


MEMORANDUM

August 12, 2019

To:  House Foreign Affairs Committee Majority Staff
From: Chairman Eliot L. Engel
Re: Staff Communication with foreign governments and the Foreign Emoluments Clause

This memorandum directs House Foreign Affairs Committee majority staff when communicating with foreign governments about their participation in apparent violations of the U.S. Constitution's Foreign Emoluments Clause by President Trump through the businesses he owns.

President Trump appears to be violating the U.S. Constitution by accepting benefits from foreign governments without Congressional consent. Specifically, the Foreign Emoluments Clause (art. I, § 9, cl. 8), states:

“[N]o Person holding any Office of Profit or Trust under [the United States], shall, without the Consent of the Congress, accept any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.”

This important Constitutional provision was intended to prevent corruption and foreign influence on federal officers.¹ The U.S. Constitution does not define the term “emolument”, but two recent federal district courts have held that it includes “any profit, gain or advantage, including profits from private transactions.”²

Unlike previous presidents, President Trump has not placed his assets in a blind trust and, thus, continues to profit from his business holdings. Since taking office, his businesses continue to receive payments and other benefits from the numerous foreign governments using his properties—all without Congressional consent. There are serious concerns that these payments to hotels, businesses, condominiums, or other Trump-owned properties by foreign governments are in violation of the Constitution.

DIRECTIVE: When meeting with officials from a foreign government, please inform them that by providing any form of payment or benefit to a Trump-owned property their government is facilitating the President's apparent violation of the Foreign Emoluments Clause. Please urge those foreign officials to transmit to their governments that the House Foreign Affairs Committee requests that they cease and desist payments to the Trump Organization unless and until Congress approves the emolument, as provided in the Constitution.

On June 14, 2017, approximately 200 members of Congress (including Chairman Engel, 30 Senators and 166 Representatives) filed a lawsuit seeking an injunction against President Trump and ordering him to comply with the Constitution. *See Richard Blumenthal, et al. v. Donald J. Trump*, No. 1:17-cv-01154 (D.D.C. 2017). On April 30, 2019, the district court denied the President's motion to dismiss and the lawsuit continues to make its way through the judicial process.

¹ Congressional Research Service, *The Emoluments Clauses of the U.S. Constitution*, May 1, 2019.

² *District of Columbia v. Trump*, 315 F. Supp. 3d 875, 895 (D. Md. 2018); *accord Blumenthal v. Trump*, No. 1:17-cv-01154, slip op. at 36 (D.D.C. Apr. 30, 2019).