

from school to postsecondary education, the workforce, or community living. We have made it easier for States to provide quality services, and enhanced the ability of individuals with disabilities, and their families, to choose what services they receive.

In the Workforce Reinvestment and Adult Education Act, we have given individuals with disabilities the opportunity to participate more meaningfully in the workforce by enhancing their ability to receive training, and we have increased the emphasis on serving individuals with disabilities.

I strongly support this important resolution, and I encourage my colleagues to support it as well. Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 94, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MCKEON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE LATE RICK LUPE, BUREAU OF INDIAN AFFAIRS FORT APACHE AGENCY

Mr. RENZI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 237) honoring the late Rick Lupe, lead forestry technician for the Bureau of Indian Affairs Fort Apache Agency, for his dedication and service to the United States and for his essential service in fighting wildfires and protecting the environment and communities of Arizona.

The Clerk read as follows:

H. CON. RES. 237

Whereas Rick Lupe served as lead forestry technician for the Bureau of Indian Affairs Fort Apache Agency and was a long-time firefighter whose legendary intellect and skills made him a hero in 2002 when he saved the town of Show Low, Arizona, from the Rodeo-Chediski fire;

Whereas Rick Lupe and his crew of firefighters dug the fire line at Hop Canyon and created a back burn that stopped the fire from crossing U.S. 60;

Whereas Rick Lupe died on Thursday, June 19, 2003, as a result of severe burns sustained in a prescribed fire conducted in May;

Whereas throughout his career, Rick Lupe was a strong advocate of the prescribed burn program and supported and knew the value of fuels treatment programs;

Whereas Rick Lupe was extremely dedicated to his work and performed his job at the highest level;

Whereas friends and colleague describe Rick Lupe as “. . . a shining example of a firefighter . . . super safety-conscious, and his family is his love and pride”; and

Whereas Rick Lupe is survived by his wife of 21 years, Evelyn, and their three sons, Sean, 19, who is studying forestry at Northern Arizona University, Daniel, 16, who is in high school, and Brent, 9, who is in grade school: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes and honors the late Rick Lupe for his dedication and service to the United States, for his long and essential service in fighting wildfires and caring for the environment, and for ultimately sacrificing his life for the people of Arizona.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, earlier this year I introduced legislation that honored the lifetime of work and service of a firefighter in Arizona's first congressional district. My legislation, H. Con. Res. 237, will allow the House of Representatives to honor Mr. Rick Lupe for his contributions to the people and the lands of the surrounding communities of rural Arizona.

Mr. Lupe was a forestry technician who worked for the Bureau of Indian Affairs for many years. His work with the BIA's Fort Apache Agency was both impressive and memorable for all those who came in contact with him. Moreover, he was able to touch the lives of many more who never had the chance to meet or thank this individual for his efforts.

Those living in my district know Mr. Lupe from his work in saving communities like Show Low, Pinetop-Lakeside, McNary, as well as Hondah Homesites from the destruction of the Rodeo-Chediski fire. Under Mr. Lupe's great leadership, firefighters created a back-burn that stopped the fire line at Hop Canyon so that the fire did not cross a major interstate, protecting numerous homes and valuable lives.

Our country tragically lost Rick Lupe on Thursday June 19, 2003, after he survived for 5 weeks in a burn unit from wounds sustained in a prescribed fire in May of this year. Mr. Lupe is remembered as a man who was a shining example of a firefighter. He took pride in his work and even more pride in his family. Mr. Lupe left behind a wonderful wife of 21 years, Evelyn, and three sons, Sean, Daniel, and Brent.

This resolution states that we in Congress should recognize and honor Rick Lupe for his immense contributions on behalf of thousands living in Arizona. Given the fires that recently raged across Southern California and the over 11,000 firefighters that battle the blazes, we should never forget how many men and women are putting their lives on the line in the same manner that Mr. Lupe did for decades.

I urge my colleagues to support this resolution honoring Rick Lupe. I look forward to the support of Members of both sides of the aisle with regard to H. Con. Res. 237 and its consideration today.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to honor Rick Lupe, White Mountain Apache, expert firefighter, loving husband, devoted father and true hero. Lately, we hear the word "hero" tossed around often, too often; but I am here to tell you that Mr. Lupe deserves this term being used alongside his name forever.

In his capacity as lead forestry technician and firefighter for the Bureau of Indian Affairs, he saved lives and even towns from death and destruction. Sadly, he paid the ultimate price, but not before leaving a legacy we should all admire.

Richard Glenn Lupe worked his way up the BIA forestry organization through hard work, dependability, and by earning the respect of his coworkers and bosses alike. In June of 2000, two wildfires which began on the Fort Apache Indian Reservation in Arizona merged into one massive fire which destroyed more than 450 homes and burned over 460,000 acres of forestlands.

This fire was the largest wildfire ever in the history of the Southwest. However, even more homes and property would have been lost had it not been for the tenacity and courage of Rick Lupe and his firefighting team. Rick's team set a dozer line strategically placed to foil the coming flames, and it worked. His actions saved the towns of Show Low, Pinetop-Lakeside, Hondah Homesites, and McNary from certain destruction.

To Evelyn, Rick's wife and life companion of 21 years, and to their sons Sean, Daniel, and Brent, I extend my heartfelt sympathies. I hope that in some small way the knowledge that we honor the life and work of your husband and father here today will comfort you in the months and years to come.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 237.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ARAPAHO AND ROOSEVELT NATIONAL FORESTS LAND EXCHANGE ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2766) to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado, as amended.

The Clerk read as follows:

H.R. 2766

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 "Arapaho and Roosevelt National Forests Land Exchange Act of 2003".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Certain National Forest System lands near Empire, Colorado, are needed by the city of Golden, Colorado, to facilitate the construction of a water pipeline to transport domestic water supplies into storage for the city and its residents.

(2) Such National Forest System lands, comprising approximately 9.84 acres in total, are of limited utility for public administration or recreation and other use by virtue of their largely steep terrain, irregular boundary, and lack of easy public access.

(3) The city of Golden owns, or has an option to purchase, several parcels of non-Federal land comprising a total of approximately 141 acres near Evergreen and Argentine Pass, Colorado, which it is willing to convey to the United States for addition to the Arapaho and Roosevelt National Forests.

(4) The non-Federal lands owned or optioned by the city of Golden, if conveyed to the United States, will eliminate inholdings in the National Forest System, result in administrative cost savings to the United States by reducing costs of forest boundary administration, and provide the United States with environmental and public recreational use benefits (including enhanced Federal land ownership along the Continental Divide National Scenic Trail) that greatly exceed the benefits of the Federal land the United States will convey in exchange.

(5) It is in the public interest to authorize, direct, expedite, and facilitate completion of a land exchange involving these Federal and non-Federal lands to assist the city of Golden in providing additional water to its residents and to acquire valuable non-Federal lands for permanent public use and enjoyment.

SEC. 3. LAND EXCHANGE, ARAPAHO AND ROOSEVELT NATIONAL FORESTS, COLORADO.

(a) CONVEYANCE BY THE CITY OF GOLDEN.—

(1) LANDS DESCRIBED.—The land exchange directed by this section shall proceed if, within 30 days after the date of the enactment of this Act, the city of Golden, Colorado (in the section referred to as the "City"), offers to convey title acceptable to the United States to the following non-Federal lands:

(A) Certain lands located near the community of Evergreen in Park County, Colorado, comprising approximately 80 acres, as generally depicted on a map entitled "Non-Federal Lands—Cub Creek Parcel", dated June, 2003.

(B) Certain lands located near Argentine Pass in Clear Creek and Summit Counties, Colorado, comprising approximately 55.909 acres in 14 patented mining claims, as generally depicted on a map entitled "Argentine Pass/Continental Divide Trail Lands", dated September 2003.

(2) CONDITIONS OF CONVEYANCE.—The conveyance of lands under paragraph (1) to the United States shall be subject to the absolute right of the City to permanently enter upon, utilize, and occupy so much of the surface and subsurface of the lands as may be reasonably necessary to access, maintain, repair, modify, make improvements in, or otherwise utilize the Vidler Tunnel to the same extent that the City would have had such right if the lands had not been conveyed to the United States and remained in City ownership. The exercise of such right shall not require the City to secure any permit or other advance approval from the United States. Upon acquisition by the United States, such lands are hereby permanently withdrawn from all forms of entry and appropriation under the public land laws, including the mining and mineral leasing laws, and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(b) CONVEYANCE BY UNITED STATES.—Upon receipt of acceptable title to the non-Federal lands identified in subsection (a), the Secretary of Agriculture shall simultaneously convey to the City all right, title and interest of the United States in and to certain Federal lands, comprising approximately 9.84 acres, as generally depicted on a map entitled "Empire Federal Lands—Parcel 12", dated June 2003.

(c) EQUAL VALUE EXCHANGE.—

(1) APPRAISAL.—The values of the Federal lands identified in subsection (b) and the non-Federal lands identified in subsection (a)(1)(A) shall be determined by the Secretary through appraisals performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions (December 20, 2000) and the Uniform Standards of Professional Appraisal Practice. Except as provided in paragraph (3), the conveyance of the non-Federal lands identified in subsection (a)(1)(B) shall be considered a donation for all purposes of law.

(2) SURPLUS OF NON-FEDERAL VALUE.—If the final appraised value, as approved by the Secretary, of the non-Federal lands identified in subsection (a)(1)(A) exceeds the final appraised value, as approved by the Secretary, of the Federal land identified in subsection (b), the values may be equalized—

(A) by reducing the acreage of the non-Federal lands identified in subsection (a) to be conveyed, as determined appropriate and acceptable by the Secretary and the City;

(B) the making of a cash equalization payment to the City, including a cash equalization payment in excess of the amount authorized by section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(C) a combination of acreage reduction and cash equalization.

(3) SURPLUS OF FEDERAL VALUE.—If the final appraised value, as approved by the Secretary, of the Federal land identified in subsection (b) exceeds the final appraised value, as approved by the Secretary, of the non-Federal lands identified in subsection (a)(1)(A), the Secretary shall prepare a statement of value for the non-Federal lands identified in subsection (a)(1)(B) and utilize such value to the extent necessary to equalize the values of the non-Federal lands identified in subsection (a)(1)(A) and the Federal land identified in subsection (b). If the Secretary declines to accept the non-Federal lands identified in subsection (a)(1)(B) for any reason, the City shall make a cash equalization payment to the Secretary as necessary to equalize the values of the non-Federal lands identified in

subsection (a)(1)(A) and the Federal land identified in subsection (b).

(d) EXCHANGE COSTS.—To expedite the land exchange under this section and save administrative costs to the United States, the City shall be required to pay for—

(1) any necessary land surveys; and

(2) the costs of the appraisals, which shall be performed in accordance with Forest Service policy on approval of the appraiser and the issuance of appraisal instructions.

(e) TIMING AND INTERIM AUTHORIZATION.—It is the intent of Congress that the land exchange directed by this Act should be completed no later than 120 days after the date of the enactment of this Act. Pending completion of the land exchange, the City is authorized, effective on the date of the enactment of this Act, to construct a water pipeline on or near the existing course of the Lindstrom ditch through the Federal land identified in subsection (b) without further action or authorization by the Secretary, except that, prior to initiating any such construction, the City shall execute and convey to the Secretary a legal document that permanently holds the United States harmless for any and all liability arising from the construction of such water pipeline and indemnifies the United States against all costs arising from the United States' ownership of the Federal land, and any actions, operations or other acts of the City or its licensees, employees, or agents in constructing such water pipeline or engaging in other acts on the Federal land prior to its transfer to the City. Such encumbrance on the Federal land prior to conveyance shall not be considered for purposes of the appraisal.

(f) ALTERNATIVE SALE AUTHORITY.—If the land exchange is not completed for any reason, the Secretary is hereby authorized and directed to sell the Federal land identified in subsection (b) to the City at its final appraised value, as approved by the Secretary. Any money received by the United States in such sale shall be considered money received and deposited pursuant to Public Law 90-171 (16 U.S.C. 484(a); commonly known as the "Sisk Act", and may be used, without further appropriation, for the acquisition of lands for addition to the National Forest System in the State of Colorado.

(g) INCORPORATION, MANAGEMENT, AND STATUS OF ACQUIRED LANDS.—Land acquired by the United States under the land exchange shall become part of the Arapaho and Roosevelt National Forests, and the exterior boundary of such forest is hereby modified, without further action by the Secretary, as necessary to incorporate the non-Federal lands identified in subsection (a) and an additional 40 acres as depicted on a map entitled "Arapaho and Roosevelt National Forest Boundary Adjustment—Cub Creek", dated June 2003. Upon their acquisition, lands or interests in land acquired under the authority of this Act shall be administered in accordance with the laws, rules and regulations generally applicable to the National Forest System. For purposes of Section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Arapaho and Roosevelt National Forests, as adjusted by this subsection shall be deemed to be the boundaries of such forest as of January 1, 1965.

(h) TECHNICAL CORRECTIONS.—The Secretary, with the agreement of the City, may make technical corrections or correct clerical errors in the maps referred to in this section or adjust the boundaries of the Federal lands to leave the United States with a manageable post-exchange or sale boundary. In the event of any discrepancy between a map, acreage estimate, or legal description, the map shall prevail unless the Secretary and the City agree otherwise.

(i) REVOCATION OF ORDERS AND WITHDRAWAL.—Any public orders withdrawing any of the Federal lands identified in subsection (b) from appropriation or disposal under the public land laws are hereby revoked to the extent necessary to permit disposal of the Federal lands.