
15 priate memorial dedicated to the Indian victims of the  
16 1890 Wounded Knee Massacre. The memorial shall be  
17 known as the “Wounded Knee National Memorial” and  
18 shall consist of:

19 (1) a structure located within the boundaries of  
20 the South Unit of the Chief Big Foot National Me-  
21 morial Park; and

22 (2) a related structure located within the  
23 boundaries of the North Unit of the Chief Big Foot  
24 National Memorial Park.

1 (b) UPKEEP AND REPAIR OF WOUNDED KNEE NA-  
2 TIONAL MEMORIAL AND RELATED STRUCTURE.—The  
3 Secretary, acting through the Director of the National  
4 Park Service, and in consultation with the Advisory Com-  
5 mission established pursuant to section 8, shall be respon-  
6 sible for the operation, maintenance, upkeep and repair  
7 of the Wounded Knee National Memorial, and the related  
8 structure located on the Cheyenne River Reservation.

9 (c) FEASIBILITY STUDIES FOR CHIEF BIG FOOT NA-  
10 TIONAL HISTORICAL TRAIL; CACTUS FLATS/CHEYENNE  
11 RIVER INDIAN RESERVATION VISITOR CENTERS AND THE  
12 CRAZY HORSE MEMORIAL HIGHWAY AUTHORIZED.—The  
13 Secretary, after consultation with the Advisory Commis-  
14 sion, is authorized and directed to complete a feasibility  
15 studies to—

16 (1) establish and mark the route taken by Chief  
17 Big Foot and his band from the Cheyenne River  
18 Reservation to Wounded Knee as a national historic  
19 trail;

20 (2) establish an information/orientation center  
21 on Interstate 90 at Cactus Flats and a visitor center  
22 on the Cheyenne River Indian Reservation; and

23 (3) establish a scenic two lane highway called  
24 the “Crazy Horse Memorial Highway” from Inter-

1 state 90 to Wounded Knee, and westward from  
2 Wounded Knee to Highway 79.

3 The feasibility studies shall be completed and submitted  
4 to Congress within 365 days following the date of the en-  
5 actment of this Act.

6 **SEC. 7. FEDERAL CONSISTENCY.**

7 (a) FEDERAL ACTIONS.—The head of any Federal  
8 agency conducting or supporting activities directly or indi-  
9 rectly affecting the national memorial park shall—

10 (1) consult with, cooperate with, and, to the  
11 maximum extent practicable, coordinate its activities  
12 with the Secretary and with the Advisory Commis-  
13 sion; and

14 (2) conduct or support such activities in a man-  
15 ner which—

16 (A) to the maximum extent practicable is  
17 consistent with the standards and criteria es-  
18 tablished pursuant to the plan required by sec-  
19 tion 9 of this Act; and

20 (B) will not have a significant adverse ef-  
21 fect on the resources or values of the park, as  
22 determined by the Secretary.

23 (b) PERMITS.—No Federal agency may issue any li-  
24 cense or permit to any persons to conduct any activity  
25 within the national memorial park which could affect the

1 resources or values of the park unless the Secretary deter-  
2 mines that any such proposed activity within the park will  
3 be conducted in a manner consistent with the standards  
4 and criteria established pursuant to the plan required by  
5 section 9 of this Act, and wherever occurring will not have  
6 a significant adverse effect on the resources or values of  
7 the park.

8 (c) LIMITATION.—The provisions of this section shall  
9 apply only with respect to activities commencing and li-  
10 censes or permits issued after the date of enactment of  
11 this Act.

12 **SEC. 8. ESTABLISHMENT OF CHIEF BIG FOOT NATIONAL**  
13 **MEMORIAL PARK ADVISORY COMMISSION.**

14 (a) ESTABLISHMENT.—(1) There is established with-  
15 in the Department of the Interior a commission to be  
16 known as the “Chief Big Foot National Memorial Park  
17 Advisory Commission” which shall advise regularly the Di-  
18 rector of the National Park Service on the planning, man-  
19 agement and administration of the park. The Advisory  
20 Commission shall consist of the President of the Cheyenne  
21 River Sioux Tribe; the President of the Oglala Sioux  
22 Tribe; the Governor of the State of South Dakota; the  
23 President of the Wounded Knee District Council; the  
24 President of the Wounded Knee Sub-community; the  
25 President of the Cheyenne River Wounded Knee Survivors

1 Association; the President of the Pine Ridge Wounded  
2 Knee Survivors Association; the Director of the National  
3 Park Service; the Secretary of the Smithsonian Institu-  
4 tion; the State Historic Preservation Officers of the States  
5 of Nebraska and South Dakota (or their designees); and  
6 two members appointed by the Secretary from rec-  
7 ommendations made by the Cheyenne River Sioux Tribal  
8 Council and Oglala Sioux Tribal Council.

9       (2) The Advisory Commission is authorized to employ  
10 an administrative director who shall be appointed by the  
11 Advisory Commission and paid at a rate not to exceed the  
12 rate of pay payable for grade GS-12 of the General Sched-  
13 ule.

14       (3) The administrative director of the Advisory Com-  
15 mission may be appointed without regard to the provisions  
16 of title 5, United States Code, governing appointments in  
17 the competitive service, and may be paid without regard  
18 to the provisions of chapter 1, and subchapter III of chap-  
19 ter 52 of such title relating to classification and General  
20 Schedule pay rates, except that the individual so appointed  
21 may not receive pay in excess of annual rate of basic pay  
22 payable for grade GS-12 of the General Schedule.

23       (4) The Administrator of General Services shall pro-  
24 vide to the Advisory Commission on a reimbursable basis

1 such administrative support services as the Advisory Com-  
2 mission may request.

3 (b) TERMS.—The terms of members of the Advisory  
4 Commission appointed by the Secretary from rec-  
5 ommendations made by the Cheyenne River Sioux Tribal  
6 Council and Oglala Sioux Tribal Council shall be four  
7 years, except that a member may continue to serve until  
8 a successor is appointed. A vacancy in the Advisory Com-  
9 mission shall be filled in the manner in which the original  
10 appointment was made. The Advisory Commission shall  
11 exist for the duration of the leasehold accepted by the Sec-  
12 retary pursuant to section 3 of this Act, and any extension  
13 or renewals thereof.

14 (c) EXPENSES.—The non-Federal members of the  
15 Advisory Commission appointed pursuant to subsection  
16 (a) while away from their homes or regular places of busi-  
17 ness in the performance of services for the Advisory Com-  
18 mission, shall be allowed travel and all other related  
19 expenses, including per diem in lieu of subsistence, in the  
20 same manner as persons employed intermittently in Gov-  
21 ernment service are allowed expenses under section 5703  
22 of title 5 of the United States Code.

23 (d) CHAIR.—The offices of Chairman and Vice Chair-  
24 man of the Advisory Commission shall be rotated between

1 the Presidents of the Cheyenne River Sioux Tribe and Og-  
2 lala Sioux Tribe on a year-to-year basis.

3 (e) MEETINGS.—The Advisory Commission shall  
4 meet at the call of the Chair or a majority of its members.  
5 Consistent with the public meeting requirements of the  
6 Federal Advisory Committee Act, the Advisory Commis-  
7 sion shall from time to time meet with persons concerned  
8 with park issues relating to the Cheyenne River Sioux  
9 Tribe and Oglala Sioux Tribe. The nontribal members of  
10 the Advisory Commission shall not participate in the selec-  
11 tion of the administrative director employed under para-  
12 graph (2) of subsection (a), or in such other matters as  
13 the Secretary determines should be restricted to tribal  
14 members.

15 (f) APPLICATION OF FEDERAL ADVISORY COMMIT-  
16 TEE ACT.—Except with respect to any requirement for  
17 reissuance of a charter and except as otherwise provided  
18 in this Act, the provisions of the Federal Advisory Com-  
19 mittee Act shall apply to the Advisory Commission estab-  
20 lished under this Act.

21 **SEC. 9. PARK PLAN.**

22 (a) DEADLINE.—No later than 2 years after the date  
23 of the publication of a notice pursuant to section 4(a), the  
24 Secretary, acting through the Director of the National  
25 Park Service, and in consultation with the Advisory Com-

1 mission, shall develop and transmit to the Committee on  
2 Natural Resources of the House of Representatives and  
3 the Committee on Energy and Natural Resources and the  
4 Select Committee on Indian Affairs of the Senate, a gen-  
5 eral management plan for the Chief Big Foot National  
6 Memorial Park which shall describe the appropriate uses  
7 and development of the park consistent with the purposes  
8 of this Act.

9 (b) ELEMENTS.—The park plan shall include (but  
10 not be limited to) the following:

11 (1) plans to restore the 1890 Wounded Knee  
12 Massacre site to its original condition at the time of  
13 the massacre, including the removal of all buildings  
14 and structures that have no historical significance;

15 (2) plans to restore sites associated with the  
16 1890 Wounded Knee Massacre on the Cheyenne  
17 River Indian Reservation to their original condition,  
18 including the removal of all buildings and structures  
19 that have no historical significance;

20 (3) plans for implementation of a continuing  
21 program of public involvement, interpretation and  
22 visitor education about the resources and value of  
23 the park;

24 (4) proposals for visitor use facilities to be de-  
25 veloped for the park;

1           (5) plans for management of the natural and  
2           cultural resources of the park, giving high priority to  
3           the enforcement of the provisions of the National  
4           Historic Preservation Act (16 U.S.C. 470 et seq.)  
5           within the park. The natural and cultural resources  
6           management plans shall be prepared in close con-  
7           sultation with the South Dakota and Nebraska State  
8           Historic Preservation Offices, the Cheyenne River  
9           Sioux Tribe and Oglala Sioux Tribe;

10           (6) proposals for training members of the Chey-  
11           enne River Sioux Tribe and Oglala Sioux Tribe in  
12           such fields as interpretation, management, and arti-  
13           fact curation;

14           (7) a plan to protect the religious sanctity of  
15           the Wounded Knee Massacre site;

16           (8) proposals for cooperation, research and in-  
17           terpretation programs within the national memorial  
18           park to be carried out by the Cheyenne River Sioux  
19           Tribe and Oglala Sioux Tribe through their respec-  
20           tive tribal colleges, with technical and financial as-  
21           sistance from the National Park Service; and

22           (9) proposals for implementing the provisions of  
23           this Act relating to the operation and supply of park  
24           concessions by qualified Sioux-owned businesses op-

1 erating outside of, but adjacent to the boundaries of  
2 the national memorial park as provided in this Act.

3 **SEC. 10. DEFINITIONS.**

4 As used in this Act—

5 (1) the term “Advisory Commission” means the  
6 Wounded Knee National Park Advisory Commission  
7 established under section 8;

8 (2) the term “buffer zone” shall mean an area  
9 of not less than 220 yards around each tract of land  
10 leased to the Secretary under section 4 of this Act  
11 in which no commercial development or high-rise  
12 structures shall be allowed;

13 (3) the term “memorial” means the Wounded  
14 Knee National Memorial established under section 6;

15 (4) the term “park” means lands constituting  
16 the Chief Big Foot National Memorial Park estab-  
17 lished under section 3;

18 (5) the term “park plan” means the general  
19 management plan developed under section 9; and

20 (6) the term “Secretary” means the Secretary  
21 of the Interior.

22 **SEC. 11. COOPERATIVE AGREEMENTS.**

23 (a) The Secretary shall have authority to enter into  
24 cooperative agreements with tribal organizations or non-

1 profit corporations to raise funds from private sources to  
2 supplement Federal funds authorized under this Act.

3 (b) The Secretary shall have authority to enter into  
4 a cooperative agreement with the Tribe or its designated  
5 agency or authority or, with the Tribe's approval, a non-  
6 profit corporation, to raise private funds to plan, design,  
7 construct, operate and maintain the following projects:

8 (1) an amphitheater dedicated to the indigenous  
9 peoples of the Americas to be located at the Wound-  
10 ed Knee Massacre site within the Chief Big Foot  
11 National Memorial Park, which shall become the  
12 permanent home of the Francis Jansen sculpture;

13 (2) a replica of Chief Big Foot's encampment  
14 to be located at the Wounded Knee Massacre site  
15 within the Chief Big Foot National Memorial Park;

16 (3) a museum and cultural center to be located  
17 on the Cheyenne River Reservation within the Chief  
18 Big Foot National Memorial Park;

19 (4) a museum and cultural center to be located  
20 at the Wounded Knee Massacre site within the Chief  
21 Big Foot National Memorial Park; and

22 (5) meditation gardens and related structures  
23 to be located within the Chief Big Foot National  
24 Memorial Park.

1 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such sums  
3 as may be necessary to carry out the provisions of this  
4 Act.

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