

Amendment to HR 8

1 Amend the title of the resolution by replacing it with the following:

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3 A RESOLUTION urging Congress to investigate whether actions taken by President Trump
4 constitute a violation of the Emoluments Clause and calling on President
5 Trump to divest his interest in and sever his relationship to, the Trump
6 Organization.
7

8 Amend the resolution by replacing all after the title with the following:

9

10 Whereas, article I, section 9, clause 8 of the United States Constitution (commonly known as the
11 “Emoluments Clause”) declares, “No title of Nobility shall be granted by the United States: And no
12 Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress,
13 accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or
14 foreign State.”; and

15 Whereas, according to the remarks of Governor Edmund Randolph at the 1787 Constitutional
16 Convention, the Emoluments Clause “was thought proper, in order to exclude corruption and
17 foreign influence, to prohibit any one in office from receiving or holding any emoluments from
18 foreign states”; and

19 Whereas, the issue of foreign corruption greatly concerned the Founding Fathers of the
20 United States, such that Alexander Hamilton in Federalist No. 22 wrote, “In republics, persons
21 elevated from the mass of the community, by the suffrages of their fellow-citizens, to stations of
22 great pre-eminence and power, may find compensations for betraying their trust, which, to any but
23 minds animated and guided by superior virtue, may appear to exceed the proportion of interest they
24 have in the common stock, and to overbalance the obligations of duty. Hence it is that history
25 furnishes us with so many mortifying examples of the prevalency of foreign corruption in
26 republican governments.”; and

27 Whereas, the President of the United States is the head of the executive branch of the federal
28 government and is expected to have undivided loyalty to the United States, and clearly occupies an
29 “office of profit or trust” within the meaning of article I, section 9, clause 8 of the Constitution,
30 according to the Office of Legal Counsel of the Department of Justice; and

31 Whereas, the Office of Legal Counsel of the Department of Justice opined in 2009 that
32 corporations owned or controlled by a foreign government are presumptively foreign states under
33 the Emoluments Clause; and

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1 Whereas, President Donald J. Trump has a business network, the Trump Organization, that
2 has financial interests around the world and negotiates and concludes transactions with foreign
3 states and entities that are extensions of foreign states; and

4 Whereas, Michael Cohen, an attorney for President Trump and the Trump Organization, has
5 stated that the Trump Organization would be placed into a “blind trust” managed by the president's
6 children, Donald Trump, Jr., Ivanka Trump, and Eric Trump; and

7 Whereas, the very nature of a “blind trust” is such that the official will have no control over, will
8 receive no communications about, and will have no knowledge of the identity of the specific assets
9 held in the trust, and that the manager of the trust is independent of the owner, and as such the
10 arrangement proposed by Mr. Cohen is not a blind trust; and

11 Whereas, Presidents Ronald Reagan, George H.W. Bush, William J. Clinton, and George W.
12 Bush have set the precedent of using true blind trusts, in which their holdings were liquidated and
13 placed in new investments unknown to them by an independent trustee who managed them free of
14 familial bias; and

15 Whereas, the intermingling of the business of the Trump Organization and the work of
16 government has the potential to constitute the foreign corruption so feared by the Founding Fathers
17 and betray the trust of America’s citizens; and

18 Whereas, the intent of this resolution is to prevent any potential misunderstanding or crisis
19 with regards to whether the actions of Donald J. Trump as President of the United States will
20 violate the Emoluments Clause of the Constitution, federal law, or fundamental principles of ethics;
21 and

22 Whereas, Congress has an institutional, constitutional obligation to ensure that the President of
23 the United States does not violate the Emoluments Clause and is discharging the obligations of
24 office based on the national interest, not based on personal interest; now, therefore, be it

25 Resolved by the House of Representatives:

26 That the New Hampshire house of representatives hereby calls upon Congress to investigate
27 whether actions taken by President Donald J. Trump constitute a violation of the Emoluments
28 Clause; and

29 That the New Hampshire house of representatives hereby urges President Donald J. Trump to
30 follow the precedent established by prior Presidents and convert his assets to simple, conflict-free
31 holdings, adopt blind trusts managed by an independent trustee with no relationship to
32 Donald J. Trump or his businesses, or take other equivalent measures, in order to ensure
33 compliance with the Emoluments Clause of the United States Constitution; and

34 That copies of this resolution be transmitted by the house clerk to the office of the President of
35 the United States, the President of the United States Senate, the Speaker of the United States
36 House of Representatives, and each member of the New Hampshire congressional delegation.

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AMENDED ANALYSIS

This resolution urges Congress to investigate whether actions taken by President Trump constitute a violation of the Emoluments Clause and calls upon President Trump to divest his interest in and sever his relationship to the Trump Organization.