

Union Calendar No. 820

96TH CONGRESS
2D SESSION

H. R. 7919

[Report No. 96-1353]

To provide for the settlement of land claims of Indians, Indian nations and tribes and bands of Indians in the State of Maine, including the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1980

Mr. EMERY (for himself and Mrs. SNOWE) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

SEPTEMBER 19, 1980

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of Bill as introduced on August 1, 1980]

A BILL

To provide for the settlement of land claims of Indians, Indian nations and tribes and bands of Indians in the State of Maine, including the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians, 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 *That this Act may be cited as the "Maine Indian Claims*
4 *Settlement Act of 1980".*

5 CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

6 *SEC. 2. (a) Congress hereby finds and declares that:*

7 *(1) The Passamaquoddy Tribe, the Penobscot*
8 *Nation, and the Maliseet Tribe are asserting claims for*
9 *possession of lands within the State of Maine and for*
10 *damages on the ground that the lands in question were*
11 *originally transferred in violation of law, including,*
12 *but without limitation, the Trade and Intercourse Act*
13 *of 1790 (1 Stat. 137), or subsequent reenactments or*
14 *versions thereof.*

15 *(2) The Indians, Indian nations, and tribes and*
16 *bands of Indians, other than the Passamaquoddy*
17 *Tribe, the Penobscot Nation, and the Houlton Band of*
18 *Maliseet Indians, that once may have held aboriginal*
19 *title to lands within the State of Maine long ago aban-*
20 *doned their aboriginal holdings.*

21 *(3) The Penobscot Nation, as represented as of*
22 *the time of passage of this Act by the Penobscot Na-*
23 *tion's Governor and Council, is the sole successor in*
24 *interest to the aboriginal entity generally known as the*

1 *Penobscot Nation which years ago claimed aboriginal*
2 *title to certain lands in the State of Maine.*

3 (4) *The Passamaquoddy Tribe, as represented as*
4 *of the time of passage of this Act by the Joint Tribal*
5 *Council of the Passamaquoddy Tribe, is the sole suc-*
6 *cessor in interest to the aboriginal entity generally*
7 *known as the Passamaquoddy Tribe which years ago*
8 *claimed aboriginal title to certain lands in the State of*
9 *Maine.*

10 (5) *The Houlton Band of Maliseet Indians, as*
11 *represented as of the time of passage of this Act by the*
12 *Houlton Band Council, is the sole successor in inter-*
13 *est, as to lands within the United States, to the ab-*
14 *original entity generally known as the Maliseet Tribe*
15 *which years ago claimed aboriginal title to certain*
16 *lands in the State of Maine.*

17 (6) *Substantial economic and social hardship to a*
18 *large number of landowners, citizens, and communities*
19 *in the State of Maine, and therefore to the economy of*
20 *the State of Maine as a whole, will result if the afore-*
21 *mentioned claims are not resolved promptly.*

22 (7) *This Act represents a good faith effort on the*
23 *part of Congress to provide the Passamaquoddy Tribe,*
24 *the Penobscot Nation, and the Houlton Band of Mali-*
25 *seet Indians with a fair and just settlement of their*

1 *land claims. In the absence of congressional action,*
2 *these land claims would be pursued through the courts,*
3 *a process which in all likelihood would consume many*
4 *years and thereby promote hostility and uncertainty in*
5 *the State of Maine to the ultimate detriment of the*
6 *Passamaquoddy Tribe, the Penobscot Nation, the*
7 *Houlton Band of Maliseet Indians, their members, and*
8 *all other citizens of the State of Maine.*

9 (8) *The State of Maine, with the agreement of the*
10 *Passamaquoddy Tribe and the Penobscot Nation, has*
11 *enacted legislation defining the relationship between*
12 *the Passamaquoddy Tribe, the Penobscot Nation, and*
13 *their members, and the State of Maine.*

14 (9) *Since 1820, the State of Maine has provided*
15 *special services to the Indians residing within its bor-*
16 *ders, including the members of the Passamaquoddy*
17 *Tribe, the Penobscot Nation, and the Houlton Band of*
18 *Maliseet Indians. During this same period, the United*
19 *States provided few special services to the respective*
20 *tribe, nation, or band, and repeatedly denied that it*
21 *had jurisdiction over or responsibility for the said*
22 *tribe, nation, and band. In view of this provision of*
23 *special services by the State of Maine, requiring sub-*
24 *stantial expenditures by the State of Maine and made*
25 *by the State of Maine without being required to do so*

1 *by Federal law, it is the intent of Congress that the*
2 *State of Maine not be required further to contribute di-*
3 *rectly to this claims settlement.*

4 *(b) It is the purpose of this Act—*

5 *(1) to remove the cloud on the titles to land in the*
6 *State of Maine resulting from Indian claims;*

7 *(2) to clarify the status of other land and natural*
8 *resources in the State of Maine;*

9 *(3) to ratify the Maine Implementing Act, which*
10 *defines the relationship between the State of Maine*
11 *and the Passamaquoddy Tribe, and the Penobscot*
12 *Nation, and*

13 *(4) to confirm that all other Indians, Indian na-*
14 *tions and tribes and bands of Indians now or hereafter*
15 *existing or recognized in the State of Maine are and*
16 *shall be subject to all laws of the State of Maine, as*
17 *provided herein.*

18 **DEFINITIONS**

19 **SEC. 3.** *For purposes of this Act, the term—*

20 *(a) "Houlton Band of Maliseet Indians" means*
21 *the sole successor to the Maliseet Tribe of Indians as*
22 *constituted in aboriginal times in what is now the*
23 *State of Maine, and all its predecessors and successors*
24 *in interest. The Houlton Band of Maliseet Indians is*
25 *represented, as of the date of the enactment of this Act,*

1 *as to lands within the United States, by the Houlton*
2 *Band Council of the Houlton Band of Maliseet Indi-*
3 *ans;*

4 (b) *“land or natural resources” means any real*
5 *property or natural resources, or any interest in or*
6 *right involving any real property or natural resources,*
7 *including but without limitation minerals and mineral*
8 *rights, timber and timber rights, water and water*
9 *rights, and hunting and fishing rights;*

10 (c) *“Land Acquisition Fund” means the Maine*
11 *Indian Claims Land Acquisition Fund established*
12 *under section 5(c) of this Act;*

13 (d) *“laws of the State” means the constitution,*
14 *and all statutes, regulations, and common laws of the*
15 *State of Maine and its political subdivisions and all*
16 *subsequent amendments thereto or judicial interpreta-*
17 *tions thereof;*

18 (e) *“Maine Implementing Act” means section 1,*
19 *section 30, and section 31, of the “Act to Implement*
20 *the Maine Indian Claims Settlement” enacted by the*
21 *State of Maine in chapter 732 of the public laws of*
22 *1979;*

23 (f) *“Passamaquoddy Indian Reservation” means*
24 *those lands as defined in the Maine Implementing Act;*

1 (g) "*Passamaquoddy Indian Territory*" means
2 those lands as defined in the *Maine Implementing Act*;

3 (h) "*Passamaquoddy Tribe*" means the *Passama-*
4 *quoddy Indian Tribe*, as constituted in aboriginal
5 times and all its predecessors and successors in inter-
6 est. The *Passamaquoddy Tribe* is represented, as of the
7 date of the enactment of this Act, by the *Joint Tribal*
8 *Council of the Passamaquoddy Tribe*, with separate
9 councils at the *Indian Township and Pleasant Point*
10 *Reservations*;

11 (i) "*Penobscot Indian Reservation*" means those
12 lands as defined in the *Maine Implementing Act*;

13 (j) "*Penobscot Indian Territory*" means those
14 lands as defined in the *Maine Implementing Act*;

15 (k) "*Penobscot Nation*" means the *Penobscot*
16 *Indian Nation* as constituted in aboriginal times, and
17 all its predecessors and successors in interest. The *Pe-*
18 *nobscot Nation* is represented, as of the date of enact-
19 ment of this Act, by the *Penobscot Nation Governor*
20 and *Council*;

21 (l) "*Secretary*" means the *Secretary of the*
22 *Interior*;

23 (m) "*Settlement Fund*" means the *Maine Indian*
24 *Claims Settlement Fund* established under section 5(a)
25 of this Act; and

1 (n) "transfer" includes but is not limited to any
2 voluntary or involuntary sale, grant, lease, allotment,
3 partition, or other conveyance; any transaction the pur-
4 pose of which was to effect a sale, grant, lease, allot-
5 ment, partition, or conveyance; and any act, event, or
6 circumstance that resulted in a change in title to, pos-
7 session of, dominion over, or control of land or natural
8 resources.

9 APPROVAL OF PRIOR TRANSFERS AND EXTINGUISHMENT
10 OF INDIAN TITLE AND CLAIMS OF THE PASSAMA-
11 QUODDY TRIBE, THE PENOBSCOT NATION, THE
12 HOULTON BAND OF MALISEET INDIANS, AND ANY
13 OTHER INDIANS, INDIAN NATION, OR TRIBE OR
14 BAND OF INDIANS WITHIN THE STATE OF MAINE

15 SEC. 4. (a)(1) Any transfer of land or natural resources
16 located anywhere within the United States from, by, or on
17 behalf of the Passamaquoddy Tribe, the Penobscot Nation,
18 the Houlton Band of Maliseet Indians, or any of their mem-
19 bers, and any transfer of land or natural resources located
20 anywhere within the State of Maine, from, by, or on behalf
21 of any Indian, Indian nation, or tribe or band of Indians,
22 including but without limitation any transfer pursuant to
23 any treaty, compact, or statute of any State, shall be deemed
24 to have been made in accordance with the Constitution and
25 all laws of the United States, including but without limita-

1 *tion the Trade and Intercourse Act of 1790, Act of July 22,*
2 *1790 (ch. 33, Sec. 4, 1 Stat. 137, 138), and all amendments*
3 *thereto and all subsequent reenactments and versions thereof,*
4 *and Congress hereby does approve and ratify any such trans-*
5 *fer effective as of the date of said transfer: Provided, however,*
6 *That nothing in this section shall be construed to affect or*
7 *eliminate the personal claim of any individual Indian*
8 *(except for any Federal common law fraud claim) which is*
9 *pursued under any law of general applicability that protects*
10 *non-Indians as well as Indians.*

11 (2) *The United States is barred from asserting on*
12 *behalf of any Indian, Indian nation, or tribe or band of Indi-*
13 *ans any claim under the laws of the State of Maine arising*
14 *before the date of this Act and arising from any transfer of*
15 *land or natural resources by any Indian, Indian nation, or*
16 *tribe or band of Indians, located anywhere within the State*
17 *of Maine, including but without limitation any transfer pur-*
18 *suant to any treaty, compact, or statute of any State, on the*
19 *grounds that such transfer was not made in accordance with*
20 *the laws of the State of Maine.*

21 (3) *The United States is barred from asserting by or on*
22 *behalf of any individual Indian any claim under the laws of*
23 *the State of Maine arising from any transfer of land or natu-*
24 *ral resources located anywhere within the State of Maine*
25 *from, by, or on behalf of any individual Indian, which oc-*

1 *curred prior to December 1, 1873, including but without lim-*
2 *itation any transfer pursuant to any treaty, compact, or stat-*
3 *ute of any State.*

4 **(b)** *To the extent that any transfer of land or natural*
5 *resources described in subsection (a)(1) of this section may*
6 *involve land or natural resources to which the Passama-*
7 *quoddy Tribe, the Penobscot Nation, the Houlton Band of*
8 *Maliseet Indians, or any of their members, or any other*
9 *Indian, Indian nation, or tribe or band of Indians had ab-*
10 *original title, such subsection (a)(1) shall be regarded as an*
11 *extinguishment of said aboriginal title as of the date of such*
12 *transfer.*

13 **(c)** *By virtue of the approval and ratification of a trans-*
14 *fer of land or natural resources effected by this section, or the*
15 *extinguishment of aboriginal title effected thereby, all claims*
16 *against the United States, any State or subdivision thereof,*
17 *or any other person or entity, by the Passamaquoddy Tribe,*
18 *the Penobscot Nation, the Houlton Band of Maliseet Indians*
19 *or any of their members or by any other Indian, Indian*
20 *nation, tribe or band of Indians, or any predecessors or suc-*
21 *cessors in interest thereof, arising at the time of or subsequent*
22 *to the transfer and based on any interest in or right involving*
23 *such land or natural resources, including but without limita-*
24 *tion claims for trespass damages or claims for use and occu-*

1 pancy, shall be deemed extinguished as of the date of the
2 transfer.

3 (d) The provisions of this section shall take effect imme-
4 diately upon appropriation of the funds authorized to be ap-
5 propriated to implement the provisions of section 5 of this
6 Act. The Secretary shall publish notice of such appropriation
7 in the Federal Register when such funds are appropriated.

8 ESTABLISHMENT OF FUNDS

9 SEC. 5. (a) There is hereby established in the United
10 States Treasury a fund to be known as the Maine Indian
11 Claims Settlement Fund in which \$27,000,000 shall be de-
12 posited following the appropriation of sums authorized by
13 section 14 of this Act.

14 (b)(1) One-half of the principal of the settlement fund
15 shall be held in trust by the Secretary for the benefit of the
16 Passamaquoddy Tribe, and the other half of the settlement
17 fund shall be held in trust for the benefit of the Penobscot
18 Nation. Each portion of the settlement fund shall be admin-
19 istered by the Secretary in accordance with reasonable terms
20 established by the Passamaquoddy Tribe or the Penobscot
21 Nation, respectively, and agreed to by the Secretary: Pro-
22 vided, That the Secretary may not agree to terms which pro-
23 vide for investment of the settlement fund in a manner not in
24 accordance with section 1 of the Act of June 24, 1938 (52
25 Stat. 1037), unless the respective tribe or nation first sub-

1 mits a specific waiver of liability on the part of the United
2 States for any loss which may result from such an invest-
3 ment: Provided, further, That until such terms have been
4 agreed upon, the Secretary shall fix the terms for the admin-
5 istration of the portion of the settlement fund as to which
6 there is no agreement.

7 (2) Under no circumstances shall any part of the princi-
8 pal of the settlement fund be distributed to either the Passa-
9 maquoddy Tribe or the Penobscot Nation, or to any member
10 of either tribe or nation: Provided, however, That nothing
11 herein shall prevent the Secretary from investing the princi-
12 pal of said fund in accordance with paragraph (1) of this
13 subsection.

14 (3) The Secretary shall make available to the Passama-
15 quoddy Tribe and the Penobscot Nation in quarterly pay-
16 ments, without any deductions except as expressly provided
17 in subsection 6(d)(2) and without liability to or on the part of
18 the United States, any income received from the investment
19 of that portion of the settlement fund allocated to the respec-
20 tive tribe or nation, the use of which shall be free of regula-
21 tion by the Secretary. The Passamaquoddy Tribe and the
22 Penobscot Nation annually shall each expend the income
23 from \$1,000,000 of their portion of the settlement fund for
24 the benefit of their respective members who are over the age of
25 sixty. Once payments under this paragraph have been made

1 to the tribe or nation, the United States shall have no further
2 trust responsibility to the tribe or nation or their members
3 with respect to the sums paid, any subsequent distribution of
4 these sums, or any property or services purchased therewith.

5 (c) There is hereby established in the United States
6 Treasury a fund to be known as the Maine Indian Claims
7 Land Acquisition Fund in which \$54,500,000 shall be de-
8 posited following the appropriation of sums authorized by
9 section 14 of this Act.

10 (d) The principal of the land acquisition fund shall be
11 apportioned as follows:

12 (1) \$900,000 to be held in trust for the Houlton
13 Band of Maliseet Indians;

14 (2) \$26,800,000 to be held in trust for the Passa-
15 maquoddy Tribe; and

16 (3) \$26,800,000 to be held in trust for the Penob-
17 scot Nation.

18 The Secretary is authorized and directed to expend, at the
19 request of the affected tribe, nation or band, the principal and
20 any income accruing to the respective portions of the land
21 acquisition fund for the purpose of acquiring land or natural
22 resources for the Passamaquoddy Tribe, the Penobscot
23 Nation, and the Houlton Band of Maliseet Indians and for
24 no other purpose. The first 150,000 acres of land or natural
25

1 resources acquired for the Passamaquoddy Tribe and the first
2 150,000 acres acquired for the Penobscot Nation within the
3 area described in the Maine Implementing Act as eligible to
4 be included within the Passamaquoddy Indian Territory and
5 the Penobscot Indian Territory shall be held in trust by the
6 United States for the benefit of the respective tribe or nation.
7 The Secretary is also authorized to take in trust for the
8 Passamaquoddy Tribe or the Penobscot Nation any land or
9 natural resources acquired within the aforesaid area by pur-
10 chase, gift, or exchange by such tribe or nation. Land or
11 natural resources acquired outside the boundaries of the
12 aforesaid areas shall be held in fee by the respective tribe or
13 nation, and the United States shall have no further trust
14 responsibility with respect thereto. Land or natural resources
15 acquired within the State of Maine for the Houlton Band of
16 Maliseet Indians shall be held in trust by the United States
17 for the benefit of the band: Provided, That no land or natural
18 resources shall be so acquired for or on behalf of the Houlton
19 Band of Maliseet Indians without the prior enactment of ap-
20 propriate legislation by the State of Maine approving such
21 acquisition: Provided further, That the Passamaquoddy
22 Tribe and the Penobscot Nation shall each have a one-half
23 undivided interest in the corpus of the trust, which shall con-
24 sist of any such property or subsequently acquired exchange

1 *property, in the event the Houlton Band of Maliseet Indians*
2 *should terminate its interest in the trust.*

3 (4) *The Secretary is authorized to, and at the re-*
4 *quest of either party shall, participate in negotiations*
5 *between the State of Maine and the Houlton Band of*
6 *Maliseet Indians for the purpose of assisting in secur-*
7 *ing agreement as to the land or natural resources to be*
8 *acquired by the United States to be held in trust for*
9 *the benefit of the Houlton Band. Such agreement shall*
10 *be embodied in the legislation enacted by the State of*
11 *Maine approving the acquisition of such lands as re-*
12 *quired by section 5(d)(3). The agreement and the legis-*
13 *lation shall be limited to:*

14 (A) *provisions providing restrictions against*
15 *alienation or taxation of land or natural resources*
16 *held in trust for the Houlton Band no less restric-*
17 *tive than those provided by this Act and the*
18 *Maine Implementing Act for land or natural re-*
19 *sources to be held in trust for the Passamaquoddy*
20 *Tribe or Penobscot Nation;*

21 (B) *provisions limiting the power of the*
22 *State of Maine to condemn such lands that are no*
23 *less restrictive than the provisions of this Act and*
24 *the Maine Implementing Act that apply to the*
25 *Passamaquoddy Indian Territory and the Penob-*

1 *scot Indian Territory but not within either the*
2 *Passamaquoddy Indian Reservation or the Penob-*
3 *scot Indian Reservation;*

4 (C) *consistent with the trust and restricted*
5 *character of the lands, provisions satisfactory to*
6 *the State and the Houlton Band concerning:*

7 (i) *payments by the Houlton Band in*
8 *lieu of payment of property taxes on land or*
9 *natural resources held in trust for the band,*
10 *except that the band shall not be deemed to*
11 *own or use any property for governmental*
12 *purposes under the Maine Implementing Act;*

13 (ii) *payments of other fees and taxes to*
14 *the extent imposed on the Passamaquoddy*
15 *Tribe and the Penobscot Nation under the*
16 *Maine Implementing Act, except that the*
17 *band shall not be deemed to be a governmen-*
18 *tal entity under the Maine Implementing Act*
19 *or to have the powers of a municipality*
20 *under the Maine Implementing Act;*

21 (iii) *securing performance of obligations*
22 *of the Houlton Band arising after the effec-*
23 *tive date of agreement between the State and*
24 *the band.*

25 (D) *provisions on the location of these lands.*

1 *Except as set forth in this subsection, such agreement*
2 *shall not include any other provisions regarding the*
3 *enforcement or application of the laws of the State of*
4 *Maine. Within one year of the date of enactment of*
5 *this Act, the Secretary is directed to submit to the ap-*
6 *propriate committees of the House of Representatives*
7 *and the Senate having jurisdiction over Indian affairs*
8 *a report on the status of these negotiations.*

9 *(e) Notwithstanding the provisions of section 1 of the*
10 *Act of August 1, 1888 (25 Stat. 357), as amended, and sec-*
11 *tion 1 of the Act of February 26, 1931 (46 Stat. 1421), the*
12 *Secretary may acquire land or natural resources under this*
13 *section from the ostensible owner of the land or natural re-*
14 *sources only if the Secretary and the ostensible owner of the*
15 *land or natural resources have agreed upon the identity of the*
16 *land or natural resources to be sold and upon the purchase*
17 *price and other terms of sale. Subject to the agreement re-*
18 *quired by the preceding sentence, the Secretary may institute*
19 *condemnation proceedings in order to perfect title, satisfac-*
20 *tory to the Attorney General, in the United States and con-*
21 *demn interests adverse to the ostensible owner. Except for the*
22 *provisions of this Act, the United States shall have no other*
23 *authority to acquire lands or natural resources in trust for*
24 *the benefit of Indians or Indian nations, or tribes, or bands*
25 *of Indians in the State of Maine.*

1 (f) *The Secretary may not expend on behalf of the*
2 *Passamaquoddy Tribe, the Penobscot Nation, or the Houlton*
3 *Band of Maliseet Indians any sums deposited in the funds*
4 *established pursuant to the subsections (a) and (c) of this*
5 *section unless and until he finds that authorized officials of*
6 *the respective tribe, nation, or band have executed appropri-*
7 *ate documents relinquishing all claims to the extent provided*
8 *by sections 4, 11, and 12 of this Act and by section 6213 of*
9 *the Maine Implementing Act, including stipulations to the*
10 *final judicial dismissal with prejudice of their claims.*

11 (g)(1) *The provisions of section 2116 of the Revised*
12 *Statutes shall not be applicable to (A) the Passamaquoddy*
13 *Tribe, the Penobscot Nation, or the Houlton Band of Mali-*
14 *seet Indians or any other Indian, Indian nation, or tribe or*
15 *band of Indians in the State of Maine, or (B) any land or*
16 *natural resources owned by or held in trust for the Passama-*
17 *quoddy Tribe, the Penobscot Nation, or the Houlton Band of*
18 *Maliseet Indians or any other Indian, Indian nation or tribe*
19 *or band of Indians in the State of Maine. Except as provided*
20 *in subsections (d)(4) and (g)(2), such land or natural re-*
21 *sources shall not otherwise be subject to any restraint on*
22 *alienation by virtue of being held in trust by the United*
23 *States or the Secretary.*

24 (2) *Except as provided in paragraph (3) of this subsec-*
25 *tion, any transfer of land or natural resources within Passa-*

1 *maquoddy Indian Territory or Penobscot Indian Territory,*
2 *except (A) takings for public uses consistent with the Maine*
3 *Implementing Act, (B) takings for public uses pursuant to*
4 *the laws of the United States, or (C) transfers of individual*
5 *Indian use assignments from one member of the Passama-*
6 *quoddy Tribe or Penobscot Nation to another member of the*
7 *same tribe or nation, shall be void ab initio and without any*
8 *validity in law or equity.*

9 (3) *Land or natural resources within the Passama-*
10 *quoddy Indian Territory or the Penobscot Indian Territory*
11 *or held in trust for the benefit of the Houlton Band of Mali-*
12 *seet Indians may, at the request of the respective tribe,*
13 *nation, or band, be—*

14 (A) *leased in accordance with the Act of August*
15 *9, 1955 (69 Stat. 539), as amended;*

16 (B) *leased in accordance with the Act of May 11,*
17 *1938 (52 Stat. 347), as amended;*

18 (C) *sold in accordance with section 7 of the Act of*
19 *June 25, 1910 (36 Stat. 857), as amended;*

20 (D) *subjected to rights-of-way in accordance with*
21 *the Act of February 5, 1948 (62 Stat. 17);*

22 (E) *exchanged for other land or natural resources*
23 *of equal value, or if they are not equal, the values*
24 *shall be equalized by the payment of money to the*
25 *grantor or to the Secretary for deposit in the land ac-*

1 quisition fund for the benefit of the affected tribe,
2 nation, or band, as the circumstances require, so long
3 as payment does not exceed 25 per centum of the total
4 value of the interests in land to be transferred by the
5 tribe, nation, or band; and

6 (F) sold, only if at the time of sale the Secretary
7 has entered into an option agreement or contract of sale
8 to purchase other lands of approximate equal value.

9 (h) Land or natural resources acquired by the Secretary
10 in trust for the Passamaquoddy Tribe and the Penobscot
11 Nation shall be managed and administered in accordance
12 with terms established by the respective tribe or nation and
13 agreed to by the Secretary in accordance with section 102 of
14 the Indian Self-Determination and Education Assistance
15 Act (88 Stat. 2206), or other existing law.

16 (i)(1) Trust or restricted land or natural resources
17 within the Passamaquoddy Indian Reservation or the Penob-
18 scot Indian Reservation may be condemned for public pur-
19 poses pursuant to the Maine Implementing Act. In the event
20 that the compensation for the taking is in the form of substi-
21 tute land to be added to the reservation, such land shall
22 become a part of the reservation in accordance with the
23 Maine Implementing Act and upon notification to the Secre-
24 tary of the location and boundaries of the substitute land.
25 Such substitute land shall have the same trust or restricted