

RESOLUTION DIRECTING THE SECRETARY OF HOMELAND SECURITY TO TRANSMIT CERTAIN DOCUMENTS TO THE HOUSE OF REPRESENTATIVES RELATING TO DEPARTMENT OF HOMELAND SECURITY POLICIES AND ACTIVITIES RELATING TO BUSINESSES OWNED OR CONTROLLED BY PRESIDENT DONALD J. TRUMP

JULY 28, 2017.—Referred to the House Calendar and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security, submitted the following

ADVERSE REPORT

together with

DISSENTING VIEWS

[To accompany H. Res. 447]

The Committee on Homeland Security, to whom was referred the resolution (H. Res. 447) directing the Secretary of Homeland Security to transmit certain documents to the House of Representatives relating to Department of Homeland Security policies and activities relating to businesses owned or controlled by President Donald J. Trump, having considered the same, report unfavorably thereon without amendment and recommend that the resolution not be agreed to.

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PURPOSE AND SUMMARY

On July 14, 2017, Representative Mrs. Watson Coleman introduced H. Res. 447, a non-binding resolution of inquiry requesting that the Secretary of Homeland Security provide documents relating to the businesses owned or controlled by the President of the United States.

The Resolution further requests the documentation of expenses related to the protection of Donald J. Trump, Melania Trump, Donald J. Trump, Jr., Ivanka Trump, Jared Kushner, Eric Trump, or any other member of the Trump family or Trump Organization while on international travel that has not been documented by the Secretary as in furtherance of the United States Government. Documentation of the costs to the Department associated with the following trips: Eric Trump's trip to Uruguay in January 2017; Eric Trump's trip to the Dominican Republic in February 2017; Donald Trump, Jr. and Eric Trump's trip to the United Arab Emirates in February 2017; Donald Trump, Jr.'s and Eric Trump's trip to Canada in February 2017; and Eric Trump's trip to the United Kingdom and the Republic of Ireland in April 2017.

BACKGROUND AND NEED FOR LEGISLATION

A resolution of inquiry is a House resolution directing the President or the head of an executive department to provide to the House specific information in the possession of the Administration.

Clause 7 of House Rule XIII provides that, if properly drafted, a resolution of inquiry is provided special parliamentary status allowing the Committee to which the measure was referred to be discharged if the Committee has not reported the measure back to the House within 14 legislative days after its introduction.

The Committee notes that the consideration of this resolution of inquiry is to have the Committee comply with Rule XIII, it does not affect the Committee's obligation or commitment to investigate and require documentation from the Administration on issues within the Committee's jurisdictional authorities.

The Committee believes H. Res. 447 is an unfortunate departure from the important bipartisan security work the Committee undertakes every day. Aside from that, this Resolution of Inquiry is seeking an unnecessary and duplicative document production from the Department of Homeland Security (DHS). DHS Secretary John Kelly testified before the Committee in June that he would respond to information requests from Members of Congress, regardless of party. In that vein, the minority has made a very similar request for cost information to the Secret Service—a request that the Service is processing and is not, by any means, ignoring. Additionally, the Director of the Secret Service testified before the Subcommittee on Transportation and Protective Service in June and Members had every opportunity to question him on these matters. The Committee hopes we can return to building on our significant bipartisan achievements and focus on the priorities critical to our homeland security.

The Committee will investigate any credible allegation of misconduct in the Executive Branch to the extent that such allegations fall within the Committee's jurisdiction.

HEARINGS

No hearings were held on H. Res. 447 in the 115th Congress.

COMMITTEE CONSIDERATION

The Committee met on July 26, 2017, to consider H. Res. 447, and ordered the measure to be reported to the House with an unfavorable recommendation, without amendment by a recorded vote of 18 yeas and 11 nays (Roll Call Vote No. 15).

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

The Committee on Homeland Security considered H. Res. 447 on July 26, 2017, and took the following votes:

ROLL CALL NO. 15

H. Res. 447

On ordering H. Res. 447 to be reported to the House of Representatives with an unfavorable recommendation:

Agreed to: 18 yeas and 11 nays.

Representative	Yea	Nay	Representative	Yea	Nay
Mr. McCaul, Chair	X		Mr. Thompson of Mississippi, Ranking Member.		X
Mr. Smith of Texas	X		Ms. Jackson Lee		X
Mr. King of New York	X		Mr. Langevin		X
Mr. Rogers of Alabama	X		Mr. Richmond		
Mr. Duncan of South Carolina	X		Mr. Keating		X
Mr. Barletta	X		Mr. Payne		X
Mr. Perry	X		Mr. Vela		X
Mr. Katko	X		Mrs. Watson Coleman		X
Mr. Hurd	X		Miss Rice of New York		X
Ms. McSally	X		Mr. Correa		X
Mr. Ratcliffe	X		Mrs. Demings		X
Mr. Donovan	X		Ms. Barragan		X
Mr. Gallagher	X				
Mr. Higgins of Louisiana	X				
Mr. Rutherford	X				
Mr. Garrett	X				
Mr. Fitzpatrick	X				
Mr. Estes	X				
			Vote Total:	18	11

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX
EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H. Res. 447, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Committee estimates that this non-binding resolution would not result in any significant costs.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H. Res. 447 requests that the Secretary of Homeland Security transmit any document, record, memo, correspondence, or other communication of the Department of Homeland Security to the U.S. House of Representatives.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H. Res. 447 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED
TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this resolution, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Committee believes that no Federal mandates are included in this resolution.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H. Res. 447 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H. Res. 447 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

This resolution, if adopted, would require the Secretary of Homeland Security provide to the House of Representatives copies of any document, record, memo, correspondence, or other communication or any portion of any such communication of the Department of Homeland Security, that refers or relates to the following:

1. Any documentation of a payment that, on its face, refers to a business owned or controlled by Donald J. Trump, the Trump Organization or any of its subsidiaries, or any member of the Trump family in the past three years.
2. Any documentation of an expenditure by the Department that, on its face, is identified as being made for services or goods from a business owned or controlled by Donald J. Trump, the Trump Organization or any of its subsidiaries, or any member of the Trump family.
3. Any documentation of costs to the Department associated with the protection of Donald J. Trump, Melania Trump, Donald J. Trump, Jr., Ivanka Trump, Jared Kushner, Eric Trump, or any other member of the Trump family or Trump Organization while on international travel that has not been documented by the Secretary as in furtherance of the United States Government.
4. Any documentation of costs to the Department associated with Eric Trump's trip to Uruguay in January 2017.
5. Any documentation of costs to the Department associated with Eric Trump's trip to the Dominican Republic in February 2017.
6. Any documentation of costs to the Department associated with Donald Trump, Jr. and Eric Trump's trip to the United Arab Emirates in February 2017.
7. Any documentation of costs to the Department associated with Donald Trump, Jr.'s and Eric Trump's trip to Canada in February 2017.
8. Any documentation of costs to the Department associated with Eric Trump's trip to the United Kingdom and the Republic of Ireland in April 2017.
9. Any documentation referencing guidance, directive, or analysis of any expenditure described in paragraph (1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED
H. Res. 447 makes no changes to existing law.

DISSENTING VIEWS

On behalf of Committee Democrats, I submit the following dissenting view regarding the Committee's 18–11 vote to report H. Res. 447 unfavorably to the House of Representatives.

Committee Democrats strongly support H. Res. 447, a bill to require the Department of Homeland Security (DHS or the Department) to provide documents related to payments to the Trump Organization or for costs associated with travel by President Donald Trump's family in furtherance of the Trump Organization. I strongly believe that our constituents deserve the truth about how much DHS expends to carry out its protective mission on business trips to bolster the Trump Organization, a company that President Trump, in a departure from prior Presidents who put their businesses in blind trusts, put in a revocable trust in January 2017 "for the exclusive benefit of Donald J. Trump."¹ Additionally, our constituents have an interest in knowing the extent to which DHS is doing business with the Trump Organization.

Need for the legislation

As introduced by Rep. Bonnie Watson Coleman (D–NJ), H. Res. 447 seeks information regarding expenditures, acquisitions, and charges incurred by DHS as relates to President Donald J. Trump's company, the Trump Organization and its subsidiaries. To date, payments by the Department to the Trump Organization for acquisitions and hospitality as well as the costs to the Federal Treasury of U.S. Secret Service protection for Trump family members on international travel to promote the business interests of the Trump Organization has been shrouded in mystery. The American people deserve answers; they deserve to know if DHS' scarce resources are being expended to advance the President's business interests instead of in furtherance of the Department's mission to "safeguard the American people, our homeland, and our values."²

Trump Family travel in furtherance of the Trump Organization

During the 2016 presidential campaign, then-candidate Trump flew on planes owned by one of his companies, TAG Air. As a result, the Secret Service, whose standard practice is to reimburse campaigns for the costs of travel of its protective detail, reimbursed TAG Air to the tune of \$2.74 million for traveling with the candidate and his family.³ Since President Trump's inauguration, the Trump children have traveled to Uruguay, the Dominican Republic, Ireland, the United Kingdom, Vancouver, and Dubai in furtherance

¹Trump International Hotel Liquor License Filings, January 27, 2017.

²Official Website of the Department of Homeland Security.

³Justin Bachman, How Trump Can Make Money Off the Secret Service. Bloomberg. November 15, 2016.

of the President's business interests. It has been estimated that each trip has cost the Secret Service between \$4,000–\$98,000.⁴

Had H. Res. 447 been approved, the Committee would be able to secure the information it needs to begin to understand the burden that such travel places on the Department.

Expenses incurred by the Department at the “Winter White House”

In President Trump's first six months in office—the President spent 12 weekends away from the White House at three commercial properties owned by the Trump Organization—his Bedminster, NJ Golf Club, his Jupiter, FL Golf Club, and the Mar-a-Lago resort.

It has been reported that by April 2017, to protect the President at just Mar-A-Lago, the Secret Service paid the Trump Organization more than \$35,000 on golf cart rentals alone.⁵ Additionally, President Trump's repeated visits to the Mar-a-Lago resort—a Trump Organization holding that doubled its membership fees to \$200,000 after President Trump's inauguration and that the President refers to as the “Winter White House”—necessitated an enhanced U.S. Coast Guard presence in the waterway adjacent to the resort. The Washington Post estimated that it would cost the Coast Guard tens of millions of dollars to provide protection at the Mar-a-Lago resort over a four-year term.⁶

The resource burdens placed on the Secret Service and Coast Guard are of particular concern to the Committee insofar as both agencies were, even prior to the inauguration, underfunded and understaffed.

Conflicts of interest

This year, over \$400 billion in Federal government contracts are set to expire across the 19 largest Federal agencies, including at the Department of Homeland Security.⁷ As introduced, H. Res. 447 seeks to collect information as to whether protections in place within the Department to ensure the integrity of the federal acquisitions process and guard against agency decision-makers improperly favoring the Trump Organization.

For instance, without greater transparency into DHS' business transactions with the Trump Organization, what is to prevent contracts for the President's southern border wall going to the Trump Organization or one of its estimated 500 subsidiaries?⁸ Given that the President's proposal to build a wall along the U.S.-Mexico border is estimated to cost roughly \$70 billion to build and \$150 million a year to maintain,⁹ the profit potential for participating in the acquisition is enormous.

⁴Chris Riotta, *Breaking Down All of the Trump Family's Travel Costs and Lavish Expenditures*. Newsweek. April 14, 2017.

⁵Brooke Seipel, *Secret Service has spent \$35,000 on golf cart rentals since inauguration: report*. The Hill, April 14, 2017.

⁶Drew Harwell & Dan Lamothe, *Coast Guard faces growing costs for protecting Trump's Mar-a-Lago*. Washington Post. April 12, 2017.

⁷Katherine McIntire Peter, *The Agencies Where Trump Can Most Easily Shift Contracting Priorities*, Government Executive, July 21, 2017.

⁸David Goldman, *Donald Trump's 500 businesses would pose 'unprecedented ethical dilemma'*. CNN. March 17, 2017.

⁹Ron Nixon, *Border Wall Could Cost 3 Times Estimates, Senate Democrats' Report Says*. NY Times. April 18, 2017.

We also know little about whether protections exist to prevent DHS officials, in order to ingratiate themselves to the President, from improperly steering lodging, conferences, or other business to the Trump Organization, which is said to have an extensive number of properties around the world.

Had the Majority joined us in our efforts to favorably report H. Res. 447, we could have, on a bipartisan basis, received baseline information to conduct oversight to ensure that acquisitions at DHS are fair and open and that the Trump Organization is not improperly favored.

Conclusion

In debate over H. Res 447, Committee Chairman McCaul (R-TX) suggested that this resolution is inappropriate, saying that it is “not really reflective of the important bipartisan work of this committee.”¹⁰ I strongly disagree with the Chairman’s observation; I believe that conducting meaningful oversight of such payments directly aligns with our Constitutional responsibility to be a check on the Executive Branch on behalf of our constituents. This obligation is doubly important in circumstances where scant Federal resources that are appropriated for the purposes of protecting the Nation against terrorism and other threats are expended in a manner that enriches the sitting President.

Chairman McCaul also asserted that this resolution “seeks a duplicative document production from DHS already requested by the Minority”. In fact, DHS seems reluctant to provide such information. On May 22 of 2017, I sent a letter to Secret Service Director Randolph Alles requesting information about monthly costs of protecting the President and all protectees in the last five years, among other things.¹¹ The deadline for this request was June 5, 2017. To date, no response has been provided.

Approval of this resolution would have ensured that the Committee be furnished critical information to do necessary oversight of the Department of Homeland Security but, regrettably, the Majority refused to stand with Committee Democrats to seek the information. As a congressional oversight committee, our responsibility is to follow the facts, but first we must have those facts.

BENNIE G. THOMPSON.



¹⁰ Full Committee Markup, House Committee on Homeland Security, July 26, 2017.

¹¹ Letter from Ranking Member Bennie G. Thompson, H. Comm. On Homeland Security, to Randolph D. Alles, Director, Secret Service. May 22, 2017.