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INDIAN ISSUES

Damages and Compensation for Tribes at Seven Reservations Affected by Dams on the Missouri River

Statement of Robin M. Nazzaro, Director
Natural Resources and Environment





Highlights of [GAO-08-249T](#), a testimony before the Committee on Indian Affairs, U.S. Senate

Why GAO Did This Study

From 1946 to 1966, the government constructed five dams as flood control projects on the Missouri River in North Dakota and South Dakota. The reservoirs created behind the dams flooded portions of seven Indian reservations—Fort Berthold, Cheyenne River, Standing Rock, Lower Brule, Crow Creek, Yankton, and Santee. The tribes at these seven reservations received compensation when the dams were built as well as additional compensation over the years that followed.

Since 1991, GAO has issued three reports on additional compensation claims for tribes at five reservations:

- 1991—Fort Berthold and Standing Rock ([GAO/RCED-91-77](#));
- 1998—Cheyenne River ([GAO/RCED-98-39](#)); and
- 2006—Crow Creek and Lower Brule ([GAO-06-517](#)).

In these reports, GAO proposed that one recommended approach to providing additional compensation would be to calculate the difference between the tribe's final asking price and the amount that was appropriated by Congress and then adjust the difference using the inflation rate and an interest rate to reflect a range of current values.

This testimony is based on GAO's three prior reports, and summarizes the damages estimated by the Department of the Interior and the compensation authorized by Congress, for dams constructed on the Missouri River.

To view the full product, including the scope and methodology, click on [GAO-08-249T](#). For more information, contact Robin M. Nazzaro at (202) 512-3841 or nazzaror@gao.gov.

INDIAN ISSUES

Damages and Compensation for Tribes at Seven Reservations Affected by Dams on the Missouri River

What GAO Found

The reservoirs created by the dams on the Missouri River permanently flooded over 350,000 acres of land on seven Indian reservations, ranging from over 150,000 acres flooded on the Fort Berthold reservation to less than 600 acres flooded on the Santee reservation. In addition to the valuable river bottom land that was lost, the tribes also lost any natural resources and structural improvements on the land. The natural resources lost included timber, wildlife, and native plants. The structural improvements lost included such things as homes and ranches. In some cases, entire towns were lost. In addition to the direct damages, Congress has recognized that the tribes also suffered indirect or intangible damages for the loss of assets of unknown value. These losses included spiritual ties to the lands (for example, cemeteries and tribal monuments); tribal claims to a homeland; and benefits derived from living along the Missouri River.

The tribes at the seven reservations that lost land due to the flood control projects on the Missouri River originally received compensation for their damages between 1947 and 1962, and they subsequently requested and received additional compensation between 1992 and 2002. For the tribes at the five reservations that we have reported on in the past, the original compensation was based on detailed assessments by the U.S. government and the tribes of the damages caused by the dams and, in some cases, protracted settlement negotiations. The U.S. government and the tribes were ultimately unable to reach settlement agreements, and Congress decided the compensation amounts. In each case, the original compensation authorized was less than what the tribes had requested, leading the tribes to request additional compensation. The three largest additional compensation amounts—Cheyenne River, \$290.7 million in 2000; Fort Berthold, \$149.2 million in 1992; and Standing Rock, \$90.6 million in 1992—were all within the ranges calculated in GAO's 1991 and 1998 reports. Congress did not ask GAO to review the methodologies used to calculate the four smaller additional compensation amounts, all less than \$40 million, before enacting the bills in 1996 (Crow Creek), 1997 (Lower Brule), and 2002 (Yankton and Santee). The Crow Creek Sioux and Lower Brule Sioux tribes were authorized additional compensation commensurate, on a per-acre basis, with the additional compensation provided to the Standing Rock Sioux tribe in 1992. Similarly, the additional compensation authorized in 2002 for the Yankton Sioux and Santee Sioux tribes was also partially based on a per-acre calculation.

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to discuss our work on reviewing the additional compensation claims by tribes at seven Indian reservations for lands taken by flood control projects on the Missouri River. As you know, between 1946 and 1966 five dams were constructed on the Missouri River—the Garrison Dam in North Dakota, and the Oahe, Fort Randall, Big Bend, and Gavins Point Dams in South Dakota—that damaged seven reservations. The reservoirs created behind the dams permanently flooded portions of the Fort Berthold, Cheyenne River, Standing Rock, Lower Brule, Crow Creek, Yankton, and Santee reservations. While the dams were being constructed, Congress enacted a number of laws that authorized payments to the tribes residing on the affected reservations as compensation for the damages caused by the dams. However, beginning in the 1980s, some of these tribes began requesting additional compensation. As part of their pursuit of additional compensation, the tribes generally hired consultants to develop economic analyses or perform other calculations to form the basis for their requests for additional compensation. In the 1990s and early 2000s, Congress responded to these requests for additional compensation by establishing development trust funds for the tribes at each of the seven reservations.¹

However, today, more than 45 years after the last original compensation bill was enacted and almost 5 years after the last additional compensation bill was enacted, lingering questions remain about various aspects of the tribes' compensation. Most notably, questions have been raised about whether the tribes have been adequately compensated for the damages they sustained and whether they have been treated consistently. For example, two bills pending in the 110th Congress, H.R. 155 and S. 160, would provide the Crow Creek Sioux and Lower Brule Sioux tribes with a third round of compensation totaling an additional \$132.2 million.² Specifically, the Crow Creek Sioux tribe would receive an additional \$41.7 million over and above the \$27.5 million in additional compensation

¹Fort Berthold and Standing Rock, Pub. L. No. 102-575, title XXXV, 106 Stat. 4600, 4731 (1992); Crow Creek, Pub. L. No. 104-223, 110 Stat. 3026 (1996); Lower Brule, Pub. L. No. 105-132, 111 Stat. 2563 (1997); Cheyenne River, Pub. L. No. 106-511, title I, 114 Stat. 2365 (2000); and Yankton and Santee, Pub. L. No. 107-331, title II, 116 Stat. 2834, 2838 (2002).

²Bills were also introduced in the 108th and 109th Congresses that would have provided the Crow Creek Sioux and Lower Brule Sioux tribes with a third round of compensation. See S. 1530, 108th Cong. (2003); H.R. 4949, 108th Cong. (2004); H.R. 109, 109th Cong. (2005); and S. 374, 109th Cong. (2005).

authorized in 1996 (unadjusted for inflation) and the Lower Brule Sioux tribe would receive an additional \$90.5 million over and above the \$39.3 million in additional compensation authorized in 1997 (unadjusted for inflation). Also, pending in the 110th Congress is the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007, H.R. 487.³ This bill would make a number of amendments to the 2000 act that authorized additional compensation for the Cheyenne River Sioux tribe, including allowing individual tribal members to be eligible for payments and changing how the trust fund is capitalized and invested.

Since 1991, we have issued three reports on additional compensation claims for tribes at five reservations: (1) in May 1991 we reported on claims by the Three Affiliated Tribes of the Fort Berthold Reservation and the Standing Rock Sioux Tribe;⁴ (2) in January 1998 we reported on the claim by the Cheyenne River Sioux Tribe;⁵ and (3) in May 2006 we reported on the most recent additional compensation claims by the Crow Creek Sioux and Lower Brule Sioux tribes.⁶ In each report, we raised questions about the approach and calculations used in developing the tribes' additional compensation claims, and, as an alternative we calculated a range of possible additional compensation for Congress to consider should it determine that additional compensation was warranted. In addition, we testified in April 1991 on our work related to our first report and more recently, we testified on June 14, 2006, on our May 2006 report.⁷ Our testimony today is drawn from our three prior reports and summarizes the damages incurred, and the compensation received, for dams constructed on the Missouri River.

³Similar versions of this bill were introduced in the 109th Congress. See H.R. 3558, 109th Cong. (2005); and S. 1535, 109th Cong. (2005).

⁴GAO, *Indian Issues: Compensation Claims Analyses Overstate Economic Losses*, [GAO/RCED-91-77](#) (Washington, D.C.: May 21, 1991).

⁵GAO, *Indian Issues: Cheyenne River Sioux Tribe's Additional Compensation Claim for the Oahe Dam*, [GAO/RCED-98-39](#) (Washington, D.C.: Jan. 28, 1998).

⁶GAO, *Indian Issues: Analysis of the Crow Creek Sioux and Lower Brule Sioux Tribes' Additional Compensation Claims*, [GAO-06-517](#) (Washington, D.C.: May 19, 2006).

⁷GAO, *Indian Issues: GAO's Assessment of Economic Analyses of Fort Berthold and Standing Rock Reservations' Compensation Claims*, [GAO/T-RCED-91-30](#) (Washington, D.C.: Apr. 12, 1991); and *Indians' Additional Compensation Claims: Calculations for the Crow Creek Sioux and Lower Brule Sioux Tribes Differ from Approach Used in Prior GAO Reports*, [GAO-06-849T](#) (Washington, D.C.: June 14, 2006).

We compiled information from our three prior reports to prepare this testimony. In reviewing the additional compensation claims for the tribes at the five reservations covered by our prior reports, we met the tribes' consultants to discuss the damages caused by the dams and the analysis that was the basis for the tribes' additional compensation claims. We also reviewed other pertinent information regarding the economic condition of the tribes at the time the land was acquired, including reports prepared by the Department of the Interior. In addition, for our 1998 and 2006 reports, in order to ensure that we obtained and reviewed all relevant data, we conducted a literature search for congressional, agency, and tribal documents at the National Archives and the Department of the Interior's library. We used original documents to learn about the tribes' settlement negotiations process and to identify the appraised land prices and various proposed settlement amounts. As a result, we determined that the data were sufficiently reliable for purposes of this testimony. We also met with representatives of the Cheyenne River Sioux, the Crow Creek Sioux, and the Lower Brule Sioux tribes. Our three prior reports, on which this testimony is based, were prepared in accordance with generally accepted government auditing standards.

In summary,

- The reservoirs created by the dams on the Missouri River permanently flooded over 350,000 acres of land on seven Indian reservations. Two reservations lost more than 100,000 acres while the remaining five reservations each lost less than 56,000 acres. In addition to the valuable river bottom land that was lost, the tribes also lost any natural resources and structural improvements on the land. The natural resources lost included timber, wildlife, and native plants and berries. For example, the Crow Creek reservation lost 94 percent of its timberland and the Fort Berthold reservation lost 100 percent of its irrigable land. The structural improvements lost included such things as homes and ranches. In some cases, entire towns were lost. In addition to the direct damages, Congress has recognized that the tribes also suffered indirect or intangible damages for the loss of assets of unknown value. These losses included spiritual ties to the lands (for example, cemeteries and tribal monuments); tribal claims to a homeland; and benefits derived from living along the Missouri River.
- The tribes at the seven reservations that lost land due to the flood control projects on the Missouri River originally received compensation for their damages between 1947 and 1962 and they subsequently requested and received additional compensation between

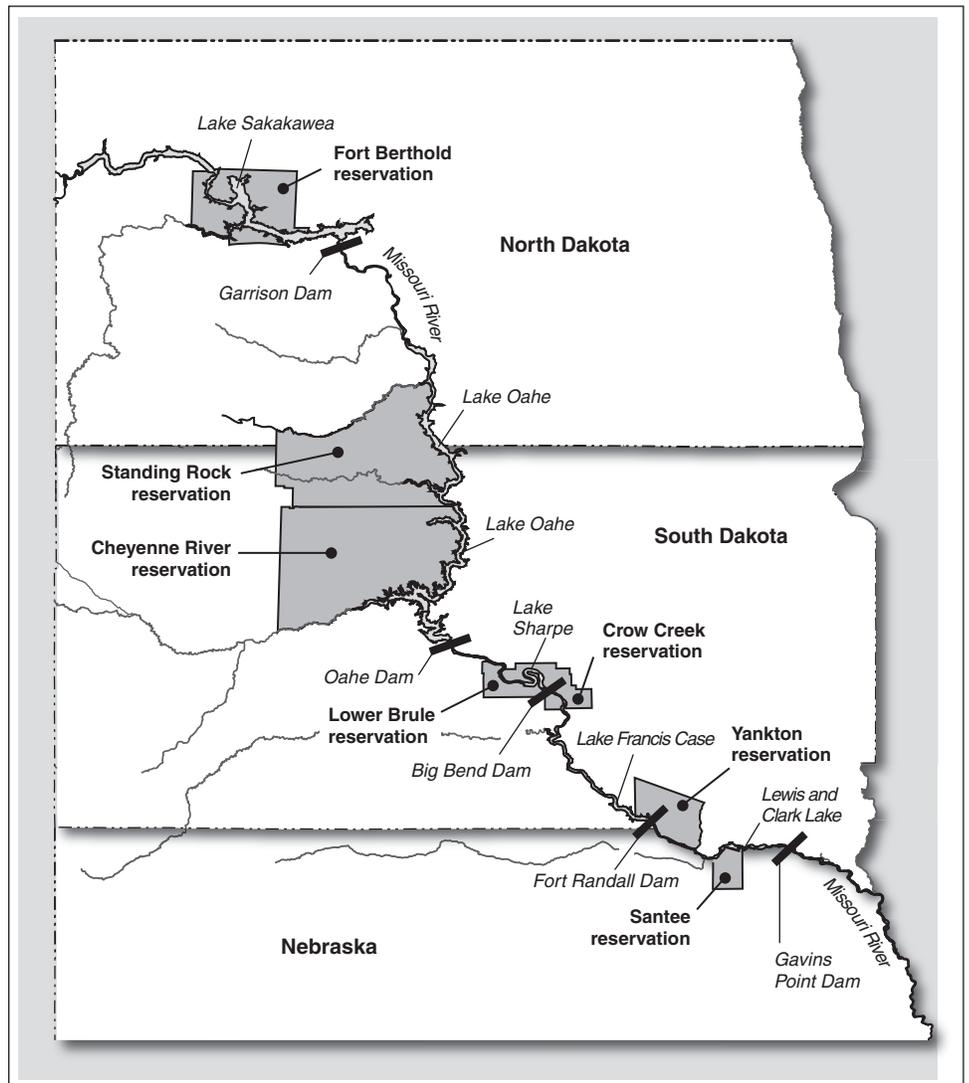
1992 and 2002. For the tribes at the five reservations that we have reported on in the past, the original compensation was based on detailed assessments by the U.S. government and the tribes of the damages caused by the dams and, in some cases, protracted settlement negotiations. For example, the settlement negotiations for the Crow Creek Sioux and Lower Brule Sioux tribes involved two dams and stretched over about 9 years, from 1953 through the enactment of their settlement legislation for the Big Bend Dam in 1962. The U.S. government and the tribes were ultimately unable to reach settlement agreements and Congress decided the compensation amounts. In each case, the original compensation provided was less than what the tribes had requested, leading the tribes to request additional compensation. The three largest additional compensation amounts—Cheyenne River, \$290.7 million in 2000; Fort Berthold, \$149.2 million in 1992; and Standing Rock, \$90.6 million in 1992—were all within the ranges we calculated in our 1991 and 1998 reports. Congress did not ask us to review the methodologies used to calculate the four smaller additional compensation amounts, all less than \$40 million, before enacting the bills in 1996 (Crow Creek), 1997 (Lower Brule), and 2002 (Yankton and Santee). The Crow Creek Sioux and Lower Brule Sioux tribes were authorized additional compensation commensurate, on a per-acre basis, with the additional compensation provided to the Standing Rock Sioux tribe in 1992. Similarly, the additional compensation authorized in 2002 for the Yankton Sioux and Santee Sioux tribes was also partially based on per-acre calculation. In addition to the per-acre calculation, an adjustment was made for these two tribes to provide an amount for severance damages and rehabilitation that was not included in their original compensation.

Background

The Flood Control Act of 1944 established a comprehensive plan for flood control and other purposes, such as hydroelectric power production, in the Missouri River Basin.⁸ The Pick-Sloan Plan—a joint water development program designed by the U.S. Army Corps of Engineers and the Department of the Interior’s Bureau of Reclamation—included the construction of five dams on the Missouri River, including the Garrison Dam in North Dakota, and the Oahe, Fort Randall, Big Bend, and Gavins Point Dams in South Dakota (see fig. 1). The dams were constructed during a 20-year period from 1946 to 1966.

⁸Pub. L. No. 78-534, 59 Stat. 887 (1944).

Figure 1: Dams and Reservations on the Missouri River



Sources: The National Atlas of the United States of America® and Map Resources.

For tribes at five of the seven reservations, Congress asked us to review the additional compensation proposals developed by tribal consultants. Our reviews for tribes at three reservations—Fort Berthold, Standing Rock, and Cheyenne River—were conducted before Congress authorized their additional compensation. In 1991, we reported on the additional compensation claims for the Three Affiliated Tribes of the Fort Berthold Reservation and the Standing Rock Sioux tribe, and, in 1998, we reported

on the additional compensation claims for the Cheyenne River Sioux tribe.⁹

More recently, we reviewed the additional compensation claims for the Crow Creek Sioux and Lower Brule Sioux tribes. The Crow Creek Sioux and Lower Brule Sioux tribes were affected by the Fort Randall and Big Bend dams. The tribes received their original compensation for the damages caused by these two dams in 1958 and 1962.¹⁰ However, the tribes did not consider their original compensation to be sufficient, and they sought additional compensation to address the effects of both dams. As a result, in 1996 and 1997, Congress authorized additional compensation for the Crow Creek Sioux and the Lower Brule Sioux tribes, respectively.¹¹ In 2003, the Crow Creek Sioux and Lower Brule Sioux tribes hired a consultant to determine if they were due additional compensation based on the method we proposed in our 1991 and 1998 reports. As a result of the consultant's analysis, the two tribes are currently seeking a third round of compensation. In our 2006 report we assessed whether the tribes' consultant followed the approach in our prior reports in calculating the compensation for Congress to consider in determining whether additional compensation was warranted for the Crow Creek Sioux and Lower Brule Sioux tribes.¹²

Damages Caused to the Tribes at Seven Reservations as a Result of Dams on the Missouri River

The reservoirs created by the dams on the Missouri River permanently flooded over 350,000 acres of land on seven reservations, ranging from over 150,000 acres flooded on the Fort Berthold Reservation to less than 600 acres flooded on the Santee Reservation (see table 1). In addition to the valuable river bottom land that was lost, the tribes lost any natural resources and structural improvements on the land. The natural resources lost included timber, wildlife, and native plants and berries. The structural improvements lost included such things as homes and ranches. In some cases, entire towns were lost.

⁹[GAO/RCED-91-77](#) and [GAO/RCED-98-39](#).

¹⁰Fort Randall Dam: Crow Creek, Pub. L. No. 85-916, 72 Stat. 1766 (1958); and Lower Brule, Pub. L. No. 85-923, 72 Stat. 1773 (1958). Big Bend Dam: Crow Creek, Pub. L. No. 87-735, 76 Stat. 704 (1962); and Lower Brule, Pub. L. No. 87-734, 76 Stat. 698 (1962).

¹¹Crow Creek, Pub. L. No. 104-223, 110 Stat. 3026 (1996); and Lower Brule, Pub. L. No. 105-132, 111 Stat. 2563 (1997).

¹²[GAO-06-517](#).

Table 1: Acreage Flooded on Seven Reservations by Dams on the Missouri River

Reservation	Dam	Acreage flooded
Fort Berthold	Garrison	152,360
Cheyenne River	Oahe	104,420
Standing Rock	Oahe	55,994
Lower Brule	Fort Randall and Big Bend	22,296
Crow Creek	Fort Randall and Big Bend	15,597
Yankton	Fort Randall	2,851
Santee	Gavins Point	593
Total	5 dams	354,111

Source: GAO analysis of the additional compensation acts.

The damage that each tribe sustained was unique depending, on the land that was lost, the resources and structures on the land, and the overall impact on the community. For example, the Department of the Interior estimated at one point that 78 percent of the families living on the Fort Berthold reservation, or 289 families, lived in the area that was going to be flooded, a number that was generally two to three times higher than on the other reservations. On the Crow Creek and Lower Brule reservations, the Fort Randall Dam displaced 119 families, and the Big Bend Dam displaced 89 families. In some cases the same families were displaced by both dams. The Crow Creek reservation lost 94 percent of its timberland and the Fort Berthold reservation lost 100 percent of its irrigable land.

In addition to the direct damages, Congress has recognized that the tribes also suffered indirect or intangible damages for the loss of assets of unknown value. These losses included spiritual ties to the lands (for example, cemeteries and tribal monuments); tribal claims to a homeland; and benefits derived from living along the Missouri River.

Compensation Provided to the Tribes on the Missouri River for the Damages Caused by the Dams

The tribes at the seven reservations that lost land due to the flood control projects on the Missouri River originally received compensation for their damages between 1947 and 1962, and they subsequently requested and received additional compensation between 1992 and 2002 (see table 2). For the tribes at the five reservations that we have reported on in the past, the original compensation was based on detailed assessments by the U.S. government and the tribes of the damages caused by the dams and, in some cases, protracted settlement negotiations over how much the tribes should be compensated for their losses. The settlement negotiations for

the Cheyenne River Sioux tribe lasted about 4 years from the date settlement negotiations were authorized to the date the settlement legislation was enacted. The settlement negotiations for the Crow Creek Sioux and Lower Brule Sioux tribes involved two dams and stretched over about 9 years, from 1953 through the enactment of their settlement legislation for the Big Bend Dam in 1962. The results of the settlement negotiations were that the U.S. government and the tribes were unable to reach an agreement. As a result, the settlements were left for Congress to decide. For each of the tribes at the five reservations that we have reported on in the past, the original compensation provided was less than what the tribes' believed their lands were worth.

Table 2: Compensation Authorized by Congress for Tribes on the Missouri River

Current year dollars in millions

Tribe	Acreage lost	Year original payment enacted	Original payment authorized	Year additional compensation enacted	Additional compensation authorized
Three Affiliated Tribes of the Fort Berthold Reservation	152,360	1947 and 1949	\$12.6	1992	\$149.2
Cheyenne River Sioux	104,420	1954	10.6	2000	290.7
Standing Rock Sioux	55,994	1958	12.3	1992	90.6
Lower Brule Sioux	22,296	1958 and 1962	4.3	1997	39.3
Crow Creek Sioux	15,597	1958 and 1962	5.9	1996	27.5
Yankton Sioux	2,851	1952 and 1954	0.2	2002	23.0
Santee Sioux	593	1958	0.05	2002	4.8

Source: GAO analysis of the compensation acts.

Note: The dollar amounts in this table are generally from different years and they should not be added together or compared without first making adjustments for changes in the purchasing power of money over time.

During our prior reviews, we have recognized the problems with the original settlement negotiations, namely that the tribes may have been at a disadvantage during the negotiations and that they were not willing sellers of their land. We also recognized the inherent difficulties with trying to perform new economic analyses on the damages the tribes sustained 50 years after the fact. In our 1991 and 1998 reports, for the tribes at three reservations, we found the economic analyses used to justify their additional compensation claims to be unreliable, and we suggested that the Congress not rely on them as a basis for providing the tribes with additional compensation. Instead, we suggested that if Congress determined that additional compensation was warranted, it could determine the amount of compensation by calculating the difference

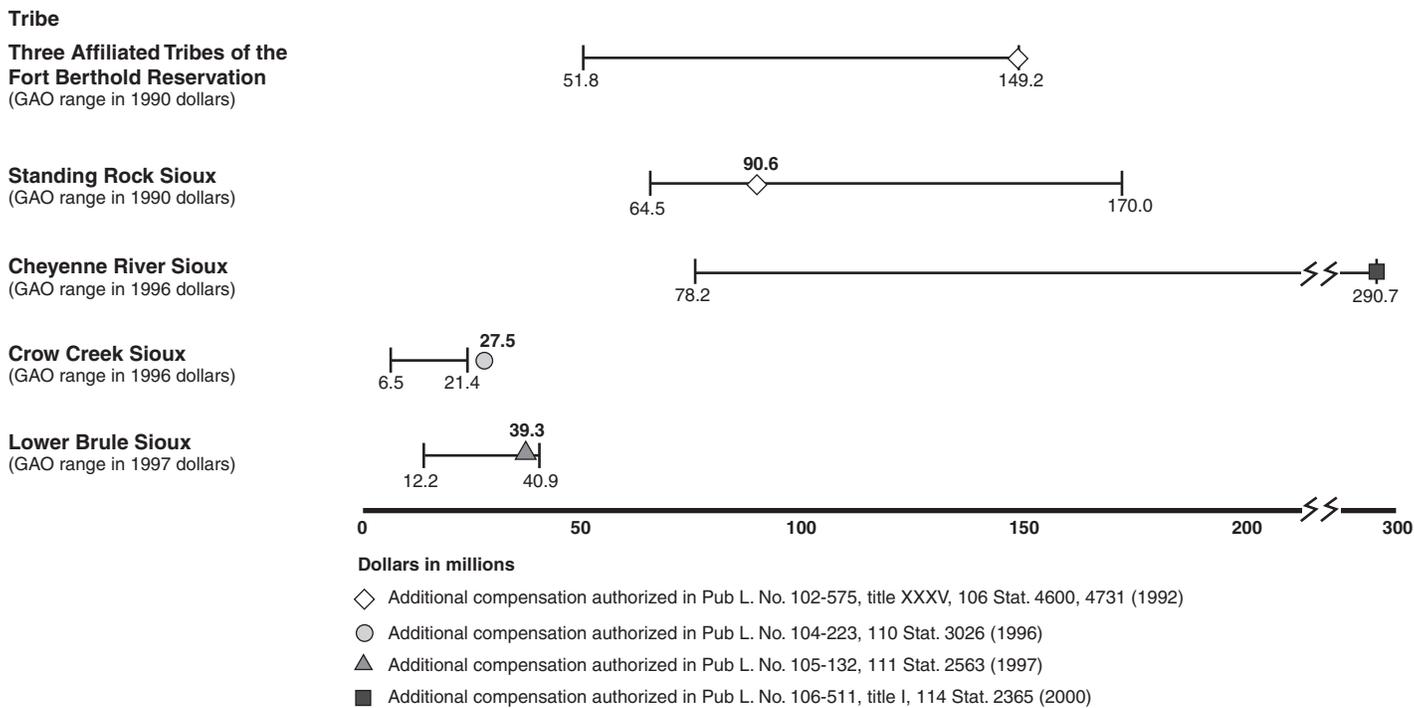
between the tribe's final settlement proposal (referred to in our 2006 report as the tribe's "final asking price") and the amount of compensation Congress originally authorized the tribes. We used the inflation rate and an interest rate to adjust the difference to reflect a range of current values, using the inflation rate for the lower end of the range and the interest rate for the higher end. Using this approach, we calculated how much additional compensation it would take today to make up for the difference between the tribes' final asking prices and the original compensation provided. The three largest additional compensation payments—Cheyenne River, \$290.7 million in 2000; Fort Berthold, \$149.2 million in 1992; and Standing Rock, \$90.6 million in 1992—were all within the ranges we calculated.

The four smaller additional compensation payments were calculated using a different approach. We were not asked by Congress to review the additional compensation claims for the Crow Creek Sioux and Lower Brule Sioux tribes in the 1990s when they received their additional compensation. The Crow Creek Sioux and Lower Brule Sioux tribes did not base their additional compensation claims in the 1990s, on an economic analysis as the tribes did for the three other reservations that we reviewed. Rather, the Crow Creek Sioux and Lower Brule Sioux tribes' consultant asserted that since the tribes suffered the same type of damages as the Standing Rock Sioux tribe, they should be provided with additional compensation commensurate, on a per-acre basis, with the additional compensation provided to the Standing Rock Sioux tribe in 1992.¹³ In our 2006 report, where we reviewed the additional compensation claims by the Crow Creek Sioux and Lower Brule Sioux tribes, we found that the additional compensation provided to the Crow Creek Sioux tribe in 1996 was slightly above the range we calculated and the additional compensation provided to the Lower Brule Sioux tribe in 1997 was within the range we calculated. The additional compensation dollar ranges we

¹³We proposed in our 1991 report that Congress consider a range of additional compensation of \$64.5 million to \$170 million for the Standing Rock Sioux tribe. In 1992, Congress authorized payment to the tribe of \$90.6 million. According to the Crow Creek Sioux tribe's consultant, the additional compensation for the Crow Creek Sioux tribe was calculated by adding an adjustment factor to the Standing Rock per-acre amount of \$1,618—to take into account that a greater percentage of the Crow Creek Sioux Reservation was taken—and then multiplying this figure (\$1,763.16) by 15,597 acres. Using this formula, the Congress authorized an additional compensation payment to the Crow Creek Sioux tribe of \$27.5 million in 1996. Similarly, using the same \$1,763.16 per-acre figure (multiplied by 22,296 acres), the Congress authorized an additional compensation payment to the Lower Brule Sioux tribe of \$39.3 million in 1997.

calculated for the tribes at five reservations covered in our three prior reports are summarized in figure 2. (The dollar amounts in figure 2 are generally from different years and they should not be added together or compared without first making adjustments for changes in the purchasing power of money over time.)

Figure 2: GAO's Estimated Range of Additional Compensation Versus the Additional Compensation Authorized for Five Tribes Since 1992



Source: GAO.

The additional compensation authorized in 2002 for the Yankton Sioux and Santee Sioux tribes was also partially based on a per-acre calculation. Congress followed a two-part calculation in authorizing additional compensation for the Yankton Sioux and Santee Sioux tribes. The first part involved taking the additional compensation provided to the Lower Brule Sioux Tribe in 1997, on a per-acre basis (\$1,763), and multiplying that times the acreage the Yankton Sioux and Santee Sioux tribes lost (Yankton Sioux, $\$1,763 \times 2,851.4$ acres = \$5.027 million; Santee Sioux, $\$1,763 \times 593.1$ acres = \$1.046 million). The second part of the calculation involved multiplying the results of the first part by 4.58 to add an amount

for severance damages and rehabilitation (Yankton Sioux, \$5.027 million \times 4.58 = \$23.02 million; Santee Sioux, \$1.046 million \times 4.58 = \$4.79 million).¹⁴ We have not performed any reviews of the additional compensation claims for the Yankton Sioux and Santee Sioux tribes.

Rehabilitation funds had been provided to tribes on four of the seven reservations as part of their original compensation in the 1950s and 1960s (see table 3). While rehabilitation was a significant component of the original compensation package for four tribes, we believe it should be considered separately from the comparison for damages because rehabilitation was not directly related to the damage caused by the dams. Funding for rehabilitation, which gained support in the late-1940s, was meant to improve the tribes' social and economic development and prepare some of the tribes for the termination of federal supervision.¹⁵ From the late-1940s through the early-1960s, Congress considered several bills that would have provided individual tribes with rehabilitation funding. For example, between 1949 and 1950, the House passed seven bills for tribes totaling more than \$47 million in authorizations for rehabilitation funding, and considered other bills, one of which would have provided \$50 million to several Sioux tribes, including Crow Creek and Lower Brule. Owing to opposition from tribal groups, the termination policy began to lose support with Congress in the late 1950s, and rehabilitation funding for individual tribes during this time was most often authorized by Congress in association with compensation bills for dam projects on the Missouri River. However, the granting of rehabilitation funding for these tribes was inconsistent. Some tribes did not receive rehabilitation funding along with compensation for damages, while others did.

¹⁴See S. Rep. No. 107-214 at 4 (2002). The \$23.0 million and \$4.8 million in additional compensation authorized in 2002 for the Yankton Sioux and Santee Sioux tribes, respectively, is significantly less than the \$34.3 million and \$8.1 million originally proposed as additional compensation for these two tribes in 1999. See H.R. 2671, 106th Cong. (1999); and S. 1148, 106th Cong. (1999). For an explanation of how these higher dollar amounts were calculated see S. Rep. No. 106-367 at 7-8 (2000).

¹⁵The policy of termination, which was initiated in the 1940s and ended in the early 1960s, was aimed at ending the U.S. government's special relationship with Indian tribes, with an ultimate goal of subjecting Indians to state and federal laws on exactly the same terms as other citizens.

Table 3: Rehabilitation Payments Authorized by Congress for Tribes on the Missouri River

Current year dollars in millions

Tribe	Year original payment enacted	Original payment authorized	Rehabilitation payment authorized	Percentage
Three Affiliated Tribes of the Fort Berthold Reservation	1947 and 1949	\$12.6	\$0	0%
Cheyenne River Sioux	1954	10.6	5.2 ^a	49
Standing Rock Sioux	1958	12.3	7.0 ^a	57
Lower Brule Sioux	1958 and 1962	4.3	1.9	45
Crow Creek Sioux	1958 and 1962	5.9	3.8	64
Yankton Sioux	1952 and 1954	0.2	0	0
Santee Sioux	1958	0.05	0	0

Source: GAO analysis of the compensation acts.

^aThese amounts include relocation and reestablishment funds authorized for the tribes. For example, the Cheyenne River Sioux tribe was authorized \$416,626 for relocating and reestablishing tribal members living in the area that was flooded.

In closing, I would caution against looking solely at the acreage lost and the authorized compensation amounts to try and determine if the tribes were treated consistently. Such comparisons have led to perceived inequities between the tribes. For example, questions could be asked such as, Why was the original compensation for the Standing Rock Sioux tribe almost as much as the original compensation for the Three Affiliated Tribes of the Fort Berthold Reservation when the Fort Berthold reservation lost three times as much land? or Why was the additional compensation provided to the Yankton Sioux tribe almost as much as the additional compensation provided to the Crow Creek Sioux tribe when the Crow Creek reservation lost more than five times as much land? The type of land lost, the resources on the land, the structures on the land, the settlement negotiations, the compensation bills, and the dates when compensation was provided, has varied by tribe. Looking at just the total compensation amounts masks the underlying differences in each of the compensation bills.

Mr. Chairman, this completes my prepared statement. I would be happy to respond to any questions you or other Members of the Committee may have at this time.

Contact and Acknowledgments

For further information, please contact Robin M. Nazzaro on (202) 512-3841 or nazzaror@gao.gov. Individuals making key contributions to this testimony and our 2006 additional compensation report are Greg Carroll, Tim Guinane, Susanna Kuebler, Jeffery D. Malcolm, and Carol Herrnstadt Shulman.

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