

(A) SALE.—Consideration for a sale under this section shall be paid in cash on conveyance of the administrative site.

(B) EXCHANGE.—

(i) EQUAL IN VALUE.—Consideration for an exchange of land or an improvement to land under this section shall be in the form of a conveyance of land or improvement that is equal in value to the administrative site conveyed.

(ii) NOT EQUAL IN VALUE.—If the values of land or improvements to be exchanged under this Act and described in clause (i) are not equal, the values may be equalized by—

(I) the Secretary making a cash payment to the purchaser;

(II) the purchaser making a cash equalization payment to the Secretary; or

(III) reducing the value of the administrative site or the non-Federal land or improvements, as appropriate.

(h) REJECTION OF OFFERS.—The Secretary shall reject any offer made under this section if the Secretary determines that the offer is not—

(1) adequate to provide market value under subsection (g)(1); or

(2) in the public interest.

(i) BROKERAGE SERVICES.—The Secretary may use the proceeds of sales or exchanges under this section to pay reasonable commissions or fees for brokerage services if the Secretary determines that the services are in the public interest.

(j) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—After deducting any costs of the Secretary relating to a conveyance, the Secretary shall deposit the proceeds from the conveyance in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(2) USE.—Amounts deposited under paragraph (1) shall remain available to the Secretary until expended, without further appropriation, to pay any necessary and incidental costs of the Secretary for the acquisition, improvement, deferred maintenance, construction of new facilities; and disposition of administrative sites and capital improvements on National Forest System land.

(k) CONSULTATION WITH ADMINISTRATOR.—As appropriate, the Secretary is encouraged to work with the Administrator with respect to the conveyance of administrative sites.

SEC. 504. WORKING CAPITAL FUND.

(a) IN GENERAL.—Section 13 of the Department of Agriculture Organic Act of 1956 (16 U.S.C. 579b) is amended to read as follows:

“SEC. 13. WORKING CAPITAL FUND.

“(a) ESTABLISHMENT.—There is established a working capital fund (referred to in this section as the ‘Fund’), which shall be available without fiscal year limitation.

“(b) USE.—Amounts in the Fund shall be used to pay the costs of purchasing, constructing, performing capital repairs on, renovating, rehabilitating, disposing, or replacing buildings and to carry out deferred maintenance and improvements to land for programs of the Forest Service, subject to any limitations in appropriations for the Forest Service.

“(c) TRANSFER AND CAPITALIZATION.—The Secretary of Agriculture (referred to in this section as the ‘Secretary’) may—

“(1) transfer to the Fund, without reimbursement, and capitalize in the Fund at fair and reasonable values, any receivables, inventories, equipment, buildings, improvements, and other assets as the Secretary determines to be appropriate; and

“(2) assume the liabilities associated with the assets transferred under paragraph (1).

“(d) ADVANCE PAYMENTS.—The fund shall be credited with advance payments in connection with firm orders and reimbursements from appropriations and funds of the

Forest Service, other departmental and Federal agencies, and from other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities and service.”.

(b) SAVINGS CLAUSE.—The amendment made by subsection (a) shall not affect the status of funds and assets in the working capital fund established by section 13 of the Department of Agriculture Organic Act of 1956 (16 U.S.C. 579b) as in effect on the date of enactment of this section.

SA 1059. Mr. DORGAN proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

SEC. . FAMILY TRAVEL TO CUBA IN HUMANITARIAN CIRCUMSTANCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury shall issue a general license for travel to, from, or within Cuba to any person subject to the jurisdiction of the United States (and any member of the person's immediate family) for the purpose of visiting a member of the person's immediate family for humanitarian reasons.

(b) DEFINITIONS.—In this section:

(1) MEMBER OF THE PERSON'S IMMEDIATE FAMILY.—The term “member of the person's immediate family” means—

(A) the person's spouse, child, grandchild, parent, grandparent, great-grandparent, uncle, aunt, brother, sister, nephew, niece, first cousin, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, or brother-in-law; or

(B) the spouse, widow, or widower of any relative described in subparagraph (A).

(2) HUMANITARIAN REASONS.—The term “humanitarian reasons” means—

(A) to visit or care for a member of the person's immediate family who is seriously ill, injured, or dying;

(B) to make funeral or burial arrangements for a member of the person's immediate family;

(C) to attend religious services related to a funeral or a burial of, a member of the person's immediate family.

SA 1060. Mr. DORGAN (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Page 147, line 25 strike “\$72,500,000” and insert “\$67,000,000”.

Page 148, line 1 after 2007, insert “of which \$3,500,000 is for Historically Black Colleges and Universities.”

Page 172 line 4 strike “\$10,000,000” and insert “\$13,500,000”.

SA 1061. Mr. DORGAN (for Mr. OBAMA) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place insert:

SEC. . None of the funds made available in this Act may be used in contravention of 15 U.S.C. §2682(c)(3) or to delay the implementation of that section.

SA 1062. Mr. DORGAN (for Mr. OBAMA) proposed an amendment to the

bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place insert:

Provided, That of the funds made available under the heading “Environmental Programs and Management,” not less than \$100,000 shall be made available to issue the proposed rule required under 15 U.S.C. §2682(c)(3) by November 1, 2005, and promulgate the final rule required under 15 U.S.C. §2682(c)(3) by September 30, 2006.

SA 1063. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, line 22, strike “\$86,005,000” and insert “\$85,655,000”.

On page 254, after line 25, add the following:

SEC. 4 _____. The Secretary shall use \$350,000 to fund phase II improvements to the wastewater treatment plant in Moultrie, Georgia.

SA 1064. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4 _____. Beginning in fiscal year 2006 and thereafter, the Secretary of Interior or the Secretary of Agriculture shall not use any Federal funds for the purpose of imposing, or considering the imposition of, requirements to restrict or limit the diversion, storage, transportation, or use of water under vested water rights that are—

(1) recognized under Colorado law; and

(2) associated with a facility that is—

(A) in existence on the date of enactment of this Act; and

(B) used for the diversion, storage, transportation, or use of water that is located in whole or in part on Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, June 28, 2005, at 10 a.m., in room 106 of the Dirksen Senate Office Building to conduct an oversight hearing on the Regulation of Indian Gaming. Those wishing additional information may contact the Indian Affairs Committee.

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. PRESIDENT, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 29, 2005, at 9:30 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting on the following:

(1) S.J. Res. 15, A bill to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

(2) S. 374, A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

(3) S. 113, A bill to modify the date as of which certain tribal land of the Lytton Rancheria is deemed to be held in trust.

(4) S. 881, A bill to compensate the Spokane Tribe of Indians for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

(5) S. 449, A bill to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and persons born after Dec. 18, 1971, and for other purposes.

(6) H.R. 797/S. 475, A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other acts to improve housing programs for Indians.

(7) S. 623, A bill to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, UT, and for other purposes.

(8) S. 598, A bill to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing.

(9) S. , A bill to condemn certain subsurface rights to land held trust by the State of Arizona, and convey subsurface rights held by BLM, for the Pascua Yaqui Tribe.

(10) S. , A bill to authorize funding for the National Indian Gaming Commission.

(11) S. 1239, A bill to authorize the use of Indian Health Service funds to pay Medicare Part D premiums on behalf of Indians.

(12) S. 1231, A bill to provide initial funding for the National Fund for Excellence in American Indian Education previously established by Congress.

(13) S. , A bill to require former Federal employees who are employed by tribes to adhere to conflict of interest rules.

(14) S. , A bill to amend the Tribally Controlled Community College and Universities Assistance Act.

Those wishing additional information may contact the Indian Affairs Committee.

RED TIDE EMERGENCY RELIEF ACT OF 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate pro-

ceed to the immediate consideration of S. 1316 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1316) to authorize the Small Business Administration to provide emergency relief to shellfish growers affected by toxic red tide losses.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, today Senator SNOWE and I have introduced a bill to help a group of nearly 300 fishermen, known as aquaculturists, who are falling through the cracks of the Government's disaster assistance programs. Right now these businesses are prohibited from receiving SBA disaster loans, and they are eligible for USDA disaster loans only under limited circumstances.

To our dismay, we have learned that SBA has come across this dilemma many times in the past, most recently last year in Connecticut, and yet no one at that agency has ever tried to coordinate with the Department of Agriculture. To make matters worse, the SBA waited two weeks to let us know that they wouldn't be able to serve all our small businesses. So even in those cases in which these harmed small businesses would be eligible for loans from the USDA, hundreds of small businesses are left waiting for the Secretary of Agriculture to go through the same hoops to certify a disaster and make that agency's disaster loans available. I appreciate all the Farm Service Agency has done to expedite the process, and compliment their staff for being so responsive. However, this isn't right.

Our State has been hit by the worst case of red tide in more than 30 years. These small business owners have seen their income disappear because they can't sell their inventory. With no income they can't pay their bills, invest in seeds to plant future crops, and they can't afford to maintain their current crops. They need access to these low-cost loans to help them makes ends meet until the Government opens the shores and declares shellfish once again safe to eat.

Businesses in trouble can't, and shouldn't have to, wait for this redtape to be resolved. To make sure this doesn't happen in the future, I am joining Senator SNOWE to make it possible for aquaculturists to be eligible for SBA economic injury disaster loans. This will complement what the Department of Agriculture's Farm Services Agency can offer in disaster loans. I want to also assure my colleagues that businesses are only eligible for loans through the SBA or Farm Service Agency but not both. This is already prohibited by law, and the agencies have in place procedures to protect against misuse. I than Senator SNOWE for working with me to help our fishermen hurting from red tide.

I ask unanimous consent that an article on this problem be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

SHELLFISH GROWERS FEEL SNUBBED BY "RED TIDE" LOAN PROGRAM

(By Michael Kunzelman)

BOSTON.—Shellfish grower Barbara Austin has been out of work, just like hundreds of shellfishermen, ever since a toxic "red tide" closed shellfishing areas across the state earlier this month.

The difference is that she and nearly 300 other aquaculturists aren't eligible for the same low-interest loans to help them weather the financial storm.

Austin, of Wellfleet, pursued a loan from the Small Business Administration before learning they're reserved for the state's roughly 1,500 shellfishermen. The state's 287 licensed aquaculturists, who plant and harvest shellfish, aren't eligible because the SBA considers them farmers, not fishermen.

Austin said the rule was "kind of a slap in the face."

"If they're going to make offers like this, they should have been clear about what they're really offering," she said Tuesday.

In response, members of the state's congressional delegation Tuesday sent a letter to Agriculture Secretary Mike Johanns, urging him to make emergency financial assistance available to aquaculturists and fish farmers in eight Massachusetts counties.

Democratic Sen. Edward M. Kennedy, who also spearheaded a letter to Federal Emergency Management Agency Director Michael Brown asking him to meet with the delegation, said FEMA should coordinate the federal disaster relief for those affected by the red tide.

The shellfishermen, said Sen. John Kerry, D-Mass., "shouldn't be blocked from receiving low interest loans because of bureaucratic red tape."

The SBA's enforcement of an "obscure rule" was a surprise, said Mark Forest, district director for U.S. Rep. William Delahunt, D-Mass.

"Obviously, we are not pleased," Forest said. "We're working to get the problem fixed quickly."

Efforts to reach SBA regional director William Leggerio weren't immediately successful Tuesday.

On June 9, Gov. Mitt Romney declared a state of emergency and asked the SBA for disaster assistance for the shellfishing industry, which is losing an estimated \$3 million a week. Less than a week later, the SBA announced that it would offer loans of up to \$1.5 million with a 4 percent interest rate.

Other forms of financial assistance could be available soon. The state also is asking for disaster aid from the Federal Emergency Management Agency.

In the meantime, most of the shellfish beds shut down along the coast of Massachusetts will remain closed for at least four to five more weeks, state shellfish biologist Michael Hickey said Tuesday.

Hickey said the size and intensity of the toxic algae bloom is dropping in the waters off the North Shore and Cape Cod, but it could take two more weeks for the bloom to completely disappear. After that, he added, it would take two to three more weeks before shellfish beds can reopen.

"The good news is that areas we do have open are safe. The shellfish on the market is safe. The beaches are safe," Hickey said. "The bad news is, it's not over. (The bloom) is not going to be over for another couple of weeks."

The red tide algae contaminates shellfish such as clams and mussels, making them unsafe for people and animals to eat. The outbreak is the region's worst since 1972.