

February 16, 2017

Dear Senator,

We are writing to urge you to support and cosponsor the Presidential Trade Transparency Act of 2017, sponsored by Senator Ron Wyden, ranking Democrat on the Senate Finance Committee, and other senators. A companion bill is being sponsored in the House by Representative Richard Neal, ranking Democrat on the House Ways and Means Committee.

The Presidential Trade Transparency Act would require a president to disclose his foreign income, assets and liabilities with regard to any country that is the subject of a trade negotiation, trade enforcement action (or inaction), or decision to grant or deny tariff preferences. The bill would require the information to be reported consistent with the information required to be disclosed under the Ethics in Government Act, and to describe in detail the nature of the connection between the income, asset, or liability and the foreign country.

The legislation, according to its sponsors, also would allow “Congress to properly exercise its oversight responsibilities and assess whether the authority it has granted to the president is the subject of undue influence due to a business relationship between the president and one or more foreign entities.”

President Trump’s decision to retain ownership of The Trump Organization and his related worldwide business enterprises has raised conflicts of interest and Emoluments Clause problems for the president and the country.

Under the Emoluments Clause of the Constitution, “no Person holding any Office of Profit or Trust under [the United States], 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.”

The term “Emolument” in the clause is intended broadly to cover anything of value—an emolument “of any kind whatever.” The Emoluments Clause also is not limited to the receipt of cash. An emolument “of any kind whatever” includes non-monetary benefits provided by a foreign government, such as permits, approvals or other forms of regulatory dispensations or forbearances.

The framers recognized the dangers of foreign influence and corruption, even in situations subtler than quid pro quo bribery, and thus they created a broad constitutional prophylactic applicable to anything of value given by a foreign government to any officer of the United States.

While the bill does not cover all potential Emoluments Clause problems and does not prohibit violations of the clause, it will provide the American people with public information to

determine whether in the case of trade-related matters a president is violating the Emoluments Clause.

If a president fails to submit timely reports, the bill would eliminate the legal effect of any presidential proclamation modifying U.S. tariffs with respect to the country and trade agreement involved and would disqualify the trade agreement from receiving the expedited consideration provided for approval of trade agreements.

We urge you to support and cosponsor the Presidential Trade Transparency Act of 2017.

Signers of the letter include:

Campaign Legal Center
Common Cause
CREW
Democracy 21
Demos
Every Voice
League of Women Voters
MAYDAY.US
Norman Eisen, chief White House Ethics lawyer 2009-2011
Norman Ornstein
People for the American Way
Public Citizen
Richard Painter, chief White House ethics lawyer, 2005-2007
Represent.Us
Tom Mann
Transparency International USA
Seth Waxman, former U.S. Solicitor General
Sunlight Foundation