

115TH CONGRESS
1ST SESSION

H. R. 3587

To provide for the collection and assessment of intelligence regarding the efforts of foreign powers to gain influence through the financial interests of the President and close family members and associates of the President.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2017

Mr. GOMEZ introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

A BILL

To provide for the collection and assessment of intelligence regarding the efforts of foreign powers to gain influence through the financial interests of the President and close family members and associates of the President.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Battling Russian Intel-
5 ligence Baiting Efforts Act of 2017” or the “BRIBE Act
6 of 2017”.

1 **SEC. 2. COLLECTION AND ASSESSMENT OF INTELLIGENCE**
2 **REGARDING THE EFFORTS OF FOREIGN POW-**
3 **ERS TO GAIN INFLUENCE THROUGH THE FI-**
4 **NANCIAL INTERESTS OF THE PRESIDENT**
5 **AND CLOSE FAMILY MEMBERS AND ASSOCI-**
6 **ATES 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
18 by a foreign government are presumptively foreign
19 states under the Emoluments Clause.

20 (4) President Donald J. Trump maintains a
21 business network, the Trump Organization, that has
22 financial interests around the world and negotiates
23 and concludes transactions with foreign states and
24 entities that are extensions of foreign states.

25 (5) The Office of Government Ethics has ex-
26 pressed concerns regarding ongoing conflicts of in-

1 terest between President Trump and his business
2 concerns and intermingling of the Trump Organiza-
3 tion and the work of Government. Examples of po-
4 tential Trump conflicts include the following:

5 (A) President Trump received long sought
6 trademarks for the Trump Organization by the
7 Chinese government the day after reversing his
8 position on the “one-China” policy.

9 (B) Saudi Arabia, as the Wall Street Jour-
10 nal recently reported, spent \$270,000 at the
11 Trump Hotel in Washington, DC, as part of a
12 lobbying effort to roll back legislation that al-
13 lows family members of 9/11 attack victims to
14 sue the Saudi government.

15 (C) During the transition, Jared Kushner,
16 the President’s son-in-law and White House
17 senior adviser, met with Sergey N. Gorkov,
18 chief of Vnesheconombank (VEB), in what the
19 White House described as part of routine diplo-
20 matic encounters. Gorkov’s bank has been used
21 as a frequent cover for Russian intelligence
22 service operatives, and Gorkov indicated that he
23 met with Kushner in Kushner’s capacity as the
24 chief executive of Kushner Companies.

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

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

12 (1) President Trump's foreign interests and his
13 unwillingness to divest his holdings creates a possi-
14 bility of foreign corruption, exactly the purpose of
15 the emoluments clause;

16 (2) foreign governments appear to be calcu-
17 lating that directing money and favorable treatment
18 toward projects, properties, and interests affiliated
19 with President Trump and Jared Kushner is an easy
20 way to secure foreign policy gains; and

21 (3) President Trump's foreign entanglements,
22 to the extent they enhance possibility of foreign cor-
23 ruption, constitute a national security challenge to
24 the United States.

1 (c) COLLECTION AND ASSESSMENT OF INTEL-
2 LIGENCE REGARDING FOREIGN POWERS INFLUENCE RE-
3 LATING TO FINANCIAL INTERESTS OF COVERED PER-
4 SONS.—

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

13 (A) Granting favorable treatment to a cov-
14 ered business or organization as a means to
15 curry favor with the administration.

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

18 (C) Giving a covered business or organiza-
19 tion favorable regulatory or other preferential
20 treatment.

21 (D) Renting or buying properties owned or
22 operated by a covered business or organization.

23 (E) Investing in concerns operated by a
24 covered business or organization.

1 (F) Lending money to or otherwise facili-
2 tating financial transactions on behalf of a cov-
3 ered business or organization.

4 (2) INTELLIGENCE ASSESSMENTS.—Not later
5 than 30 days after receipt of intelligence, the Direc-
6 tor of National Intelligence shall assess whether a
7 foreign power is attempting to influence, or to take
8 any actions as a result of, a financial interest of a
9 covered person.

10 (3) CONGRESSIONAL NOTIFICATION REQUIRE-
11 MENTS.—

12 (A) NOTIFICATION OF INTELLIGENCE AS-
13 SESSMENTS.—Not later than 10 days after
14 making an assessment under paragraph (2), the
15 Director of National Intelligence shall submit to
16 the congressional intelligence committees a re-
17 port on the assessment made, including the spe-
18 cific intelligence upon which the assessment is
19 based.

20 (B) NOTICE OF PREVIOUSLY COLLECTED
21 INTELLIGENCE.—The Director of National In-
22 telligence shall make available to the congres-
23 sional intelligence committees any intelligence
24 obtained during the period beginning on Janu-
25 ary 19, 2017, and ending on the date of the en-

actment of this Act, indicating that a foreign power or foreign interest provided to a covered business or organization favorable regulatory or other preferential treatment or provided an emolument as a means to curry favor.

(4) DEADLINE FOR IMPLEMENTING GUIDELINES.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall issue guidelines to the intelligence community regarding the collection of intelligence described in this subsection.

(5) DEFINITIONS.—In this subsection:

(A) The term “covered person” means—

(i) the President;

(ii) the Vice President;

(iii) a child of the President or Vice President; or

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

(B) The term “covered business or organization” means—

(i) the Trump Organization; or

(ii) an organization or business controlled by or associated (including known shell companies) with a covered person,

1 any member of the President’s family, or
2 any close associate of the President.

3 (C) The term “financial interest” means a
4 financial interest of the President, the Vice
5 President, the spouse of the President or Vice
6 President, or a minor child of the President or
7 Vice President, as applicable, that—

8 (i) would constitute a financial inter-
9 est described in subsection (a) of section
10 208 of title 18, United States Code—

11 (I) if—

12 (aa) for purposes of such
13 section 208, the terms “officer”
14 and “employee” included the
15 President and the Vice President;
16 and

17 (bb) the President or Vice
18 President, as applicable, partici-
19 pated as described in subsection
20 (a) of such section 208 in rela-
21 tion to such financial interest;
22 and

23 (II) determined without regard to
24 any exception under subsection (b) of
25 such section 208; or

1 (ii) may constitute a present, emolu-
2 ment, office, or title, of any kind whatever,
3 from any king, prince, or foreign state (in-
4 cluding from an entity owned or controlled
5 by a foreign government), within the
6 meaning of article I, section 9 of the Con-
7 stitution of the United States.

8 (D) The term “intelligence community”
9 has the meaning given such term in section
10 3(4) of the National Security Act of 1947 (50
11 U.S.C. 3003).

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