

115TH CONGRESS
1ST SESSION

H. J. RES. 26

Denying congressional consent for President Donald J. Trump to accept any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign state throughout the tenure of his Presidency.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2017

Ms. KAPTUR (for herself, Ms. JACKSON LEE, Mr. TAKANO, Ms. LEE, Mr. COHEN, Mr. CONYERS, Ms. SHEA-PORTER, Mr. DOGGETT, Mr. CONNOLLY, Mr. NADLER, Mr. SOTO, Ms. DELAURO, Mr. CARSON of Indiana, Mr. BLUMENAUER, Mr. ELLISON, Ms. FUDGE, Mr. PETERS, Mr. RYAN of Ohio, Ms. HANABUSA, Mr. MCGOVERN, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS, Mr. LARSON of Connecticut, Mr. COURTNEY, Mrs. BUSTOS, Ms. BLUNT ROCHESTER, Mr. GARAMENDI, Mr. TONKO, Ms. SPEIER, Mr. POCAN, Ms. PINGREE, and Ms. SÁNCHEZ) submitted the following joint resolution; which was referred to the Committee on Oversight and Government Reform

JOINT RESOLUTION

Denying congressional consent for President Donald J. Trump to accept any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign state throughout the tenure of his Presidency.

Whereas article I, section 9 of the Constitution provides as follows: “No Title of Nobility shall be granted by the United States: And no Person holding any office of Profit or Trust under them, 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.”;

Whereas our Founding Fathers identified the importance of and included a broad anticorruption measure known as the Emolument Clause to preserve independence from external influence of any holders of public office of profit or trust;

Whereas the Framers inclusion of the Emoluments Clause covers more than just overt quid pro quo bribery and anything of any value whatever, but also encompassed the way judgment could be clouded by private concerns and improper dependencies, incidents where politicians and public institutions serve private interests at the public’s expense;

Whereas the Framers strict Constitutional rule protected the most vital safeguard of freedom: the preservation of exclusive loyalty of Federal officeholders to the best interests of the United States of America, the provision guards against after-the-fact corruption;

Whereas it has been widely accepted for almost two centuries that the Emoluments Clause applies to the President of the United States; and

Whereas President Donald J. Trump will be in violation of the Emolument Clause from the moment he executes the Oath of Office unless he is divested of his numerous domestic and foreign business interests: Now, therefore, be it

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This joint resolution may be cited as the “No Con-
3 gressional Consent for President Donald J. Trump To Ac-
4 cept Foreign Emoluments of Any Kind Whatsoever”.

5 **SEC. 2. CONGRESSIONAL CONSENT FOR ACCEPTANCE OF**
6 **FOREIGN EMOLUMENTS.**

7 (a) IN GENERAL.—The President, as holder of a
8 Federal office, is subject to the strict scrutiny of the
9 Emoluments Clause.

10 (b) CONGRESSIONAL CONSENT.—As a holder of of-
11 fice of profit or trust, the President shall not accept any
12 present, Emolument, Office, or Title, of any kind what-
13 ever, from any King, Prince, or foreign state, without the
14 consent of Congress.

15 (c) EMOLUMENT QUALIFICATION.—Historic meaning
16 and precedent provides that what qualifies as an Emolu-
17 ment is given broad construction, further broadened by
18 the inclusion “of any kind whatever,” leaving Congress
19 with the power to consent or deny consent to a full spec-
20 trum of transactions.

21 (d) KING, PRINCE, OR FOREIGN STATE.—Emolu-
22 ments reach not only foreign states, but also their agents
23 and instrumentalities, and precedent has determined that
24 corporations owned or controlled by a foreign government
25 are presumptively foreign states.

1 (e) NO CONSENT TO ACCEPT FOREIGN EMOLU-
2 MENTS.—The authority granted in article I, section 9, and
3 reaffirmed in subsection (b) hereby denies congressional
4 consent to allow President Donald J. Trump to accept any
5 present, Emolument, Office, or Title of any kind whatever,
6 from any King, Prince, or foreign state.

7 (f) APPLICABILITY OF OTHER REQUIREMENTS.—

8 (1) Nothing in this joint resolution supersedes
9 any requirement of related laws that limit the prin-
10 ciple that Presidents are entitled to presumptions of
11 good faith and public interestedness in their official
12 conduct.

13 (2) Nothing in this joint resolution may be con-
14 strued to imply that an explicit congressional denial
15 of consent is required in order to trigger the prohibi-
16 tion of the Emoluments Clause; on the contrary,
17 only an explicit grant of congressional consent can
18 overcome the prohibition; this joint resolution thus
19 represents not a necessary step to invocation and en-
20 forcement of the Clause but only a step taken to un-
21 derscore the sense of Congress that compliance with
22 the Clause is a matter of the greatest urgency and
23 importance.

1 **SEC. 3. REPORT TO CONGRESS.**

2 President Donald J. Trump shall submit, within 30
3 days after the enactment of this joint resolution, to the
4 Speaker of the House of Representatives and the Presi-
5 dent pro tempore of the Senate a report on matters rel-
6 evant to this joint resolution, including a detailed account
7 of actions taken to ensure compliance with the Constitu-
8 tion's article I, section 9, also known as the Emoluments
9 Clause.

○