

June 28, 2017

The Honorable Sheldon Whitehouse  
United States Senate  
530 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Charles Grassley  
United States Senate  
135 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, D.C. 20510

**RE: True Incorporation Transparency for Law Enforcement (TITLE) Act (S. 1454),**

Dear Senators Whitehouse, Grassley, and Feinstein,

We, the undersigned organizations, write to express our strong support for your bipartisan True Incorporation Transparency for Law Enforcement (TITLE) Act (S. 1454), which would require companies to disclose information about the real people who own or control them (often called the “beneficial owners”) at the time they are created.

We support increased corporate transparency because it would (1) safeguard our national security and expose terrorist financing; (2) curb corruption and fraud, which robs taxpayers of resources designated for infrastructure, and other critical needs; (3) provide critical tools to law enforcement and others to combat money laundering; (4) promote sound corporate governance and financial stability; (5) combat human trafficking; (6) curtail the financing of drug cartels; and (7) help ensure a fair and level playing field for small- and medium-sized businesses.

Many U.S. states rank among the easiest places in the world to set up a company whose owners cannot be traced.<sup>1</sup> In many states, you need less identification to set up a company than you do to get a library card.<sup>2</sup> The lack of transparency allows corrupt foreign official to divert resources from public treasuries and destabilize the economies of developing nations. As shown last year by the Pulitzer-Prize-winning revelations of the Panama Papers and by CBS’ 60 Minutes, it’s all too easy to move suspect money in the U.S. through anonymous companies created in this country.<sup>3</sup>

Investigations continue to reveal that terrorists, drug cartels, human traffickers, arms dealers, corrupt foreign officials, tax evaders, sanctioned individuals, and other criminals easily and regularly set up U.S. shell companies without providing any information about who owns or controls such companies.<sup>4</sup>

---

<sup>1</sup> Findley, Michael et al. "Global Shell Games: Testing Money Launderers’ and Terrorist Financiers’ Access to Shell Companies." [https://www.griffith.edu.au/\\_data/assets/pdf\\_file/0008/454625/Oct2012-Global-Shell-Games.Media-Summary.10Oct12.pdf](https://www.griffith.edu.au/_data/assets/pdf_file/0008/454625/Oct2012-Global-Shell-Games.Media-Summary.10Oct12.pdf)

<sup>2</sup> Findley, Michael et al. "Global Shell Games: Testing Money Launderers’ and Terrorist Financiers’ Access to Shell Companies." [https://www.griffith.edu.au/\\_data/assets/pdf\\_file/0008/454625/Oct2012-Global-Shell-Games.Media-Summary.10Oct12.pdf](https://www.griffith.edu.au/_data/assets/pdf_file/0008/454625/Oct2012-Global-Shell-Games.Media-Summary.10Oct12.pdf)

<sup>3</sup> <http://www.cbsnews.com/news/anonymus-inc-60-minutes-steve-kroft-investigation/>

<sup>4</sup> Special Report: A little house of secrets on the Great Plains." Reuters. June 28, 2011. <http://www.reuters.com/article/us->

Criminals often layer anonymous corporations, with one owning another and so on, to make it even harder for law enforcement to “follow the money” to figure out who is directing the company’s activity — i.e. the identity of the real criminal. These tactics enable criminals to disguise their identities behind the anonymity provided to U.S. companies and to launder dirty money through the U.S. financial system. The lack of transparency also allows corrupt foreign official to divert resources from public treasuries and destabilize the economies of developing nations

Anonymous companies have been set up in states across the U.S. to commit crimes and hurt Americans throughout the country. Some examples include:

- A gang used anonymous companies from Kansas, Missouri, and Ohio to trick victims from overseas in a \$6 million human trafficking scheme.<sup>5</sup>
- A crime syndicate opened fake health clinics across the country in the names of anonymous companies from states including Alabama, California, Colorado, Kentucky, Maryland, Nevada, New Mexico, and Texas to steal at least \$35 million from Medicare.<sup>6</sup>
- The Iranian government used an anonymous company from New York to conceal its ownership of a skyscraper on 5<sup>th</sup> Avenue, in direct breach of sanctions.<sup>7</sup>
- Con artists tricked churchgoers and military personnel into investing millions in a South Carolina company that turned out to be a Ponzi scheme.<sup>8</sup>
- Texas lawyers used sham companies from Delaware and Nevada to trick elderly people into investing their life savings in worthless enterprises.<sup>9</sup>

Currently, no state collects ownership information.<sup>10</sup> A uniform, federal requirement that no company can be registered anonymously is the most effective way to ensure a level playing field for states. A change in the law would save money from states’ budgets by reducing the time and money currently spent trying to track down the anonymous company owners behind so many crimes in the United States. The Departments of Justice and Treasury have offered \$40 million to offset the cost of states updating their systems to include beneficial ownership information, drawing from funds they have recovered from prosecuting precisely the types of criminals that this law would help stop in their tracks.<sup>11</sup> By increasing the collection of fines and penalties that result from the improved ability of law enforcement to pursue and prosecute these criminals, the law would also generate new revenue for states.

As momentum builds globally to solve the problem of anonymous companies, the U.S. needs a policy solution that will address our role in it. Congress should pass legislation that requires all companies to

---

[usa-shell-companies-idUSTRE75R20Z20110628](https://www.globalwitness.org/en/campaigns/corruption-and-money-laundering/great-rip-off/)

<sup>5</sup> "Great Rip Off." Global Witness. Accessed June 16, 2017.

<https://www.globalwitness.org/en/campaigns/corruption-and-money-laundering/great-rip-off/>.

<sup>6</sup> *ibid.*

<sup>7</sup> "Manhattan U.S. Attorney Announces Court Judgment Finding Midtown Office Building Secretly Owned And Controlled By Government Of Iran Subject To Forfeiture For Violations Of The Iranian Transactions Regulations And Money Laundering Offenses." The United States Department of Justice. September 17, 2013, <https://www.justice.gov/usao-sdny/pr/manhattan-us-attorney-announces-court-judgment-finding-midtown-office-building-secretly>

<sup>8</sup> Great Rip Off." Global Witness. Accessed June 16, 2017.

<https://www.globalwitness.org/en/campaigns/corruption-and-money-laundering/great-rip-off/>.

<sup>9</sup> *ibid.*

<sup>10</sup> Special Report: A little house of secrets on the Great Plains." Reuters. June 28, 2011.

<http://www.reuters.com/article/us-usa-shell-companies-idUSTRE75R20Z20110628>

<sup>11</sup> Great Rip Off. [https://www.globalwitness.org/en/campaigns/corruption-and-money-laundering/great-rip-off](https://www.globalwitness.org/en/campaigns/corruption-and-money-laundering/great-rip-off/)

disclose their ultimate owners to the government when they incorporate and to keep that information up to date. The government entity collecting the information should then make it available to law enforcement.

We thank you for your leadership and look forward to working with you on this important and commonsense step to make our corporate formation process more transparent. Your bill will make it harder for criminals to misuse American companies to facilitate illegal activities and stop the U.S. from being a dumping ground for dirty money. Please feel free to reach out to Clark Gascoigne ([cgascoigne@thefactcoalition.org](mailto:cgascoigne@thefactcoalition.org)), Eryn Schornick ([eschornick@globalwitness.org](mailto:eschornick@globalwitness.org)), or Liz Confalone ([lconfalone@gfintegrity.org](mailto:lconfalone@gfintegrity.org)) for any additional information or questions.

Thank you for your commitment to this important issue.

Sincerely,

**AFCSME**

Lee A. Saunders  
President

**AFL-CIO**

Damon Silvers  
Director of Policy and Special Counsel

**ActionAid USA**

Brandon Wu  
Director of Policy and Campaigns

**Americans for Tax Fairness**

Frank Clemente  
Executive Director

**Business & Human Rights Resource Centre**

Phil Bloomer  
Executive Director

**Citizens for Responsibility and Ethics in  
Washington (CREW)**

Jennifer Ahearn  
Policy Counsel

**Coalition for Integrity**

Shruti Shah  
Vice President of Programs and Operations

**Consumer Action**

Ken McEldowney  
Executive Director

**Demand Progress**

Daniel Schuman  
Policy Director

**EarthRights International**

Marco Simons  
General Counsel

**Economic Policy Institute**

L. Josh Bivens  
Director of Research

**Enough Project**

John Prendergast  
Founding Director

**Fair Share**

Nathan Proctor  
National Campaign Director

**Financial Accountability and Corporate  
Transparency (FACT) Coalition**

Gary Kalman  
Executive Director

**Financial Transparency Coalition**

Porter McConnell  
Director

**Friends of the Earth**

Ben Schreiber  
Senior Political Strategist

**Global Financial Integrity**

Raymond Baker  
Head of US Office

**Global Integrity**

Alan Hudson  
Executive Director

**Global Witness**

Corinna Gilfillan  
Head of US Office

**Government Accountability Project (GAP)**

Louis Clark  
Executive Director

**Institute on Taxation and Economic Policy**

Alan Essig  
Executive Director

**International Corporate Accountability Roundtable (ICAR)**

Amol Mehra  
Executive Director

**iSolon.org**

J.H. Snider  
President

**Jubilee USA**

Eric LeCompte  
Executive Director

**Open Ownership**

Zosia Sztukowski  
Project Coordinator

**Open the Government**

Lisa Rosenberg  
Executive Director

**Oxfam America**

Abby Maxman  
President

**Pax Advisory**

Michael Dziedzic  
Vice President

**Main Street Alliance**

Amanda Ballantyne  
National Director

**National Latino Farmers & Ranchers Trade Association**

Rudy Arredondo  
President, CEO, and Founder

**Natural Resource Governance Institute**

Alexandra Gillies  
Director of Governance Programs

**New Rules for Global Finance**

Jo Marie Griesgraber  
Executive Director

**Norm Eisen**

Scholar  
Brookings Institute

**Open Contracting Partnership**

Gavin Hayman  
Executive Director

**Responsible Sourcing Network**

Patricia Jurewicz  
Director

**Rights and Accountability in Development (RAID)**

Anneke Van Woudenberg  
Executive Director

**Public Citizen**

Robert Weissman  
President

**Publish What You Pay – U.S.**

Jana Morgan  
Director

**RootsAction.org**

Norman Solomon  
Co-Founder

**Sunlight Foundation**

Mike Klein  
Chairman

**Tax Justice Network USA**

Jack Blum  
Chair

**Transparency International**

Robin Hodess  
Acting Managing Director

**The Center for Constitutional Rights**

Vincent Warren  
Executive Director

**U.S. Public Interest Research Group (U.S. PIRG)**

Andre Delattre  
Executive Director

cc: Members of the U.S. Senate Committee on the Judiciary