

118TH CONGRESS  
1ST SESSION

# S. 2088

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

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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,*

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:

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

4                   (A) shall continue to be owned by the  
5           Tribes;

6                   (B) shall be part of the Pine Ridge Indian  
7           Reservation and expressly made subject to the  
8           civil and criminal jurisdiction of the Oglala  
9           Sioux Tribe;

10                  (C) shall not be transferred without the  
11           consent of Congress and the Tribes;

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

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

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

24           (3) TRIBAL LAND.—The term “Tribal land”  
25           means the approximately 40 acres (including the

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

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

18 **SEC. 3. LAND HELD IN RESTRICTED FEE STATUS BY THE**  
19 **TRIBES.**

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

22 (1) complete all actions, including documenta-  
23 tion and minor corrections to the survey and legal  
24 description of Tribal land, necessary for the Tribal

1 land to be held by the Tribes in restricted fee status;  
2 and

3 (2) appropriately assign each applicable private  
4 and municipal utility and service right or agreement  
5 with regard to the Tribal land.

6 (b) CONDITIONS.—

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

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

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

24 (4) GAMING.—Pursuant to the document titled  
25 “Covenant Between the Oglala Sioux Tribe and the

1 Cheyenne River Sioux Tribe” and dated October 21,  
2 2022, the Tribal land shall not be used for gaming  
3 activity under the Indian Gaming Regulatory Act  
4 (25 U.S.C. 2701 et seq.).

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