

118TH CONGRESS
1ST SESSION

H. R. 3371

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2023

Received; read twice and referred to the Committee on Indian Affairs

AN ACT

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,

Passed the House of Representatives September 20,
2023.

HR 3371 RFS