the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1395

At the request of Mr. THUNE, his name was added as a cosponsor of S. 1395, a bill to ensure that all Americans have access to waivers from the Patient Protection and Affordable Care Act.

S. 1420

At the request of Mr. TOOMEY, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1420, a bill to require that the United States Government prioritize all obligations on the debt held by the public, Social Security benefits, and military pay in the event that the debt limit is reached, and for other purposes.

S. 1433

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1433, a bill to pay personnel compensation and benefits for employees of the Federal Aviation Administration.

S. 1449

At the request of Mr. Pryor, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1449, a bill to authorize the appropriation of funds for highway safety programs and for other purposes.

S. 1450

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1450, a bill to amend title 23, United States Code, to provide for the establishment of a commercial truck safety program, and for other purposes.

S. 1457

At the request of Mrs. GILLIBRAND, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1457, a bill to direct the Secretary of Commerce to establish a Made In America Block Grant Program, and for other purposes.

S. RES. 80

At the request of Mr. KIRK, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Colorado (Mr. BENNETT) were added as cosponsors of S. RES. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha’i minority and its continued violation of the International Covenant on Human Rights.

S. RES. 132

At the request of Mr. NELSON of Nebraskat, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of S. RES. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. GILLIBRAND (for herself and Mr. HATCH):

S. 1469. A bill to require reporting on the capacity of foreign countries to combat cybercrime, to develop action plans to improve the capacity of certain countries to combat cybercrime, and for other purposes; to the Committee on Foreign Relations.

Mr. HATCH. Mr. President, I rise today to reintroduce the International Cybercrime Reporting and Cooperation Act with Senator KIRSTEN GILLIBRAND, which if enacted, will establish a framework for global cooperation on the fight against cybercrime. As the United States continues to work on combating cybercrime here at home, we must simultaneously direct our attention to the international arena. With bipartisan support and valued input from affected industry, we have worked together on drafting a bill that encompasses reporting measures, action plans, and multilateral efforts in support of government cooperation to dismantle this global threat.

This bill recognizes the U.S. Government’s focus on combating cybercrime internationally by requiring the President, or his designee, to annually report to Congress on the assessment of the cybercrime fighting efforts of the countries chosen by key federal agencies in consultation with private sector stakeholders. The countries to be reviewed are those with a significant role in efforts to combat cybercrime impacting U.S. Government, entities and persons, or the U.S. electronic commerce or intellectual property interests.

Cyberspace remains borderless, with no single proprietor. Accordingly, the United States must take the lead on maintaining the openness of the Internet, while securing accountability. If a country is a haven for cybercrime, or simply has demonstrated a pattern of uncooperative behavior with efforts to combat cybercrime, that nation must be held accountable. The government of each country must conduct criminal investigations and prosecute criminals when there is credible evidence of cybercrime incidents against the U.S. government, our private entities or our people.

With so many U.S. companies doing business overseas, we must do our part to safeguard their employees, their jobs, and their clients from cyber attacks. Our objective is simple: We need international cooperation to increase assistance and prevention efforts of cybercrime from those countries deemed to be of cyber concern. Without international cooperation, our economy, security, and people will continue to be under threat.

Cybercrime is a tangible threat to the security of our global economy, which is why we need to coordinate our fight worldwide. Until countries begin to take the necessary steps to fight criminals within their borders, cybercrime havens will continue to flourish. Countries that knowingly permit cybercriminals to attack within their borders will now know that the United States is watching, the global community is watching, and there will be consequences for not acting.

By Mr. HATCH (for himself and Mr. COBURN):

S. 1476. A bill to reduce the size of the Federal workforce and Federal employee cost relating to pay, bonuses, and travel; to the Committee on Homeland Security and Governmental Affairs.

Mr. HATCH. Mr. President, after a contentious several months navigating the increase in the debt ceiling, Congress will be returning home in the next few days. I think many of us are anxious to go back to the States, where we will hear from our fellow citizens about their thoughts on what we are doing well and where we are falling short.

Getting out of Washington and returning to our States will be a relief, but I am fully aware that after this brief respite, we will come back to Washington in the fall with many more contentious issues still on our plates.

Our Nation is still on an unsustainable fiscal path, even with temporary fixes to the issues surrounding the debt ceiling. In addition, we have a government that has grown far too large and has taken on far too many obligations.

Today, with all these concerns in mind, I am joined by Tom Coburn in introducing the Federal Workforce Reduction and Reform Act of 2011. If enacted, this bill will go a long way toward reducing the size of the Federal Government and helping to get our Nation’s fiscal house in order.

Specifically, our bill would extend the current pay freeze for Federal civilian employees for another 3 years. Bonuses paid Federal employees would also be frozen during that time. Currently, Federal workers receive an automatic cost-of-living adjustment every year and are eligible for relocation, retention, and performance bonuses as well.

While I don’t begrudge government employees their compensation, these automatic increases come with significant costs and far outpace those typically offered in the private sector. By simply extending the current pay freeze for another 3 years, we will save the Federal Government roughly $140 billion over 10 years.

In addition, our bill would require the President, in consultation with the Office of Management and Budget and the Office of Personnel Management, to reduce the size of the Federal workforce by 15 percent—roughly 300,000 employees—over the next 10 years. This could easily be accomplished through attrition and would save taxpayers over $225 billion over that time.

The bill would require a similar reduction in the Federal contract workforce as well. We have nothing against Federal agencies contracting services out to private vendors. However, the significant increase in this practice...
over the last several years has masked the size of the Federal Government. Indeed, when you include the contract workforce, the Federal Government is even larger than it appears.

Our bill would require that the President and OPM track the number of employees working on Federal contracts and reduce that number by 15 percent over the next 10 years. This would provide an even greater reduction in the size of the Federal Government and save taxpayers another $200 billion over the next decade.

Finally, this bill would reduce the travel budgets of Federal agencies by 75 percent over time. All told, the Federal Government spends over $5 billion a year on travel expenses. Most businesses respond to difficult financial times by reducing or eliminating unnecessary expenses. Most private sector leaders would tell you that travel expenses are one of the first things on the cut list. Furthermore, improvements in teleconferencing technology and web-based communication have made much of the government-sponsored travel that was required in the past unnecessary.

Our bill would cut Federal travel expenses in half for the first 2 years, and then by three quarters thereafter. This will save American taxpayers something in the neighborhood of $30 billion over 10 years.

Mr. President, our Nation is currently in the midst of a fundamental debate over the constitutional limits on the Federal Government. The President and his allies see no bounds for a living Constitution, while conservatives like myself believe that Federal power has far exceeded the Founders’ limits and is a genuine threat to personal liberty.

While this debate will likely not be resolved anytime soon, most of us can agree to take immediate steps to address our Nation’s looming fiscal crisis. The deal that was approved today was a step in the right direction, but it was only one step. We must do more, and we can do more, to right our fiscal ship. Some may see things differently, but I don’t see any way that we can restore the integrity of the Nation’s fiscal position without significantly reducing the size and cost of the Federal Government. The bill we are introducing today would be an important and measurable step toward that goal.

According to the numbers and methodology used by the National Commission on Fiscal Responsibility and Reform, these changes combined will save American taxpayers more than $600 billion over 10 years. These are significant numbers. They represent more than half of the deficit reduction required in the first part of the deal agreed to today, and they could easily be realized if we enact this small handful of relatively simple reforms.

I want to thank Senator Coburn—who continues to be a leader in the fight to bring us back to fiscal sanity—for his help and support on this bill. His has been a tireless voice against government excess and I am proud to join with him in this fight.

I urge all my colleagues to support the Federal Workforce Reduction and Reform Act of 2011.

By Mr. LEVIN (for himself and Mr. GRASSLEY).

S. 1493. A bill to ensure that persons who form corporations in the United States disclose the beneficial owners of those corporations, in order to prevent wrongdoers from exploiting United States corporations in ways that threaten homeland security, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEVIN. Today, I along with my colleague, Senator GRASSLEY, am reintroducing the Incorporation Transparency and Law Enforcement Assistance Act, a bill designed to combat terrorism, money laundering, tax evasion, and other wrongdoing facilitated by United States corporations with hidden owners. This commonsense bill would end the practice of our States forming over about 2 million new corporations each year for unidentified persons, and instead require the States to ask for the identities of the persons establishing those corporations. With those names on record, U.S. law enforcement faced with corporate misconduct would then have a trail to chase instead of what today is too often a dead end.

Our bill is supported by key law enforcement organizations, including the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the National Association of Assistant State Attorneys, the National Narcotic Officers’ Associations Coalition, the United States Marshals Service Association, the Society of Former Special Agents of the Federal Bureau of Investigation, and the Association of Former ATF Agents. It is also endorsed by a number of small business and public interest groups, including the Main Street Alliance, Sustainable Business Network of Washington, Global Financial Integrity, Global Transnational Research Group, Project on Government Oversight, Jubilee USA, Citizens for Tax Justice, Tax Justice Network USA, and the FACT Coalition.

This is the third time this bill has been introduced. In the 108th Congress, when the bill was introduced for the first time and he was a member of the U.S. Senate, President Obama served as an original cosponsor. It’s an issue that has become more urgent with time.

Right now, it takes more information to get a drivers license or open a U.S. bank account than to form a U.S. corporation. Under current law, U.S. corporations can be established anonymously, by hidden owners who don’t reveal their identity. Our bill would change that by requiring any State that accepts anti-terrorism funding from DHS to add a new question to their existing incorporation forms asking incorporants who, if any, own up a new U.S. corporation or limited liability company to answer a simple but important question: who are the actual owners?

That is it. One new question on an existing form. It is not a complicated question, yet the answer could play a key role in helping law enforcement do their job. Our bill would not require States to verify the information, but penalties would apply to persons who submit false information. States, or licensed formation agents if a State has delegated the task to them, would supply the ownership information to law enforcement upon receipt of a subpoena or summons.

We have all seen the news reports about U.S. corporations involved in terrorism, money laundering, tax evasion, and other wrongdoing facilitated by U.S. corporations with hidden owners. This commonsense bill would end the practice of our States forming corporations in ways that have ties to the Iranian military. In 2011, a former Russian military intelligence officer, Victor Kaganov, pled guilty to operating an illegal money laundering, financial fraud, tax evasion, corruption, and more. Let me give you a few examples.

We now know that some terrorists use U.S. shell corporations to carry out their activities. Viktor Bout, an arms dealer who has been indicted and incarcerated in the United States for conspiracy to kill U.S. nationals, used shell corporations around the world in his work, including a dozen formed in Texas, Delaware, and Florida. Mr. Bout was recently extradited from Thailand to answer for his conduct at which time Attorney General Eric Holder stated: “Long considered one of the world’s most prolific arms traffickers, Mr. Bout will now appear in federal court in Manhattan to answer to charges of conspiring to sell millions of dollars worth of weapons to a terrorist organization for use in trying to kill Americans.” It is unacceptable that Mr. Bout was able to set up shell corporations in three of our States and use them in illicit activities without ever being asked who owned those U.S. corporations.

In another case, a New York company called the Assa Corporation owned a Manhattan skyscraper and, in 2007, wire transferred about $4.5 million in rental payments to a bank in Iran. U.S. law enforcement tracking the funds had no idea who was behind that shell corporation, until another government disclosed that it was owned by the Alavi Foundation which was known to have ties to the Iranian military. In other words, a New York corporation was being used to ship millions of U.S. dollars to Iran, a notorious supporter of terrorism.

U.S. corporations with hidden owners have also been involved in financial crimes. In 2011, a former Russian military officer, Viktor Koganov, pled guilty to operating an illegal money transmitter business from his home in
Oregon, and using Oregon shell corporations to wire more than $150 million around the world on behalf of Russian clients. U.S. Attorney Dwight Holton of the District of Oregon used stark language when describing the case: “When shell corporations are illegally manipulated in the shadows to hide the flow of tens of millions of dollars overseas, it threatens the integrity of our financial system.”

Another recent case involves Florida attorney Scott Rothstein. In 2002, Rothstein pleaded guilty to fraud and money laundering in connection with a $1.2 billion Ponzi scheme. He used 85 U.S. limited liability companies to conceal his participation or ownership stake in various real estate and business ventures.

Tax evasion is another type of misconduct which all too often involves the use of U.S. corporations with hidden owners. In 2006, for example, the Subcommittee showed how Joseph Greaves, a Michigan businessman, worked with Terry Neal, an offshore promoter, to form shell corporations in Nevada, Canada, and offshore secrecy jurisdictions to hide more than $400,000 in untaxed business income. In 2004, both Mr. Greaves and Mr. Neal pleaded guilty to Federal tax evasion. Also in 2006, the Subcommittee showed how two brothers from Texas, Sam and Charles Wyly, created a network of 58 trusts and shell corporations to dodge the Texas sales and use taxes on their transactions with names like Beautiful Vision, Unlimited Horizon, and Sweet Pink; using a set of Nevada corporations to move offshore over $190 million in stock options without paying any taxes on that compensation.

Still another area of abuse involves the misuse of U.S. corporations in handling corruption proceeds. One example involves Teodoro Obiang, who is the son of the President of Equatorial Guinea, holds office in that country, and is currently under investigation by the U.S. Justice Department, along with his father, for corruption and other misconduct. Between 2004 and 2008, Mr. Obiang used U.S. lawyers to form multiple California shell corporations with names like Beautiful Vision, Unlimited Horizon, and Sweet Pink; open bank accounts in the names of those corporations; and move millions of dollars in suspect funds through those and other U.S. banks.

One last example involves 800 U.S. corporations whose hidden owners have stumped U.S. law enforcement which, as a result, has given up investigating their suspect conduct. In October 2004, the Homeland Security Department’s division of Immigration and Customs Enforcement or ICE identified a single Utah corporation that had engaged in $150 million in suspicious transactions. ICE found that the corporation had been formed in Utah and was owned by two Panama entities which, in turn, were owned by a group of Panama holding companies that were also located in the same Panama City office. By 2005, ICE had located 800 additional U.S. corporations in nearly all 50 states associated with the same shadowy group in Panama, but was unable to obtain the name of a single natural person who owned one of the corporations. ICE learned that those corporations were associated with multiple investigations into tax fraud and other wrongdoing, but no one had been able to find the corporate owners. The trail went cold, and ICE closed the case. Yet it may be that many of those U.S. corporations are still operative.

The Financial Action Task Force (FATF) gave the United States two years, until 2008, to make progress toward coming into compliance with the FATF standard on beneficial ownership information. That deadline passed three years ago, and we have yet to make any real progress. Enacting the legislation we have proposed would bring the United States into compliance with the FATF standard by requiring the States to obtain beneficial ownership information for the corporations formed under their laws. It would ensure that the United States meets its international commitment to comply with FATF anti-money laundering standards.
vast majority of the States do not collect any information at all on the beneficial owners of the corporations and limited liability companies, or LLCs, formed under their laws. The report also found that several States have established automatic corporation or LLC formation procedures that allow a person to form a new corporation or LLC in the State within 24 hours of filing an online application without any prior review of that application by State personnel. In exchange for a substantial fee, at least two States—Delaware and Wyoming—formed thousands of U.S. corporations and LLCs within one hour of a request. After examining these State incorporation practices, the GAO report described the problems that the lack of beneficial ownership information has caused for a range of law enforcement investigations.

In November 2006, our Subcommittee held a hearing on the problem. At that hearing, representatives of the U.S. Department of Justice, the Internal Revenue Service, the Department of Homeland Security, and FinCEN testified that the failure of States to collect adequate information on the beneficial owners of the legal entities they form had hampered law enforcement's efforts to investigate and prosecute criminal acts such as terrorism, money laundering, securities fraud, and tax evasion. At the hearing, the Justice Department testified: "We had allegations of corrupt foreign officials using U.S. shell corporations to launder money, but were unable—due to lack of identifying information in the corporate records—to fully investigate this area." The IRS testified: "Within our own borders, the laws of some states regarding the formation of legal entities have significant transparency gaps which may even rival the secrecy afforded in the most attractive tax havens." As part of its testimony, FinCEN described identifying 768 incidents of suspicious international financial transfer activity involving U.S. shell corporations.

The next year, in 2007, in a "Dirty Dozen" list of tax scams active that year, the IRS highlighted shell corporations with hidden owners as number four on the list. It wrote:

4. Disguised Corporate Ownership: Domestic shell corporations and other entities are being formed and operated in certain states for the purpose of disguising the ownership of the business or financial activity. Once formed, these anonymous entities can be, and are being, used to facilitate under-reporting of income, non-filing of tax returns, listed transactions, money laundering, financial crimes and possibly terrorist financing. The IRS is working with state authorities to identify these entities and to bring their owners into compliance.

It was also in 2007, that we first introduced our bipartisan legislation, which was S. 2956 back then, to stop the formation of U.S. corporations with hidden owners. It was a Levin-Cochran-Dorgan bill. When asked about the bill in 2008, then DHS Secretary Michael Chertoff wrote: "In countless investigations, where the criminal targets utilize shell corporations, the lack of law enforcement's ability to gain access to true beneficial ownership information slows, confuses or impedes the efforts by investigators to follow criminal proceeds." In October 2009, the Homeland Security and Governmental Affairs Committee held two hearings which examined not only the problem, but also possible solutions, including our bill, revised bill, S. 509. At the first hearing entitled "Examining State Business Incorporation Practices: A Discussion of the Incorporation Transparency and Law Enforcement Assistance Act," held in June 2009, DHS testified that "shell corporations established in the United States have been utilized to commit crimes against individuals around the world." The Manhattan District Attorney's office testified: "For those of us in law enforcement, these issues with shell corporations are not some abstract idea. This is what we deal with every day. We see these shell corporations being used by criminal organizations, and the record is replete with examples of their use for money laundering, for their use in tax evasion, and for their use in securities fraud.

At the second hearing, "Business Formation and Financial Crime: Finding a Legislative Solution," held in November 2009, the Justice Department again testified about criminals using U.S. shell corporations. It also noted that "each of these examples involves the relatively rare instance in which law enforcement was able to identify the perpetrator misusing U.S. shell corporations. Far too often, we are unable to do so." The Treasury Department testified that "the ability of illicit actors to form corporations in the United States without disclosing their true identity presents a serious vulnerability and there is ample evidence that criminals, tax evaders, and others who threaten our national security exploit this vulnerability." The 2009 hearings also presented evidence of dozens of Internet websites advertising corporate formation services that highlighted the ability of corporations to be formed in the United States without asking for the identity of the beneficial owners. These websites explicitly pointed to anonymous ownership as a reason to incorporate within the United States. It also noted that "all across the country, all with hidden owners of the legal entities they form have significant transparency gaps which may even rival the secrecy afforded in the most attractive tax havens." As part of its testimony, FinCEN described identifying 768 incidents of suspicious international financial transfer activity involving U.S. shell corporations.

Despite the evidence of U.S. corporations being misused by organized crime, terrorists, tax evaders, and other wrongdoers, and despite years of law enforcement complaints, many of our States are reluctant to admit there is a problem in establishing U.S. corporations and LLCs with hidden owners. Too many of our States are eager to explain how quick and easy it is to set up corporations within their borders, without acknowledging that those same quick and easy procedures enable wrongdoers to utilize U.S. corporations in a variety of crimes and tax frauds both here and abroad.

Beginning in 2006, the Subcommittee worked with the States to encourage them to recognize the homeland security problem they'd created and to come up with their own solutions. After the Subcommittee's 2006 hearing on this issue, for example, the National Association of Secretaries of State or
NASS convened a 2007 task force to examine state incorporation practices. At the request of NASS and several States, I delayed introducing legislation while they worked on a proposal to require the collection of beneficial ownership information. Members of the task force, which included staff from NASS, the Department of Justice, the Internal Revenue Service, and the Financial Action Task Force, met multiple times to provide input and comments. The task force proposed a model law to states, which included provisions that conflict with NASS’s proposal, such as the requirement that instead two nominees are provided—two nominees between law enforcement and the criminal in control.

Among other shortcomings, the NASS proposal would not require States to obtain the names of the natural individuals who would be the beneficial owners of a U.S. corporation or LLC. Instead, it would allow States to require the establishment of a list of a corporation’s owners of record, which could be, and often are, offshore corporations or trusts. The NASS proposal did not require the States to themselves maintain the beneficial ownership information. It also failed to require the collection of beneficial ownership information to be updated over time. These and other flaws in the proposal were identified by the Treasury Department, the Department of Justice, and others, but NASS decided to continue on the same course.

NASS enlisted the help of the National Conference of Commissioners on Uniform State Laws or NCCUSL, which produced a model law for States that wanted to adopt the NASS approach. NCCUSL presented its proposal at the Homeland Security and Governmental Affairs Committee’s June 2009 hearing, where it was subjected to critical discussion. The Department of Justice testified: “I say without hesitation or reservation—that from a law enforcement perspective, the bill proposed by NCCUSL would be worse than no bill at all. And there are a number of very basic reasons for this. It eliminates the ability of law enforcement to get corporate information without alerting the target of the investigation that the investigation is ongoing. That is the primary reason. It also sets up a system that is time-consuming and complicated.”

The Department of Justice testified: “Senator, I would submit to you that in a criminal organization everyone knows who is in control and this will not be an issue of determining who is in control. What we are concerned about here from the law enforcement perspective are the criminals and the criminal organizations and so what we are asking is that when criminals use shell companies, they provide the name of the beneficial owner. That is the person who is in control, the criminal in control, as opposed to the NCCUSL proposal where they are proposing that instead two nominees are provided—two nominees between law enforcement and the criminal in control.”

Despite these criticisms, NCCUSL finalized its model law in July 2009, issuing it under the title, “Uniform Law Enforcement Access to Entity Information Act.” At the November 2009 hearing, law enforcement again criticized the NCCUSL model law. At the hearing, Senator Levin asked: “Now the NCCUSL, in their proposal just requires a records contact and that records contact could simply be an owner of record, which could be a shell corporation, putting us right back into a circle which leads absolutely nowhere in terms of finding the beneficial owners. Would you agree that the approach of NCCUSL in this regard is not acceptable?”. Jennifer McPherson, Treasury Department representative, testified: “Yes, Senator. To allow companies to provide anything less than the beneficial owner information merely provides criminals with an opportunity to evade responsibility and put nominees between themselves and the true perpetrator.” With regard to NCCUSL’s proposal, the Treasury representative, David G. Cohen, testified: “[T]here is not an obligation for that live person to provide information. And what I think is important in the legislation is that we get at the true beneficial owner and not someone who may be a nominee.”

In addition to flaws, the NCCUSL model law has proven unpopular with the States for whom it was written. Despite the efforts and efforts attached to this uniform law, after two years of sitting on the books, not a single State has adopted it or given any indication of doing so.

It is deeply disappointing that the States, despite the passage of five years since FATF first called upon the United States to meet its commitment to collect beneficial ownership information, have been unable to devise an effective proposal. Part of the difficulty is that the States have a wide range of practices, differ on the extent to which they rely on incorporation agencies as a source of information, and differ on the extent to which they attract non-U.S. persons as incorporators. In addition, the States are competing against each other to attract persons who want to set up U.S. corporations because they create pressure for each individual State to favor procedures that allow quick and easy incorporations, with no questions asked. It’s a classic case of competition causing a race to the bottom, making it difficult for any one State to do the right thing and request the identity of the persons behind the incorporation efforts.

That is why Federal legislation in this area is critical. Federal legislation is needed to level the playing field among the States, set minimum standards for obtaining beneficial ownership information, put an end to the practice of States forming millions of legal entities each year without knowing who is behind them, and bring the United States into compliance with its international commitments.

The bill’s provisions would require the States to obtain from incorporation applicants a list of the beneficial owners of each corporation or LLC formed under their laws, to maintain this information for a period of years after a corporation is terminated, and to provide the information to law enforcement upon receipt of a subpoena or summons. The bill would also require corporations and LLCs to update their beneficial ownership information on a periodic basis.

The particular information that would have to be provided for each beneficial owner is the owner’s name, address, and unique identifying number from a State drivers license or U.S. passport. The bill would not require States or their licensed formation agents to verify this information, but penalties would apply to persons who submitted false information.

In the case of U.S. corporations formed by individuals who do not possess a drivers license or passport from the United States, the bill would require the incorporation application to include a written certification from a formation agent residing within the State attesting to the fact that the agent had obtained and verified the identity of the non-U.S. beneficial owners of the corporation, by obtaining their names, addresses, and identifying information from a non-U.S. passport. The formation agent would be required to retain this information in the State for a specified period of time and produce it upon receipt of a subpoena or summons from law enforcement.

To ensure that its provisions are tightly targeted, the bill would exempt a wide range of corporations from the disclosure obligation. It would exempt, for example, virtually all highly regulated corporations, such as public accounting firms, third-party entities that manage U.S. entities that are subject to the IRS. The bill would also exempt corporations with a substantial U.S. presence, including at least 20 employees physically located in the United States, since those individuals could probably find out who owns them. That includes all publicly-traded corporations, banks, broker-dealers, commodity brokers, registered investment funds, registered accounting firms, insurers, utilities, and charities that file returns with the IRS. The bill would also exempt corporations with a substantial U.S. presence, including at least 20 employees physically located in the United States, since those individuals could probably find out who owns them. That includes all publicly-traded corporations, banks, broker-dealers, commodity brokers, registered investment funds, registered accounting firms, insurers, utilities, and charities that file returns with the IRS. The bill would also exempt corporations whose beneficial
ownership information would not benefit the public interest or assist law enforcement. These exemptions dramatically reduce the number of corporations who would be required to provide beneficial ownership information to ensure that disclosure of beneficial ownership information is focused on only those whose owners’ identities are currently hidden.

The bill does not take a position on the issue of whether the States should make the beneficial ownership information available to the public. Instead, the bill leaves it entirely up to the States to decide whether, under what circumstances, and to what extent to make beneficial ownership information available to the public. The bill explicitly permits the States to place restrictions on providing beneficial ownership information to persons other than government officials. The bill focuses instead on ensuring that law enforcement with a subpoena or summons is given ready access to the beneficial ownership information in question.

Relative to the costs of compliance, the bill provides States with access to two separate funding sources, neither of which involves appropriated funds. For the first three years after the bill’s enactment, the bill directs the Treasury and Justice Departments to make funds available from their individual forfeiture programs to States seeking to comply with the requirements of the Act. These forfeiture funds are derived from forfeited taxpayer dollars; instead they are the proceeds of forfeiture actions taken against persons involved in money laundering, drug trafficking, or other wrongdoing. The two forfeiture funds typically contain between $300 and $500 million at a time. The bill would direct a total of $30 million over three years to be provided to the States from the two funds to carry out the Act. These provisions would ensure that States have adequate funds to cover most of the costs involved with adding a new question to their incorporation forms requesting the names of the covered corporations’ beneficial owners.

It is common for bills establishing minimum Federal standards to seek to ensure State action by making some Federal funding dependent upon a State’s meeting the specified standards. Our bill, however, states explicitly that nothing in its provisions authorizes withholding funds from a State for failing to modify its incorporation practices to meet the beneficial ownership information requirements in the Act. Instead, the bill calls for a GAO report in 2015 to identify which States, if any, have failed to strengthen their incorporation practices as required by the Act. After getting this status report, a future Congress can decide what steps to take, including whether to reduce any funding going to noncompliant States.

The bill also contains a provision that would require corporations bidding on Federal contracts to provide the same beneficial ownership information to the Federal Government as provided to the relevant State. The Subcommittee has become aware of instances in which the Federal Government has found itself doing business with U.S. corporations whose owners are not known. When the Federal Government contracts to do business with someone, it knows who it is dealing with.

Finally, the bill would require the Treasury to issue a rule requiring U.S. formation agents to establish anti-money laundering programs to ensure they are not forming U.S. corporations or LLCs for wrongdoers. The bill requires the programs to be risk-based so that formation agents can target their preventative efforts toward persons who pose a high risk of being involved with money laundering. GAO would also be asked to conduct a study of existing State programs for gathering and maintaining the names of the covered corporations’ beneficial owners.

For those who say that, if the United States tightens its incorporation rules, new corporations will be formed elsewhere, it is procedurally far from easy to ask exactly where they will go. Every country in the European Union is already required to have their formation agents collect beneficial information for the corporations formed by those agents. Most offshore jurisdictions already require request this information to be collected, including the Bahamas, Cayman Islands, and the Channel Islands. Countries around the world already require beneficial ownership information, in part because of their commitment to FATF’s international anti-money laundering standards. Our 50 States should be asking for the same ownership information, but there is no indication that they will vary the time in the near future, unless required to do so.

I wish Federal legislation weren’t necessary. I wish the States could solve this homeland security problem on their own, but ongoing competitive pressures make it unlikely that the States will do the right thing. It is been more than five years since our 2006 hearing on this issue and more than two years since the States came up with a model law on the subject, yet not a single State has enacted this important oversight. The bill is needed to reduce the vulnerability of the United States to wrongdoing by U.S. corporations with hidden owners, to protect interstate and international commerce from criminals misusing U.S. corporations, to strengthen the ability of law enforcement to investigate suspect U.S. corporations, to level the playing field among the States and bring the United States into compliance with its international anti-money laundering obligations.

There is also an issue of consistency. For years, I have been fighting offshore corporate secrecy laws and practices that enable wrongdoers to secretly control offshore corporations involved in money laundering, tax evasion, and other misconduct. I have pointed out on more than one occasion that corporations were not created to hide ownership, but to protect owners from personal liability for corporate acts. Unfortunately, today, the corporate form has too often been corrupted into serving those who wish to conceal their wrongs. It is past time to put an end to this misuse of the corporate form. But if we want to stop inappropriate corporate secrecy offshore, we need to stop it here at home as well.

For these reasons, I urge my colleagues to join us in supporting this legislation and putting an end to incorporation practices that promote corporate secrecy and render the United States and other countries vulnerable to abuse by U.S. corporations with hidden owners.

Mr. President, I ask unanimous consent that a bill summary be printed in the Record.

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

**SUMMARY OF INCORPORATION TRANSPARENCY AND LAW ENFORCEMENT ASSISTANCE ACT**

To protect the United States from U.S. corporations being misused for terrorism, money laundering, tax evasion, or other misconduct, the Levin-Grassley Incorporation Transparency and Law Enforcement Assistance Act would:

- **Beneficial Ownership Information.** Require the States directly or through licensed formation agents to obtain the names of beneficial owners of corporations or limited liability companies (LLCs) formed under a State’s laws, ensure this information is updated, and provide the information to law enforcement upon receipt of a subpoena or summons.

- **Identifying Information.** Require corporations to provide beneficial owners’ names, addresses, and a U.S. driver’s license or passport number; or if the owners do not have either a U.S. driver’s license or passport, information from their non-U.S. passports.

- **Federal Contracts.** Require corporations bidding on federal contracts to provide the same beneficial ownership information to the Federal Government.

- **Shelf Corporations.** Require formation agents selling “shelf corporations”—companies formed for later sale to a third party—to disclose the beneficial owners of those corporations.

- **Penalties for False Information.** Establish penalties for persons who knowingly provide false information, or who fail to provide required information, on beneficial ownership.
By Mr. UDALL of New Mexico (for himself, Mr. HELLER, Mr. BINGAMAN, and Mrs. FEINSTEIN):

S. 1485. A bill to amend the Tariff Act of 1930 to liberalize the definition of aircraft for purposes of the aviation smuggling provisions under that Act, and for other purposes; to the Committee on Finance.

Mr. UDALL of New Mexico. Mr. President, today I rise to introduce the Ultralight Aircraft Smuggling Prevention Act, legislation that will crack down on smugglers who use ultralight aircraft, also known as ULAs, to bring drugs across the U.S.-Mexico border.

I am pleased to be working on this in a bipartisan manner. Senators BINGAMAN and FEINSTEIN and I are introducing this legislation. I urge my colleagues to support the Ultralight Aircraft Smuggling Prevention Act.

Mr. President, I ask unanimous consent for the introduction of S. 1485

SEC. 1. SHORT TITLE.

This bill may be cited as the “Ultralight Aircraft Smuggling Prevention Act of 2011.”

SEC. 2. AMENDMENTS TO THE AVIATION SMUGGLING PROVISIONS OF THE TARIFF ACT OF 1930.

(a) In General. Section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) DEFINITION OF AIRCRAFT.—As used in this section, the term ‘aircraft’ includes an ultralight vehicle as defined by the Administrator of the Federal Aviation Administration.’’.

(b) CRIMINAL PENALTIES.—Subsection (d) of section 590 of the Tariff Act of 1930 (19 U.S.C. 1590(d)) is amended in the matter preceding paragraph (1), by inserting “, or attempts or conspires to commit,” after “commit”. 

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to violations of any provision of section 590 of the Tariff Act of 1930 on or after the 30th day after the date of the enactment of this Act.

SEC. 3. INTERAGENCY COLLABORATION.

The Assistant Secretary of Defense for Research and Engineering shall, in consultation with the Under Secretary for Science and Technology of the Department of Homeland Security, identify equipment and technology used by the Department of Defense that could also be used by U.S. Customs and Border Protection to detect and track the illicit use of ultralight aircraft near the international border between the United States and Mexico.

(Mexican organized crime groups are using ultralight aircraft to drop marijuana bundles in agricultural fields and desert scrub across the Southwest border. What began with a few flights in Arizona in 2008 is now common from Texas to California’s Imperial Valley and, mostly recently, San Diego, where a pair of ultralights suspected of carrying drugs have been detected flying over Interstate 8, according to U.S. border authorities. At least two have been chased out of Arizona skies by Black Hawk Customs and Border Protection helicopters and F-16 jet fighters. A pair of visiting British helicopter pilots almost crashed into an ultralight during training exercises over the Imperial Valley.

The smuggling work is fraught with danger. High winds can flip the light aircraft. Moonlight provides illumination, but some pilots wear night-vision goggles. Others fly over major roads to orient themselves. Drop zones are illuminated by ground crews using strobe lights or glow sticks. There is little room for error.

At least one pilot has been paralyzed; another died in a crash.

In Calexico, Det. Mario Salinas was walking one day through agricultural fields when he heard something buzzing over the Police Department on 5th Street. “I hear this weird noise, like a lawn mower. I look up and I see this small plane,” said Salinas, who pursued the aircraft before it eluded him as it flew over the desert.

The ultralight activity is seen as strong evidence that smugglers, having an increasingly difficult time getting marijuana over land crossings, are turning to ultralight aircraft. Authorities noticed a surge in flights in Imperial County after new security fencing on Mexico’s southeast corner blocked smugglers from crossing desert dunes in all-terrain vehicles. U.S. Border Patrol agents, accustomed to spotting suspicious vehicles by foot or by helicopter, have had to adapt. They are now instructed to turn off their engines and roll
down their windows so they can listen for incursions by air. “We’re trained to look down and at the fence. Now we have to look up for tel-i-signs of drug traffic,” said Rector Villareal, deputy chief patrol agent of the El Centro sector in the Imperial Valley.

Although the new trend poses serious challenges, reports detail that ultralights are a decidedly inefficient way of getting drugs across the border. Traffickers who once moved thousands of pounds of drugs across the border now appear to be packing their loads by the pound, not the ton, authorities say.

The ultralights—lightweight planes typically used as recreational aircraft—are customized for smuggling purposes. All-terrain wheels are added for bumpy landings. Second seats are ripped out to add fuel capacity. Drugs are loaded onto metal baskets affixed to the bottom of the framing. From 150 to 250 pounds of marijuana are generally carried, depending on the weight of the pilot. Some ultralights are shrouded in black paint, with even the plastic tarp covers for the marijuana blackened for stealth entries.

Radioactive County’s Air and Marine Operations Center, where general aviation air traffic across the country is monitored, has trouble detecting the aircraft.

Flying as low as 500 feet, their small frames are hard to distinguish from trucks. Many appear, then disappear from radar screens again. The ultralight trend has prompted border authorities to develop new radar technologies specifically designed to detect the aircraft.

“There are indications of larger amounts of activity,” said Tony Crowder, director of the Air and Marine Operations Center, which is housed at March Air Reserve Base.

The challenge among radar operators, helicopter pilots and agents on the ground has resulted in some successes.

Ultralight pilots no longer land on U.S. soil after authorities began responding quickly to off-loading sites. The Mexican Army has seized four ultralights around Baja California in recent weeks after being tipped off by U.S. authorities.

By Mr. ROBERTS (for himself, Mr. NELSON of Florida, Mr. CRAPAO, Mr. TOOMEY, and Mr. HELLER): S. 1886. A bill to amend title XVIII of the Social Security Act to clarify and expand on criteria applicable to patient admission to and care furnished in long-term care hospitals participating in the Medicare program, and for other purposes; to the Committee on Finance.

Mr. ROBERTS. Mr. President, I rise today to introduce the Long-Term Care Hospital Improvement Act of 2011, with the support of my colleague Mr. NELSON of Florida. This legislation develops new federal standards and certification criteria for Long Term Acute Care Hospitals, LTCHs.

We are also joined by Senators CRAPAO, WYDEN, TOOMEY and HELLER, in introducing this bill. We hope to get the support of many more of our colleagues.

This legislation has the support of the major hospital associations, including the American Hospital Association, AHA, the Federation of American Hospitals, FAH, and the Acute Long Term Hospital Association, ALTHA.

As many of you know, Long-Term Acute Care Hospitals, referred to as LTCHs, specialize in treating medically complex patients who need longer than usual hospital stays, on average 25 days. By comparison, the average stay for a patient discharged from a general acute hospital is only 5-6 days.

LTCHs, like rehabilitation hospitals and nursing homes, often care for patients who are discharged from a general hospital. Because of that, LTCHs are sometimes referred to as post-acute care providers. However, LTCHs are fully licensed and certified as acute care hospitals. There are approximately 450 LTCHs in the nation, compared to approximately 12,000 nursing homes and 1,400 rehabilitation hospitals.

LTCH patients are very ill, with many suffering from complex respiratory issues, including those who are ventilator dependent, or other chronic medical conditions.

The bill that I am introducing today implements a comprehensive set of federal criteria that will supplement existing Medicare classification criteria for LTCHs. LTCHs are designed to ensure that LTCHs are treating high acuity patients who need extended hospital stays. Analysis by the Moran Company estimates that these criteria could generate approximately $374 million over 5 years and $2.7 billion over 10 years. The bill is expected to result in a net savings of $500 million over 10 years. I plan to work with CBO to confirm that estimate.

This legislation will generate savings for the Medicare program; promote patients being cared for in the most appropriate setting; and, protect access to LTCH care for medically acute beneficiaries who need extended stays due to their complex condition.

This is not a new concept and the American Hospital Association has been working on this issue for years. In August 2010, the AHA initiated a workgroup representing a cross section of the nation’s largest general hospital systems including Geisinger Medical System, Pennsylvania, and Partners Healthcare System, Inc., Boston. The goals of the AHA workgroup were to develop policy recommendations for uniform LTCH patient and facility criteria; distinguish LTCH hospitals from general acute hospitals and all post-acute settings; assess fiscal impact, with goal of showing overall Medicare savings; develop consensus with AHA’s LTCH members; and achieve relief from the LTCH “25 percent Rule.”

We believe that we have accomplished these goals with my legislation. Additionally, the bill just voted on a debt ceiling increase, this bill has the potential to achieve significant savings.

I hope that my colleagues will agree with me and that this legislation is something that they can support. I urge my colleagues to join me in co-sponsoring the Long-Term Care Hospital Improvement Act of 2011.

By Mr. WYDEN:

S. 1491. A bill to amend the Public Utility Regulatory Policies Act of 1978 to expand the electric rate-setting authority of States; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I rise to introduce the PURPA PLUS Act.

In my home State we have numerous emerging small renewable energy technologies, such as wave energy buoys, hydropower turbines in irrigation canals, biomass burning cogeneration facilities and rooftop solar installations. Like Oregon, many States have sought to advance new electricity technologies by providing these kinds of projects with higher power purchase rates for their power than utility companies normally pay for electricity.

These incentive rates allow individuals and small businesses to recover money they invest in solar panels or other small renewable energy projects over a reasonable period of time.

The PURPA PLUS Act simply provides States the clear legal authority to set these incentive rates for small renewable energy projects. Currently, the Federal Energy Regulatory Commission, FERC, has exclusive jurisdiction over wholesale energy prices. Under the Public Utility Regulatory Policies Act, PURPA, FERC regulates the price that utility companies pay for electricity from independent power providers and that rate can be no higher than what it would normally cost a utility company to buy additional power, known as “avoided cost.” My bill would transfer the authority for setting power purchase rates for small power projects of less than 2 megawatts from FERC to the States. This transfer is voluntary. If a State chose to exercise this authority to promote small wind energy development, or solar, or cogeneration projects, it could. If a State chose not to exercise this authority, FERC would continue to regulate these projects as before. By capping the project size at 2 megawatts, the bill only extends this new authority for small projects that are providing very small amounts of power to the local utility company. It would leave regulation of large wind farms, hydroprojects and other large renewable energy projects that often sell their power to out-of-state customers unchanged. Conversely, it shouldn’t be necessary for the Federal Government to get involved in setting rates for solar panels on top of a house or apartment building.

At a time when both State legislatures and the Federal Government are tightening their purse strings on grants, loans and tax incentives for the development of renewable energy projects, this legislation would give State public utility commissions another tool to promote small renewable energy projects. This legislation would give State public utility commissions another tool to promote small renewable energy projects. This legislation would give State public utility commissions another tool to promote small renewable energy projects. This legislation would give State public utility commissions another tool to promote small renewable energy projects. This legislation would give State public utility commissions another tool to promote small renewable energy projects.
Oregon’s utility commission also has a program that allows net metering of renewable customer-produced energy where customers are charged for the extra energy they buy from the utility company minus the amount of electricity produced themselves. This bill will strengthen and expand net metering laws, allowing for greater use of renewable energy projects in the state, and the environmental benefits of green energy.

The bill has the support of the National Association of Regulatory Utility Commissioners, which represents the individual State commissions, as well as the Solar Energy Industry Association, the Non-Hierarchical Wind Energy Association, the Clean Coalition and the Oregon Public Utility Commission. I am very pleased to be introducing this bill with my colleague on the Energy and Natural Resources Committee, Senator Coons. I hope that many of our colleagues will join us in supporting this bill.

By Mr. REID (for himself and Mr. HEILERS):

S. 1492. A bill to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Three Kids Mine Reclamation Act of 2011. My legislation transfers approximately 900 acres of federal land to the city of Henderson to facilitate the remediation and redevelopment of a dangerous abandoned mine site near Lake Mead.

The Three Kids mine was originally developed during World War I to provide manganese needed to harden steel used in munitions. The mine yielded 30 million tons of manganese, and in 1961 was closed down. The mine is located near Henderson and Clark County, and has caused extensive problems in the surrounding area.

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by the Henderson Redevelopment Agency and the State in the preparation of the estimate under this subparagraph.

(II) FINAL DETERMINATION.—If there is a disagreement between the Secretary, Henderson Redevelopment Agency, and the State over the reasonable estimate of costs under this subparagraph, the parties shall jointly select, or more experts to assist the Secretary in making the final estimate of the costs.

(D) DEADLINE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall begin the appraisal and cost estimates under subparagraphs (B) and (C), respectively.

(E) ADJUSTMENT.—The Secretary shall administratively adjust the fair market value of the Federal land, as determined under subparagraph (B), based on the estimate of remediation, and reclamation costs, as determined under subparagraph (C).

(2) MINE REMEDIATION AND RECLAMATION AGREEMENT EXECUTED.—

(A) IN GENERAL.—The conveyance under subsection (a) shall be contingent on the Secretary receiving from the State written notification of the mine remediation and reclamation agreement has been executed in accordance with subparagraph (B).

(B) REQUIREMENTS.—The mine remediation and reclamation agreement required under subparagraph (A) shall be an enforceable consent order or agreement administered by the State that—

(i) grants a party to perform the remediation and reclamation work at the Three Kids Mine Project Site necessary to—

(1) to exclude from the withdrawal the property that is no longer needed; and

(2) to allow for the immediate conveyance of the Federal land as required under this Act.

SEC. 6. RELEASE OF THE UNITED STATES.

Upon making the conveyance under subsection 3, notwithstanding any other provision of law, the United States is released from all interests in any kind, or nature arising from the presence, release, or threat of release of any hazardous substance, contaminant, petroleum product (or derivative of a petroleum product of any kind), solid waste, mine materials or mining-related features (including tailings, overburden, waste rock, mill remnants, pits, or other hazards resulting from the presence of mining related features) at the Three Kids Mine Project Site in existence on or before the date of the conveyance.

By Ms. MURKOWSKI:

S. 1495. A bill to amend the school dropout prevention program in the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise today to introduce Early Intervention for Graduation Success Authoriza-

By Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BEGICH):

S. 1496. A bill to amend title 46, United States Code, to prohibit the delegation by the United States of inspection, certification, and related services to a foreign classification society that provides comparable services to Iran, North Korea, North Sudan, or Syria, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. COLLINS. Mr. President, I rise to introduce the Ethical Shipping Inspections Act of 2011. This bill would prohibit the Secretary of Homeland Security and U.S. Coast Guard from delegating vessel inspection and certification authority to a foreign-based classification society that provides these services on behalf of the governments of Iran, North Korea, North Sudan, or Syria.
It is important that we all understand the special nature of the relationship between classification societies and our Government and take action to ensure that our Government is represented by classification societies in a manner befitting of our nation's values and consistent with U.S. foreign policy. For these reasons, my colleagues and I believe it is imperative that we amend the law to prohibit this activity, and we urge our colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

\[S. 1496\]

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 “Ethical Shipping Inspections Act of 2011”.

SEC. 2. LIMITATION ON DELEGATION OF INSPECTION, CERTIFICATION, AND RELATED SERVICES. Section 3316 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(e) The Secretary may not make a delegation, and shall revoke an existing delegation made, to a foreign classification society pursuant to subsection (b) or (d) to provide inspection, certification, or related services if the Secretary determines that the foreign classification society provides comparable services—

(1) in Iran, North Korea, North Sudan, or Syria; or

(2) for the government of Iran, North Korea, North Sudan, or Syria.”.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. BINGAMAN):

S. 1504. A bill to restore Medicaid eligibility for citizens of the Freely Associated States; to the Committee on Finance.

Mr. AKAKA. Mr. President, I rise today to introduce the Medicaid Restoration for Citizens of Freely Associated States Act of 2011. This bill would reinstate eligibility for critical Federal health benefits for citizens of certain Pacific Island nations that have been invited by the Federal Government to live in the United States, but for whom the costs of services have fallen to individual states, Hawaii in particular. I would like to thank Senators INOUYE and BINGAMAN for joining me in introducing this bill.

The Freely Associated States, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, are island nations that have unique political relationships with the United States.

At the end of World War II, the United Nations established the “Trust Territory of the Pacific Islands,” which was administered by the United States between 1947 and 1986. It included the islands that now make up the FAS nations, as well as other Pacific islands liberated from Japan after World War II.

This U.S. Trusteeship presented the Federal Government with new strategic and military opportunities, allowing the United States to establish military bases and station forces in the Trust Territory and close off areas for strategic and military reasons. It also bestowed upon the United States the responsibility to promote economic development and self-reliance for the territory.

In the 1980s, the United States entered into a new phase in its relationship with the FAS through the Compact of Free Association and the Palau Compact of Free Association. The Compacts allow FAS citizens to freely enter, reside, and work in the United States and authorize their participation in certain Federal programs.

As a part of the Compacts, FAS citizens were extended Medicaid eligibility. Unfortunately, when the Personal Responsibility and Work Opportunity Act of 1996 was enacted, FAS citizens lost many of their public benefits, including Medicaid coverage.

Subsequently, state and territorial governments have used the sole sources of funding for meeting the social service and public health needs of this ever-growing population. And FAS migrants to Hawaii often arrive with serious medical needs, requiring costly health care services such as dialysis and chemotherapy.

These costs will continue to rise, even as the State’s resources are increasingly constrained.

Restoration of Medicaid eligibility for these individuals is crucial for states where many FAS citizens reside. In the Pacific, this includes Hawaii, Guam, and the Northern Mariana Islands.

In the continental U.S., this includes California, Oregon, Washington, and Arkansas. Health care providers that operate in areas with high rates of uninsured are having difficulties meeting the health care needs of their communities. Uninsured FAS citizens who seek health care services contribute to the uncompensated costs that are creating an ever-greater burden on health care providers.

I ask my colleagues for their support of the Medicaid Restoration for Citizens of Freely Associated States Act of 2011. The decision to allow citizens of the Freely Associated States to come to the United States was a federal decision with national benefits.

That we also accept the cost of that decision is a matter of fairness and responsibility.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

\[S. 1504\]

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 “Medicaid Restoration for Citizens of Freely Associated States Act of 2011”.

I am joined in the effort to close this critical loophole by my colleagues, Senators LIEBERMAN and BEGICH. With the introduction of the Ethical Shipping Inspections Act of 2011, we seek to end U.S. relationships with foreign-based classification societies that also represent nations like the Islamic Republic of Iran.

Each year, non-governmental classification societies conduct more than 4,500 statutory inspections of U.S. flagged vessels to verify that these vessels meet international maritime conventions and national regulatory requirements. World-wide, more than 100 governments have established relationships with classification societies. In addition, the vast majority of commercial ships are built to and surveyed for compliance with the standards developed by classification societies.

The relationship between classification societies and the U.S. Government was established in statute in the Merchant Marine Act of 1920, when the Secretary of the Department overseeing the U.S. Coast Guard was granted the authority to delegate certain inspection and certification services to the American Bureau of Shipping, ABS, or another recognized Classification Society. In 1996 Congress expanded this program to allow foreign-based classification societies to also serve on behalf of the U.S. Government in this capacity. Today, there are four foreign-based classification societies that have established Memoranda of Understanding with the U.S. Coast Guard to conduct these inspections on the Coast Guard’s behalf.

While this act would allow this relationship between the U.S. Government and foreign-based classification societies to continue, it would eliminate a loophole in the law that allows the foreign-based classification societies that represent the United States to also represent the governments of Iran, North Korea, North Sudan, or Syria. Ironically, the current law provides more latitude to foreign-based societies than we allow the American Bureau of Shipping. As a U.S.-based non-profit, non-governmental organization, ABS is restricted from providing such services in Iran under existing Iranian Transaction Regulations. Yet, the Iran Sanctions Act of 1996, as amended by the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, does not prevent foreign-based classification societies from representing both the U.S. and Iranian governments.

With this in mind, my colleagues and I have introduced this legislation to prohibit the U.S. from obtaining vessel inspection, certification, and related services from a foreign-based class society that also provides these services on behalf of the Iranian, North Korean, North Sudanese, or Syrian governments. For the United States to maintain such relationships runs directly contrary to the spirit of United States policy.
SEC. 2. MEDICAID ELIGIBILITY FOR CITIZENS OF FREELY ASSOCIATED STATES.

(a) In GENERAL.—Section 402(b)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at the end the following:

"(b) MEDICAL EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the program described in paragraph (3)(C) (relating to medical assistance to citizens of freely associated states), paragraph (1) shall not apply to any individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with—

"(i) section 141 of the Compact of Free Association between the Government of the United States and the Government of the Federated States of Micronesia, approved by Congress in the Compact of Free Association Amendments Act of 2003;

"(ii) section 141 of the Compact of Free Association between the Government of the United States and the Government of Palau, approved by Congress in Public Law 99–658 (100 Stat. 3672)."

(b) EXCLUSION TO 5-YEAR LIMITED ELIGIBILITY.—Section 409(d) of such Act (8 U.S.C. 1613(d)) is amended—

"(1) in paragraph (1), by striking "or" at the end;

"(2) by adding at the end the following new paragraph:

"(3) in an individual described in section 402(b)(2)(G), but only with respect to the designated Federal program defined in section 402(b)(3)(C),

(c) DEFINITION OF QUALIFIED ALIEN.—Section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1614(b)), is amended—

"(1) in paragraph (6), by striking "or" at the end;

"(2) by adding at the end the following new paragraph:

"(3) if an alien lawfully resides in the United States (including territories and possessions of the United States) in accordance with the Compact of Free Association referred to in section 402(b)(2)(G).

(d) CONFORMING AMENDMENTS.—Section 1106 of the Social Security Act (42 U.S.C. 1306) is amended—

"(1) in subsection (f), in the matter preceding paragraph (1), by striking "subsection (g)" and inserting "subsections (g) and (h);" and

"(2) by adding at the end the following:

"(h) The limitations of subsections (f) and (g) shall not apply with respect to medical assistance provided to an individual described in section 431(b)(8) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act and apply to benefits for items and services furnished on or after that date.

By Mr. HATCH (for himself, Mr. BURR, Mr. MCCAIN, and Mr. GRAHAM):

S. 1507. A bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization; to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, today I have introduced the Employee Rights Act, a comprehensive workers' rights bill that would address many issues plaguing America's workers.

Our Nation's labor laws were designed to encourage employers to engage in collective bargaining. Contrary to what some may think, I am not anti-union and I do not want to stand in the way of unionization if the decision to unionize is truly the will of the employees. The problem is that the right not to join a union is equally important. It is this right that far too often goes overlooked under our current laws, and particularly under policies implemented by unelected bureaucrats at various administrative agencies.

I am under no illusions that this legislation will be controversial. There will most certainly be opposition. Indeed, I fully expect the unions and the employees who seek the protection of the Employee Rights Act, and characterize it as a radical, anti-union bill.

But, that just isn't the case. There is not a single provision in this bill that will empower employers at the expense of the union. The employee's right to choose a union without interference will be improved by the Employee Rights Act, and anyone whose real concern is preserving the rights of individual workers should support this bill.

Let me take a few minutes to go over the specific provisions.

First, the bill would conform and equalize unfair labor practices against employers who refuse to let an employee or a group of employees have a vote in the exercise of their rights under the Act. The same section punishes labor organizations only if they "interfere with, restrain, or coerce employees" in the exercise of their rights under the Act.

There is no reasonable or legal justification for this difference, and workers should have the benefit of equal protection against abuse from both sides. That is why, under the Employee Rights Act, both sides will be held to the higher standard.

Next, my bill would ensure that employees are guaranteed a right to a federally supervised, secret ballot election. According to the Bureau of Labor Statistics, less than 10% of current union members voted for the union at their workplace. Most union members simply took jobs at sites that were already unionized, many of which require union membership as a condition of employment.

Under current law, if any of these employees want to decertify a union, they must go through an arduous process that is a nearly impossible task. In addition to overcoming the many procedural hurdles provided by laws and regulations, they are required to speak out publicly against the union and subject themselves to public criticism, if not outright intimidation. Not surprisingly, very few even make the effort.

As a result, millions of American workers belong to unions they never voted for and will never get to vote for. No one who claims to support the rights of workers can argue that this is a good thing. Every citizen is guaranteed an opportunity to vote out their representatives in State, local, and Federal Government. Yet, a union, once certified, is in place for perpetuity. This just shouldn't be the case.

Once again, I am not alone in my thinking. In the same survey I cited earlier, 75 percent, again, 3/4 of those polled, supported a change that would require unions to be periodically recertified.

This proposal is not outlandish or punitive. It is simply common sense. It is fair to both employers and unions, and,
Mr. WYDEN. Mr. President, I am pleased today to introduce the Promoting Accountability and Excellence in Child Welfare Act, a bill that would provide the way for moving it so that we can improve the lives and well-being of vulnerable children and their families.

The Federal government spends roughly ten times as much money on foster care as it does on preventative services, when foster care is, in nearly every case, the worst possible outcome for a child. The Promoting Accountability and Excellence in Child Welfare Act would establish a 5-year grant program to provide States with flexibility to implement comprehensive reforms to existing child welfare programs provided they can demonstrate success in improving child well-being. This flexibility would allow States to use early-intervention techniques to prevent youth from entering foster care, heightened reunification or adoption practices to decrease a child’s time in care, and strengthened support services to ensure that children and young people do not fall behind their peers while they remain in foster care. Importantly, this act establishes strong performance measures that allow successful practices to serve as scalable models.

Children and families that come into contact with the child welfare system are often served through multiple local, State, and Federal agencies including the Department of Health and Human Services, the Department of Justice, the Department of Education, the Department of Labor, and the Department of Housing and Urban Development. Too often, these agencies operate in silos, with the effects playing
out at the State, local, and even individual level. This act promotes collaboration by requiring an inter-agency working group to identify existing Federal resources and streamline them to reduce duplication and allow grantees to access additional services and funding streams.

States and localities have proven their ability to save money through innovation while also working to promote the best interest of children and families and the Federal government often turns to state best practices to improve national laws. The history of subsidized guardianship serves as one such example. Due to an all-time high in the number of children in State foster care, in 1996 Illinois was granted the authority to allow grandparents, aunts, uncles and other adult relatives to receive Federal foster care payments if they opened their homes permanently to their relative children in foster care. Raising a child is expensive and these payments gave relatives the financial means to care for their kin.

Allowing children and youth to remain with relatives is not only a compassionate way to prevent unnecessary disruptions in a child’s life and keep families together, it also saves money. The Illinois demonstration proved that children and youth did better living with relatives than they did when they remained in foster care. In addition, research found that the financial assistance to relatives actually increased the odds that they would be adopted. Due to the success of kinship care in Illinois and other States, the Federal government now realizes a cost savings by reimbursing States for a portion of the cost of offering guardianship assistance.

Families receiving this expanded home-based care assistance are able to more effectively care for children who have a history of abuse and neglect, while allowing these children to remain closer to their relative families. As a result, States are required to take on the obsolete AFDC program, meaning each State is responsible for paying for their own foster care system. This new cost sharing between the Public and Private Sectors has created a Federal foster care financing. Under the Secretary of Health and Human Services, the Social Security Block Grant, or SSBG, to provide for children in care. This act also authorizes the Federal government to provide grants to States and localities to improve the quality of care in the foster care system.

In 1967, 2nd Street in Silvis, Illinois was renamed "Hero Street USA" in recognition of the fallen soldiers and their families who grew up on that street when World War II and the Korean Wars broke out. 78 young Mexican-American men, who lived on Hero Street, bravely went to war to serve our Nation and defend our freedoms in battle. Six soldiers lost their lives during World War II and two others lost their lives during battle in the Korean War.

Located halfway down the block on the east side of Hero Street USA there is a neighborhood park that was redesigned to honor these fallen soldiers in 1971. This memorial park honors the story that brought these families together and brave sacrifices these men and women made to uphold liberty and the principles of the Constitution of the United States.

Recognizing Hero Street Memorial Park will tell the story of these fallen soldiers for future generations and will honor the brave sacrifice of those who gave so much for their country.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 250—EXPRESSING THE SENSE OF THE SENATE REGARDING THE MEMORIAL PARK ON HERO STREET USA, IN SILVIS, ILLINOIS SHOULD BE RECOGNIZED AS HERO STREET MEMORIAL PARK AND SHOULD CONTINUE TO BE SUPPORTED AS A PARK ON HERO STREET USA, IN SILVIS AT NO COST TO UNITED STATES TAXPAYERS

Mr. KIRK submitted the following resolution; which was referred to the Committee on the Judiciary:

WHEREAS the memorial on Hero Street USA is located near the intersection of Highway 84 and 2nd Street; Whereas on the east side of Hero Street USA, the memorial honors the personal sacrifice of eight young men from Hero Street USA, who were killed in defense of the United States, including six during World War II, PFC Joseph H. Sandoval, PFC Frank H. Sandoval, PFC William L. Sandoval, Sgt. Tony Lopez Pompa, SSG Claro Soliz, and PFC Peter Perez Masias, and two men during the Korean War, PFC John S. Munos and PFC Joseph Gomez; Whereas the memorial will pay fitting tribute to these gallant eight men who made the ultimate and selfless sacrifice in the defense of liberty, not only for their loved ones and their country, but for people everywhere around the world who hope to breathe free; Whereas these men gave their lives so that those of us that gather here at this memorial park can do so free to speak and think; Whereas additionally, these men died so that those who follow in their footsteps can be secure in the knowledge that the United States Constitution which they swore to uphold and defend stands firm; Whereas the Hero Street Memorial Park symbolizes the devotion to duty and personal sacrifice in the cause of liberty and freedom these eight men displayed day after day that was instrumental in the triumph of the United States and its allies during World War II and the Korean War; and Whereas the citizens of the United States have a continuing obligation to educate future generations about this small street in Silvis, Illinois, whose sons and daughters have given so much in the defense of liberty of the United States:

NOW, THEREFORE, BE IT RESOLVED, That it is the sense of the Senate that the memorial park on Hero Street USA, in Silvis, Illinois should be recognized as Hero Street Memorial Park and should continue to be supported as a park by the Town of Silvis at no cost to United States taxpayers.

Mr. KIRK, Mr. President, I rise today in honor of the fallen soldiers from Hero Street USA in Silvis, Illinois and ask that the Senate recognize the memorial park on Hero Street as Hero Street Memorial Park.

Whereas more than 10,000 communities in the United States have residential recycling programs, and demand for recycled materials;

Whereas a decline in manufacturing in the United States steadily increased from 8.6 percent in 1970 to 28.6 percent in 2000, but since 2000, the rate of increase has slowed considerably;

Whereas a decline in manufacturing in the United States has reduced both the supply of and demand for recycled materials;

Whereas Illinois has recognized that the recycling economy and protect national security interests in the United States.

WHEREAS the United States Armed Forces to defend the country.

WHEREAS California is promoting recycling and demand for recycled materials;

WHEREAS in the small town of Silvis, Illinois, there is a street that is only one and a half blocks long;

WHEREAS formerly known as Second Street, today it is officially known as Hero Street USA;

WHEREAS from this short street, brave men and women of Hispanic ancestry have served in the United States Armed Forces;

WHEREAS the memorial will honor the personal sacrifice of eight young men from Hero Street USA, who were killed in defense of the United States, including six during World War II, PFC Joseph H. Sandoval, PFC Frank H. Sandoval, PFC William L. Sandoval, Sgt. Tony Lopez Pompa, SSG Claro Soliz, and PFC Peter Perez Masias, and two men during the Korean War, PFC John S. Munos and PFC Joseph Gomez;

WHEREAS the memorial will pay fitting tribute to these gallant eight men who made the ultimate and selfless sacrifice in the defense of liberty, not only for their loved ones and their country, but for people everywhere around the world who hope to breathe free;

WHEREAS these men gave their lives so that those of us that gather here at this memorial park can do so free to speak and think;

WHEREAS additionally, these men died so that those who follow in their footsteps can be secure in the knowledge that the United States Constitution which they swore to uphold and defend stands firm;

WHEREAS the Hero Street Memorial Park symbolizes the devotion to duty and personal sacrifice in the cause of liberty and freedom these eight men displayed day after day that was instrumental in the triumph of the United States and its allies during World War II and the Korean War; and

WHEREAS the citizens of the United States have a continuing obligation to educate future generations about this small street in Silvis, Illinois, whose sons and daughters have given so much in the defense of liberty of the United States:

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Recognizing Hero Street Memorial Park will tell the story of these fallen soldiers for future generations and will honor the brave sacrifice of those who gave so much for their country.