

# Union Calendar No. 160

118TH CONGRESS  
1ST SESSION

# H. R. 3371

[Report No. 118-197]

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.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2023

Mr. JOHNSON of South Dakota introduced the following bill; which was referred to the Committee on Natural Resources

SEPTEMBER 14, 2023

Additional sponsor: Mr. LAMALFA

SEPTEMBER 14, 2023

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7       In this Act:

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

11           (A) shall continue to be owned by the  
12       Tribes;

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

17           (C) shall not be transferred without the  
18       consent of Congress and the Tribes;

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

21           (E) shall not be subject to any provision of  
22       law providing for the review or approval by the  
23       Secretary of the Interior before the Tribes may  
24       use the land for any purpose as allowed by the  
25       document titled “Covenant Between the Oglala

1 Sioux Tribe and the Cheyenne River Sioux  
2 Tribe” and dated October 21, 2022, directly, or  
3 through agreement with another party.

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

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

18 (4) TRIBES.—The term “Tribes” means the  
19 Oglala Sioux Tribe and Cheyenne River Sioux Tribe  
20 of the Cheyenne River Reservation, both tribes being  
21 among the constituent tribes of the Great Sioux Na-  
22 tion and signatories to the Fort Laramie Treaty of  
23 1868 between the United States of America and the  
24 Great Sioux Nation, 15 Stat. 635.

1 **SEC. 3. LAND HELD IN RESTRICTED FEE STATUS BY THE**  
2 **TRIBES.**

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

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

10 (2) appropriately assign each applicable private  
11 and municipal utility and service right or agreement  
12 with regard to the Tribal land.

13 (b) CONDITIONS.—

14 (1) FEDERAL LAWS RELATING TO INDIAN  
15 LAND.—Except as otherwise provided in this Act,  
16 the Tribal land shall be subject to Federal laws re-  
17 lating to Indian country, as defined by section 1151  
18 of title 18, United States Code and protected by the  
19 restriction against alienation in section 177 of title  
20 25, United States Code.

21 (2) USE OF LAND.—The Tribal land shall be  
22 used for the purposes allowed by the document titled  
23 “Covenant Between the Oglala Sioux Tribe and the  
24 Cheyenne River Sioux Tribe” and dated October 21,  
25 2022.

1           (3) ENCUMBRANCES AND AGREEMENTS.—The  
2 Tribal land shall remain subject to any private or  
3 municipal encumbrance, right-of-way, restriction,  
4 easement of record, or utility service agreement in  
5 effect on the date of the enactment of this Act.

6           (4) GAMING.—Pursuant to the document titled  
7 “Covenant Between the Oglala Sioux Tribe and the  
8 Cheyenne River Sioux Tribe” and dated October 21,  
9 2022, the Tribal land shall not be used for gaming  
10 activity under the Indian Gaming Regulatory Act  
11 (25 U.S.C. 2701 et seq.).



Union Calendar No. 160

118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 3371**

[Report No. 118-197]

---

---

## **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.

---

---

SEPTEMBER 14, 2023

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed