

United States Senate

WASHINGTON, DC 20510

May 18, 2017

Donald Trump, Jr.
Executive Vice President, Trump Organization
Trustee, Donald J. Trump Revocable Trust

Eric Trump
Executive Vice President, Trump Organization
Chairman of the Advisory Board, Donald J. Trump Revocable Trust

Allen Weisselberg
Executive Vice President and Chief Financial Officer, Trump Organization
Trustee, Donald J. Trump Revocable Trust

The Trump Organization
725 Fifth Avenue
New York, NY 10022

Dear Messrs. Trump and Mr. Weisselberg:

We write regarding the Trump Organization's continuing financial relationship with President Donald Trump. This continuing financial relationship raises serious concerns about whether the Trump Organization is effectively a pass-through for income that violates the Constitution's two Emoluments Clauses.

Article I, Section 9, Clause 8 of the Constitution states, "[N]o Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State."

Article II, Clause 7 of the Constitution additionally provides that the President shall receive fixed compensation during his or her time in office, but "shall not receive within that Period any other Emolument from the United States, or any of them."

While President Trump's initial public statements¹ indicated some understanding of the unprecedented issues his financial holdings would raise concerning conflicts of interests and the Emoluments Clauses, subsequent reports indicate that he has failed to take proper actions to ensure he is not in violation of the Constitution. For example, a recent *Forbes* article, entitled "Trump's Vegas Partner Says Business Is Not Dividing Profits From Foreign Governments As Promised," reported that President Trump may still receive considerable profits from foreign officials through his Las Vegas hotel.² There are also reports that government agencies have

¹ <http://time.com/4631551/donald-trump-press-conference-russia-ethics-transcript>

² <https://www.forbes.com/sites/danalexander/2017/03/22/phil-ruffin-trump-las-vegas-emoluments-profits-constitution/#3aaae34724d7>

been forced to pay significant amounts of money to the Trump Organization. One recent article, for example, highlighted that President Trump's frequent golf outings have forced the Secret Service to spend \$35,000 just on golf cart rentals at his Mar-a-Lago resort.³

Perhaps most troubling, however, is the status of President Trump's proposed trust. On January 11, President Trump announced to the American public that he was placing his businesses in a trust and, according to his lawyer, was "completely isolating himself from his business interests."⁴ Ethics experts warned that even that structure, if properly executed, is insufficient to guard against conflicts of interest.⁵ Yet President Trump's proposed trust and his pledge to "completely isolat[e] himself from his business interests" ring hollow given Eric Trump's statement that he will provide business updates to President Trump "probably quarterly."⁶ The press has further reported that the trust agreement allows President Trump to request and receive any "net income or principal" from the trust – at any time and for whatever reason.

If accurate, the President will receive regular updates on the ongoing affairs of his businesses and will be able to regularly access profits. It defies common sense to believe that this type of arrangement resolves the President's conflicts of interest. It also raises serious questions regarding how such an arrangement could credibly insulate the President from unending Emoluments Clause violations.

Our democratic institutions derive legitimacy and public confidence through transparency. It is essential for the American people to know that the President's decisions are not affected by his personal financial interest. And it is similarly imperative for the American people to trust that he is operating within the confines of the Constitution. Neither can be said at present. Because the Trump Organization is playing a central role with respect to these problems, please answer the following questions to help Congress understand the Trump Organization's actions since the Inauguration.

1. When any entity within the Trump Organization receives income from the Federal government, a state government, or a foreign government or instrumentality thereof,⁷ is that income segregated from income received from any other source? If so, please describe with specificity the manner in which that income is accounted and reported.
2. Please provide a complete accounting of all Federal funds since January 21, 2017, that have been paid, for any reason, to any entity within the Trump Organization, *e.g.* for space at Trump Tower or golf cart rentals. Please describe how this income will

³ <http://thehill.com/blogs/blog-briefing-room/news/328942-secret-service-has-spent-more-than-35000-on-golf-cart-rentals>

⁴ <http://time.com/4631551/donald-trump-press-conference-russia-ethics-transcript>

⁵ <https://www.brookings.edu/blog/fixgov/2017/01/11/oge-director-warns-trumps-plan-insufficient/>

⁶ <http://www.politico.com/story/2017/03/eric-trump-sharing-business-updates-father-236464>

⁷ <http://www.politico.com/f/?id=00000158-b7ee-d53b-a37f-bfee7b6d0001> ("The precedents of the Office [of Legal Counsel] do establish that the Emoluments Clause reaches not only "foreign State[s]" as such but also their instrumentalities. . . . corporations owned or controlled by a foreign government are presumptively foreign states under the Emoluments Clause.")

be reported to the Internal Revenue Service.

3. Apparently in the mistaken belief that this promise might meet the requirements of the Foreign Emoluments Clause, President Trump has promised to “donate all profits from foreign government payments made to his hotels to the United States Treasury.”⁸
 - a. How does the Trump Organization determine whether a hotel guest is using funds derived from foreign governments?
 - b. How does the Trump Organization measure “profits” from individual hotel guests?
 - c. Has the Trump Organization created a mechanism to allow or facilitate President Trump to make such payments to the United States Treasury? If so, please describe this process with specificity.
 - d. To date, has President Trump made any payments to the United States Treasury in accordance with his public statement?
 - e. Does the Trump Organization intend to provide President Trump with an accounting of “all profits from foreign government payments made to his hotels” at fixed and regular intervals? If so, at what intervals? Please also provide the date on which the next reporting to President Trump is expected to occur.
4. When any entity within the Trump Organization receives a benefit aside from income (*e.g.*, a building permit, trademark, etc.) is that benefit accounted for and reported? If so, how does the Trump Organization intend to value and segregate those benefits?
5. *USA Today* has reported that “Since Election Day, records show Trump companies have sold at least 14 luxury condos and home-building lots for about \$23 million. Half were sold to limited liability companies. No names were listed in deeds, obscuring buyers’ identities. Since launching his White House bid, Trump’s companies have sold at least 58 units nationwide for about \$90 million. Almost half of those sold to LLCs.”⁹ What steps has the Trump Organization taken to ensure that none of the LLCs to which it has sold these properties are linked to foreign governments or instrumentalities thereof?
6. What is the estimated value of the 38 Chinese trademarks recently awarded to the Trump Organization?

⁸ <http://time.com/4631551/donald-trump-press-conference-russia-ethics-transcript>

⁹ <https://www.usatoday.com/story/news/2017/04/20/trump-owns-250m-condos-and-you-could-buy-one/100566302>

7. *The New York Times* reports that the Trump Organization currently has 157 pending trademark applications in 36 countries.¹⁰ What is the estimated value of those 157 trademarks?

Please respond to this letter as soon as possible. Thank you for your prompt attention to this critical matter. Should you have any questions, please contact David Pendle at (202) 224-4242.

Sincerely,



PATRICK LEAHY
United States Senator



RICHARD BLUMENTHAL
United States Senator



DIANNE FEINSTEIN
United States Senator



BEN CARDIN
United States Senator



RICHARD J. DURBIN
United States Senator



SHeldon WHITEHOUSE
United States Senator



AL FRANKEN
United States Senator



CHRISTOPHER A. COONS
United States Senator

¹⁰ <https://www.nytimes.com/2017/04/11/us/politics/trump-trademark-ethics.html>



JACK REED
United States Senator



TAMMY BALDWIN
United States Senator



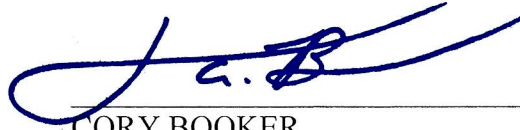
THOMAS CARPER
United States Senator



ELIZABETH WARREN
United States Senator



EDWARD J. MARKEY
United States Senator



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United States Senator



TOM UDALL
United States Senator



JEFF MERKLEY
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