

around the country, who are clearly not creditors. So, for once, the process kind of worked.

This gives hope to the people who will be serving in the next Congress. They can work together on a bipartisan basis. This gives hope to people like me, who are leaving at the end of this term, that Congress will continue to function, in some way, in a bipartisan, commonsense manner.

I am satisfied we've done a good job here.

Mr. BROWN of Georgia. Mr. Speaker, I strongly support S. 3987, the Red Flag Program Clarification Act of 2010, which will remove a regulatory burden that our nation's small businesses are facing. I would like to thank Chairman FRANK and Ranking Member BACHUS for bringing this bill to the floor, and I thank the Committee staff for their hard work.

In November of 2007, the Federal Trade Commission issued a regulation, known as the "Red Flags" rule, as required by section 114 of the Fair and Accurate Credit Transaction Act of 2003. Red Flags required financial regulatory agencies, including the FTC, to craft rules requiring financial institutions and creditors to implement programs to detect and respond to patterns, practices, or specific activities—in other words, "Red Flags"—that could lead to potential identity theft.

The FTC broadly interpreted "creditors" to include any business that allows clients to establish a payment plan in exchange for their services rendered, sweeping in many businesses that do not operate as a creditor in the general understanding of the term, such as dentists, doctors, veterinarians, lawyers, accountants, and many other health care providers that offer their clients payment plans.

Congress did not intend to have the Red Flags rule cover these types of small businesses when it passed the Fair and Accurate Credit Transaction Act of 2003. Because of the uncertainty as to the definition of a creditor and subsequent law suits filed against the FTC, the FTC delayed enforcement of the Red Flags Rule multiple times since its original implementation date of January 1, 2008. The Rule is now scheduled to go into effect on January 1, 2011, and if it does, it could require small businesses to undertake costly and burdensome measures to prevent identity theft in industries that pose little threat. This legislation will eliminate the need to request another enforcement delay.

It also clarifies who must comply with the Red Flags Rule as those creditors that use consumer reports, furnish information to consumer reporting agencies, and other creditors that loan money. Should it become apparent that there are industries that present a reasonably foreseeable risk of identity theft, the FTC will have the authority to issue a rule open for public comment that shows the industry should comply with the Red Flag rule.

This legislation has broad bipartisan support. It passed the Senate by unanimous consent last week, and similar legislation I co-sponsored passed the House last fall on the Suspension calendar with a 400–0 vote. It is supported by over 30 medical associations and the U.S. Chamber of Commerce.

In its initial regulatory analysis, the FTC estimated that the proposed Red Flags regulation would cover approximately 11.1 million entities "across almost every industry," ninety percent

of which were expected to qualify as small businesses. At a time when we are experiencing record high unemployment, Congress needs to provide our nation's job creators relief from unnecessary regulations. This legislation will do just that.

I urge my colleagues to support this bill, so that we can ease the regulatory burden on those industries that were not supposed to be covered by the Red Flags rule.

Mr. ADLER of New Jersey. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. ADLER) that the House suspend the rules and pass the bill, S. 3987.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE REMOVAL OF ILLICIT MARIJUANA ON FEDERAL LANDS

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1540) supporting the goal of eradicating illicit marijuana cultivation on Federal lands and calling on the Director of the Office of National Drug Control Policy to develop a coordinated strategy to permanently dismantle Mexican drug trafficking organizations operating on Federal lands, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1540

Whereas Mexican drug trafficking organizations and other criminal groups have established robust and dangerous marijuana plantations on Federal lands managed by the United States Forest Service and the Bureau of Land Management;

Whereas the Office of National Drug Control Policy reported that 1,800,000 marijuana plants were eradicated from Federal lands in 2006, 2,890,000 marijuana plants were eradicated in 2007, and 4,000,000 marijuana plants were eradicated in 2008;

Whereas former Director of National Drug Control Policy John P. Walters declared in 2007: "America's public lands are under attack. Instead of being appreciated as national treasures, they are being exploited and destroyed by foreign drug trafficking organizations and heavily armed Mexican marijuana cartels who have turned them into ground zero for drug cultivation. These violent drug traffickers are endangering America's outdoor enthusiasts and sportsmen, and the sensitive ecosystems of our wilderness.";

Whereas the illicit drug trade undermines the rule of law and has a detrimental impact in communities across our Nation;

Whereas Mexican drug traffickers use the revenue generated from marijuana production on Federal lands to support criminal activities, including human trafficking and illicit weapons smuggling, and to foster political unrest in Mexico;

Whereas drug traffickers have committed acts of violence against United States citizens and have fired upon law enforcement officers to protect their marijuana crops;

Whereas on October 8, 2000, an 8-year-old boy and his father were shot by drug traffickers while hunting in El Dorado National Forest;

Whereas on June 16, 2009, law enforcement officers with the Lassen County Sheriff's Department were wounded by gunfire from drug traffickers during the investigation of a marijuana plantation on Bureau of Land Management property;

Whereas drug traffickers place booby traps that contain live shotgun shells on marijuana plantations;

Whereas the American people should not be subjected to violence while enjoying our Nation's recreation areas;

Whereas marijuana plantations pose a significant threat to the environmental health of Federal lands;

Whereas drug traffickers spray considerable quantities of unregulated chemicals, pesticides, and fertilizers;

Whereas drug traffickers divert streams and other waterways to construct complex irrigation systems;

Whereas it costs the Federal Government \$11,000 to restore one acre of forest on which marijuana is being cultivated;

Whereas the Federal Government is fundamentally responsible for protecting our Nation's Federal lands and the citizens who recreate on them;

Whereas local law enforcement agencies currently play a vital role in eradicating marijuana cultivation and enforcing Federal drug laws on Federal lands;

Whereas coordination among Federal agencies and among Federal, State, and local law enforcement agencies is essential to curtailing marijuana growth on Federal lands;

Whereas targeted joint law enforcement interdiction raids have brought forth significant but short-lived successes in combating marijuana production on Federal lands;

Whereas Federal law enforcement should develop and pursue a strategy that seeks to eradicate the illicit production of marijuana on Federal lands, and to investigate, detain, and bring drug traffickers to justice; and

Whereas the creation of a long-term, Federal-led strategy is essential to eliminating illicit marijuana cultivation on Federal lands: Now, therefore, be it

Resolved, That the House of Representatives—

(1) declares that drug trafficking organizations cultivating illicit marijuana on Federal lands in the United States pose an unacceptable threat to the safety of law enforcement and the public;

(2) affirms that it is the responsibility of the Federal Government to confront the threat of illicit marijuana cultivation on Federal lands; and

(3) calls upon the Director of the Office of National Drug Control Policy to work in conjunction with Federal and State agencies to develop a comprehensive and coordinated strategy to permanently dismantle Mexican drug trafficking organizations and other criminal groups operating on Federal lands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1540 supports the goal of eliminating illegal marijuana cultivation on Federal lands, and calls on the Director of the Office of National Drug Control Policy to develop a coordinated strategy to defeat Mexican drug trafficking organizations and other criminal groups.

Marijuana growers have begun to use public lands because of their remoteness and difficulty in seizing or tracing the drugs to any specific owner. These large-scale plantations are being operated by well-armed and well-financed Mexican drug trafficking organizations and other criminal groups. Law enforcement officials report that the criminal groups that grow marijuana on Federal forest lands will shoot at police or at any other unwelcome visitors in order to protect their crops.

The National Drug Intelligence Center in the Department of Justice issued a national drug threat assessment in February in which it reported that the number of marijuana plants removed from public lands had increased by more than 300 percent from just 2004 to 2008. This increase was spurred primarily by marijuana crops overseen by Mexican drug cartels.

In 2008, a separate National Drug Intelligence Center report on cartel-related drug trafficking organizations found that the federation and other undetermined cartels were active in Oregon. In addition, a recent Drug Enforcement Agency investigation uncovered evidence of growers cultivating marijuana on public lands in Oregon and California.

The goal of this resolution is to bring attention to this illicit cartel activity and to encourage officials to develop an interagency strategy to stop drug cartels from using Federal lands for large-scale illegal drug crop operations.

I urge my colleagues to support the resolution.

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

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, as one of its cosponsors, I rise in support of House Resolution 1540. This draws much needed attention to a problem as suggested by my friend, the gentleman from Virginia, which is the cultivation of marijuana on our Federal lands.

There is no doubt that, oh, 15 years ago, when I was Attorney General of California, we saw that Mexican cartels had basically taken over this trade in our State and that they were largely operating on Federal lands, on non-private lands. Of course, in the State of California, I believe the Federal Government owns about 49 percent of our State—a lot of that forest lands and

wilderness areas. These are the areas that these cartels are converting into farms for illegal marijuana crops. They are damaging our protected ecosystems there, and they are threatening the safety of visitors and employees. In fact, the DEA calls marijuana the “cash crop” that finances drug cartels’ drug trafficking operations.

Marijuana is grown in remote areas of public lands, where there is a limited law enforcement presence. The two primary regions for these marijuana sites are the Western Region, comprised of California, Hawaii, Oregon, and Washington; and the Appalachian Region, including Kentucky, Tennessee and West Virginia.

This year, when I was visiting one of my counties, the smallest population county in the State of California, Alpine County, which has parts of several U.S. forests and a couple of wilderness areas, the under sheriff told me of some of the largest finds that they had made in those areas. They were finds that were unexpected and finds that were difficult to discover precisely because there are so few people who live in these areas. Of course, we designate them as wilderness areas and as forest lands. In many cases, they are not that often visited by citizens of the United States. The people who recreate these areas do so, enjoying the environment. These pristine lands of our National Forest system are therefore particularly enticing to these drug trafficking organizations as the dense, expansive forests that we find in these areas provide optimum marijuana-growing conditions with very little risk of detection.

America’s National Forest system, managed by the U.S. Forest Service, is comprised of 193 million acres of land with 153,000 miles of trails and nearly 18,000 recreation sites, but we only have a little under 200 sworn officers and detectives who patrol this vast, expansive land, including 36 million acres of wilderness area.

The members of these cartels hike deep into the forests, fell trees, and clear away brush to plant their marijuana crops. They construct rudimentary irrigation systems, and divert water from local creeks or streams. They use these to water the plants. They use Miracle-Gro or other fertilizers, and they even lace the area with animal-killing chemicals. It’s obvious they don’t file for EPA permits or anything like that.

They are destroying much of the beautiful natural resources that we have in these areas. We have discovered that the cartel members set up camp nearby and patrol the areas for intruders; and sometimes, when innocent American citizens are traveling through these areas, they are encountered by these individuals. More and more, we see that these members of the cartels have lethal weapons with them, even automatic weapons.

The Justice Department reports that these cartels, particularly in the

States of Washington and California, are becoming increasingly aggressive in protecting the marijuana fields. We have found assault rifles, and we have found them engaging in standoffs with law enforcement officers. I would say, in my most rural counties, we do not have the largest law enforcement departments. That, combined with the very few people we have from the Federal Government’s law enforcement, make it a prime area for these drug cartels to take over and make it dangerous, as I say, for law-abiding citizens, who want nothing but to recreate in these areas, to utilize these facilities.

I will say, late this summer/early this fall, we got tremendous support from the Forest Service and from other elements of the Federal Government in support of our effort to try and clean out these areas and also to protect our local law enforcement officers as they were working on it. In 2010, more than 3 million marijuana plants were seized from Forest Service lands in practically every region of the country. Now, this is a dramatic increase from 2004 when fewer than 750,000 plants were seized.

Once their illegal crops are harvested, the growers then abandon the sites, and they leave their garbage and their destruction behind. These fields are easy to plant, easy to harvest, but difficult to eradicate. Law enforcement officers must patrol the thick forest canopy from the sky, hoping to glimpse a marijuana grow site.

□ 1640

They must then fly or hike into the site, hoping that they won’t be confronted by armed guards or boobytraps. These marijuana sites not only pose a danger to law enforcement officials, park employees, and visitors, but as I say, to the very natural resources the forest designation is intended to protect.

Marijuana fields utilized by these illegal cartels cause extensive long-term damage to the forest ecosystems and deplete the drinking water supplies for neighboring communities. Just last month, the Forest Service removed more than 10 cubic yards of garbage from six abandoned marijuana grow sites in northern California. The Forest Service reports that it cost approximately \$30,000 to remove the marijuana and restore the ecosystem of each of the 622 marijuana sites discovered in the national forest system for fiscal year 2010. That is a cost of over \$18 million in taxpayer dollars to rid our forests of these illegal marijuana grows.

It is imperative that Congress and the administration make a commitment to put an end to the marijuana sites on Federal land and protect our precious natural resources from any further destruction.

I commend my colleague from California (Mr. HERGER) for his tireless efforts to address this growing problem and as I say, I was proud to join him in

this case as an original cosponsor of H. Res. 1540. I urge my colleagues to support this resolution.

Mr. Speaker, I yield 5 minutes to the author of the bill, the gentleman from California (Mr. HERGER).

Mr. HERGER. I thank my good friend from California for yielding me the time.

Mr. Speaker, I rise to urge my colleagues to support House Resolution 1540, which I introduced to expose a growing crisis on public lands in my northern California congressional district and across the Nation. Mexican drug cartels are operating large-scale marijuana plantations on these lands, and the problem is getting worse by the day.

I recently joined law enforcement in a marijuana eradication raid in the forests of Shasta County, California, and saw firsthand the flourishing productivity of these foreign drug traffickers. Unfortunately, the Federal Government has not taken sufficient action to dismantle them, and a comprehensive strategy is long overdue.

These foreign drug cartels pose a severe threat to public safety. They are heavily armed and have repeatedly fired at law enforcement officers to protect their illegal crops. They endanger the lives of outdoorsmen who too frequently have been confronted by violent criminals while simply trying to enjoy their public lands. They use the drug profits to fund a multitude of violent crimes and provoke the political unrest in Mexico that could threaten our national security. They cause grave and costly damage to our environment, leaving behind tons of trash and dangerous chemicals and costing taxpayers an estimated \$11,000 to restore each acre of forest damaged by marijuana cultivation.

Mr. Speaker, our national forests should be a safe haven for families and recreation enthusiasts, not Mexican drug cartels. The American people should not have to fear for their safety while on a family camping trip. Taxpayers in our Nation should not have to bear the financial burden of the damage caused by drug traffickers. And the United States should never allow foreign cartels to reign free on the sovereign territory of our Nation. Let me say emphatically that these drug trafficking organizations must be pursued relentlessly, shut down permanently, and brought to justice unconditionally.

House Resolution 1540 spells out the crisis occurring on our public lands and affirms that the Federal Government must do more to confront this threat. It calls upon the Director of the Office of National Drug Control Policy to work in conjunction with Federal and State agencies to develop a comprehensive and coordinated strategy to permanently dismantle the foreign drug trafficking organizations that have found a sanctuary on these lands. It is an important first step designed to both shine the light on this unacceptable menace and to demand that Fed-

eral law enforcement agencies take more aggressive, more persistent, and more effective action to shut them down for good.

I want to thank Chairman CONYERS and Ranking Member SMITH for their commitment to addressing this serious threat to public safety and to our national sovereignty. I urge my colleagues to vote for this resolution.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, this resolution is seemingly innocuous, for who in this body would be against illicit agriculture on our Federal lands, and yet it gives you reason to wonder why we're not facing a crisis of illicit corn production, illicit potato production, illicit tobacco production on our Federal lands of the magnitude of the crisis of marijuana production involved with criminal enterprises on our Federal lands. This resolution only serves to perpetuate this failed policy of prohibition, which has led to the rise of the criminal production of marijuana on Federal lands.

The gentleman from California said that the Federal Government must do more to confront this threat. I would submit that the Federal Government can do more by doing less. My home State of Colorado, the gentleman's home State of California, many other States have legalized and allowed for the medical use of marijuana, the production of marijuana, in a regulated capacity. The American public is split and a number of States continue to consider legalization for other uses as well. But as long as it remains illegal and as long as there is a market demand, the production will be driven underground. No matter how much we throw at enforcement, it will continue to be a threat not only to our Federal lands, but to our border security and to our safety within our country.

The resolution states that, Whereas, Mexican drug traffickers use the revenue generated from marijuana production on Federal lands to support criminal activities, including human trafficking and illicit weapons smuggling, and to foster political unrest in Mexico. It is estimated that about half of the money that the Mexico cartels obtain is through the marijuana trade. Yes, by eliminating the failed policy of prohibition with regard to marijuana and replacing it with regulation we can cut the money to the criminal gangs by half—half the human trafficking, half the illicit weapons trafficking, half the casualties of the drug war—by focusing on the hard narcotic substances that are addictive and have enslaved a generation of youth.

I have no doubt that marijuana plantations, as the resolution states, pose a threat to the environmental health of Federal lands, that drug traffickers spray unregulated chemicals, pesticides, and fertilizers, but I submit that the best way to address that is to incorporate this into a meaningful and

enforceable agricultural policy for the country with regard to the regulatory structure for the production of marijuana.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume just to say that I support this resolution.

The concern is a considerable one. These cartels are in fact violent and vicious, and their violence has gone up over the last number of years, and it is affecting our districts very directly.

I might say to the gentleman who just spoke that we happen to be one of the States that allows for medicinal marijuana, and it is not very difficult to get a medicinal purpose for marijuana. But we also had before the voters in the State of California an opportunity to decide whether or not they wanted to make it legal, and it was voted down by a substantial margin. That being the case, I think this resolution needs to go forward, and I would urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

□ 1650

I would like to thank my colleagues from California, Mr. HERGER and Mr. LUNGREN, for their advocacy on this issue. I urge my colleagues to support the resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1540, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HERGER. 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.

CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3998) to extend the Child Safety Pilot Program.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3998

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 "Criminal History Background Checks Pilot Extension Act of 2010".

SEC. 2. EXTENSION.

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended by striking "92-month" and inserting "104-month".