

AMENDMENT TO RULES COMMITTEE PRINT 115-

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OFFERED BY MR. GOMEZ OF CALIFORNIA

At the end of subtitle G of title X, add the following new section:

1 **SEC. 10___ . COLLECTION AND ASSESSMENT OF INTEL-**
2 **LIGENCE REGARDING THE EFFORTS OF FOR-**
3 **EIGN POWERS TO GAIN INFLUENCE**
4 **THROUGH THE FINANCIAL INTERESTS OF**
5 **THE PRESIDENT AND CLOSE FAMILY MEM-**
6 **BERS AND ASSOCIATES OF THE PRESIDENT.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) Article I, section 9, clause 8 of the United
10 States Constitution (commonly known as the
11 “Emoluments Clause”) prohibits acceptance of gifts
12 by the President from a foreign state.

13 (2) The purpose of the emoluments clause is to
14 prevent foreign corruption of the workings of the
15 United States Government.

16 (3) Pursuant to a 2009 opinion by the Office
17 of Legal Counsel, corporations owned or controlled

1 by a foreign government are presumptively foreign
2 states under the Emoluments Clause.

3 (4) President Donald J. Trump maintains a
4 business network, the Trump Organization, that has
5 financial interests around the world and negotiates
6 and concludes transactions with foreign states and
7 entities that are extensions of foreign states.

8 (5) The Office of Government Ethics has ex-
9 pressed concerns regarding ongoing conflicts of in-
10 terest between President Trump and his business
11 concerns and intermingling of the Trump Organiza-
12 tion and the work of Government. Examples of po-
13 tential Trump conflicts include the following:

14 (A) President Trump received long sought
15 trademarks for the Trump Organization by the
16 Chinese government the day after reversing his
17 position on the “one-China” policy.

18 (B) Saudi Arabia, as the Wall Street Jour-
19 nal recently reported, spent \$270,000 at the
20 Trump Hotel in Washington, D.C. as part of a
21 lobbying effort to roll back legislation that al-
22 lows family members of 9/11 attack victims to
23 sue the Saudi government.

24 (C) During the transition, Jared Kushner,
25 the President’s son-in-law and White House

1 senior adviser, met with Sergey N. Gorkov,
2 chief of Vnesheconombank (VEB), in what the
3 White House described as part of routine diplo-
4 matic encounters. Gorkov's bank has been used
5 as a frequent cover for Russian intelligence
6 service operatives, and Gorkov indicated that he
7 met with Kushner in Kushner's capacity as the
8 chief executive of Kushner Companies.

9 (D) In February, in its first major real es-
10 tate transaction after Trump's inauguration,
11 the Trump Organization sold a \$15,800,000
12 penthouse apartment in Trump Tower to Chi-
13 nese-American business executive Xiao Yan
14 Chen, who has been directly linked to a front
15 group for Chinese military intelligence through
16 the misleadingly innocuous-sounding China Arts
17 Foundation.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) President Trump's foreign interests and his
21 unwillingness to divest his holdings creates a possi-
22 bility of foreign corruption, exactly the purpose of
23 the emoluments clause;

24 (2) foreign governments appear to be calcu-
25 lating that directing money and favorable treatment

1 toward projects, properties, and interests affiliated
2 with President Trump and Jared Kushner is an easy
3 way to secure foreign policy gains; and

4 (3) President Trump's foreign entanglements,
5 to the extent they enhance possibility of foreign cor-
6 ruption, constitute a national security challenge to
7 the United States.

8 (c) COLLECTION AND ASSESSMENT OF INTEL-
9 LIGENCE REGARDING FOREIGN POWERS INFLUENCE RE-
10 LATING TO FINANCIAL INTERESTS OF COVERED PER-
11 SONS.—

12 (1) IN GENERAL.—Pursuant to title V of the
13 National Security Act of 1947, the intelligence com-
14 munity is authorized to collect and, as appropriate,
15 disseminate intelligence regarding efforts by a for-
16 eign power to influence, or to take any actions as a
17 result of, a financial interest of a covered person.
18 Such actions include, but are not limited to, the fol-
19 lowing:

20 (A) Granting favorable treatment to a cov-
21 ered business or organization as a means to
22 curry favor with the administration.

23 (B) Granting of trademarks or other bene-
24 fits to members of the President's family.

1 (C) Giving a covered business or organiza-
2 tion favorable regulatory or other preferential
3 treatment.

4 (D) Renting or buying properties owned or
5 operated by a covered business or organization.

6 (E) Investing in concerns operated by a
7 covered business or organization.

8 (F) Lending money to or otherwise facili-
9 tating financial transactions on behalf of a cov-
10 ered business or organization.

11 (2) INTELLIGENCE ASSESSMENTS.—Not later
12 than 30 days after receipt of intelligence, the Direc-
13 tor of National Intelligence shall assess whether a
14 foreign power is attempting to influence, or to take
15 any actions as a result of, a financial interest of a
16 covered person.

17 (3) CONGRESSIONAL NOTIFICATION REQUIRE-
18 MENTS.—

19 (A) NOTIFICATION OF INTELLIGENCE AS-
20 SESSMENTS.—Not later than 10 days after
21 making an assessment under paragraph (2), the
22 Director of National Intelligence shall submit to
23 the congressional intelligence committees a re-
24 port on the assessment made, including the spe-

1 cific intelligence upon which the assessment is
2 based.

3 (B) NOTICE OF PREVIOUSLY COLLECTED
4 INTELLIGENCE.—The Director of National In-
5 telligence shall make available to the congres-
6 sional intelligence committees any intelligence
7 obtained during the period beginning on Janu-
8 ary 19, 2017, and ending on the date of the en-
9 actment of this Act, indicating that a foreign
10 power or foreign interest provided to a covered
11 business or organization favorable regulatory or
12 other preferential treatment or provided an
13 emolument as a means to curry favor.

14 (4) DEADLINE FOR IMPLEMENTING GUIDE-
15 LINES.—Not later than 30 days after the date of the
16 enactment of this Act, the Director of National In-
17 telligence shall issue guidelines to the intelligence
18 community regarding the collection of intelligence
19 described in this subsection.

20 (5) DEFINITIONS.—In this subsection:

21 (A) The term “covered person” means—
22 (i) the President;
23 (ii) the Vice President;
24 (iii) a child of the President or Vice
25 President; or

1 (iv) a close relative of the President or
2 Vice President, including an in-law.

3 (B) The term “covered business or organi-
4 zation” means—

5 (i) the Trump Organization; or

6 (ii) an organization or business con-
7 trolled by or associated (including known
8 shell companies) with a covered person,
9 any member of the President’s family, or
10 any close associate of the President.

11 (C) The term “financial interest” means a
12 financial interest of the President, the Vice
13 President, the spouse of the President or Vice
14 President, or a minor child of the President or
15 Vice President, as applicable, that—

16 (i) would constitute a financial inter-
17 est described in subsection (a) of section
18 208 of title 18, United States Code—

19 (I) if—

20 (aa) for purposes of such
21 section 208, the terms “officer”
22 and “employee” included the
23 President and the Vice President;
24 and

1 (bb) the President or Vice
2 President, as applicable, partici-
3 pated as described in subsection
4 (a) of such section 208 in rela-
5 tion to such financial interest;
6 and
7 (II) determined without regard to
8 any exception under subsection (b) of
9 such section 208; or
10 (ii) may constitute a present, emolu-
11 ment, office, or title, of any kind whatever,
12 from any king, prince, or foreign state (in-
13 cluding from an entity owned or controlled
14 by a foreign government), within the
15 meaning of article I, section 9 of the Con-
16 stitution of the United States.
17 (D) The term “intelligence community”
18 has the meaning given such term in section
19 3(4) of the National Security Act of 1947 (50
20 U.S.C. 3003).

