

## Wounded Knee Massacre Memorial and Sacred Site Act

[Public Law 119–61]

[This law has not been amended]

【Currency: This publication is a compilation of the text of Public Law 119–61. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Wounded Knee Massacre Memorial and Sacred Site Act”.

### SEC. 2. DEFINITIONS.

In this Act:

(1) RESTRICTED FEE STATUS.—The term “restricted fee status” means a status in which the Tribal land—

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

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

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

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

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

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

(3) TRIBAL LAND.—The term “Tribal land” means the approximately 40 acres (including the surface and subsurface es-

tate, and mineral estate, and any and all improvements, structures, and personal property on those acres) on the Pine Ridge Indian Reservation in Oglala Lakota County, at Rural County Road 4, Wounded Knee, South Dakota, and generally depicted as “Area of Interest” on the map entitled “Wounded Knee Sacred Site and Memorial Land” and dated October 26, 2022, which is a segment of the December 29, 1890, Wounded Knee Massacre site.

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

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

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

(1) complete all actions, including documentation and minor corrections to the survey and legal description of Tribal land, necessary for the Tribal land to be held by the Tribes in restricted fee status; and

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

(b) CONDITIONS.—

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

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

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

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