

# United States Senate

WASHINGTON, DC 20510

February 24, 2017

The Honorable Rex Tillerson  
Secretary of State  
U.S. Department of State  
2201 C St. NW  
Washington, D.C. 20520

Dear Secretary Tillerson,

We are writing you today to seek additional information regarding the February 14, 2017, decision by the People's Republic of China (PRC) to grant a 10-year trademark for construction services to the Trump Organization.

Given the history, circumstances, and timing of this decision, we have serious concerns that it may represent a Foreign Emolument in violation of Article I, Section 9, of the United States Constitution, which reads: “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.”

As you may be aware, for more than a decade the Trump Organization sought to receive this trademark registration without success. On February 7, 2011, President Trump wrote to then-Ambassador Locke that: “I spent hundreds of thousands of dollars in legal fees to secure my own name and globally recognized brand from Chinese individuals who seek to trade off my reputation...I then sent to Macao in May, 2009, a team of Trump employees, including my son, to defend my world renowned name....”

Nevertheless, the Trump Organization persisted, with no success—until last week.

A trademark for the Trump Organization in one of the world’s largest economies is a highly valuable commodity. Because President Trump has refused to divest himself of his interest in those businesses, he continues to benefit directly from the financial success of the Trump Organization.

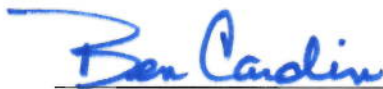
At a time when the United States has pressing economic, diplomatic and security concerns at play in our relationship with the People’s Republic of China, the possibility that the Government of China is seeking to win President Trump’s favor by granting him special treatment for his businesses is disturbing. The decision by the People’s Republic of China to grant this trademark less than a month after President Trump’s assumption of the Office of the President raises clear questions about the applicability of the Foreign Emoluments Clause.

We would therefore appreciate you providing, in consultation with the Department of Commerce, answers to the following questions:

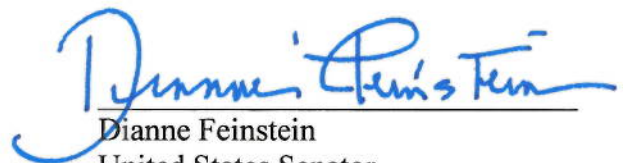
- What is the history of Embassy and USG engagement and support with and for the Trump Organization in this trademark filing, both before and after January 20, 2017? Please document all official interactions and correspondence.
- What is the history of the Trump Organization's filing? Please document all interactions and correspondence regarding the original filing and subsequent actions.
- What discussions were held by either Presidential Transition or Administration officials, or by representatives or employees of the Trump Organization, with officials or representatives of the People's Republic of China between November 9, 2016, and January 20, 2017?
- What is your understanding of the timing and process of PRC decision-making in the grant of patents and trademarks? At what level are such determinations routinely made? What is the State Department's assessment of what constitutes the "normal" treatment of trademark applications?
- What is the status of other Trump Organization pending trademark applications and renewals in the People's Republic of China?
- What is your assessment of the independence from the Chinese Communist Party of the courts and bureaucracy in China, including the State Administration for Industry and Commerce, which oversees the Trademark Office?
- Has the Department of State asked the Office of Government Ethics whether it is proper for any overseas US government agency to assist the Trump organization?

Given the importance and the sensitivity of the US-China relationship – as so well illustrated by President Trump's reversal of his stance on "One China" at the time that this trademark was granted – we appreciate your prompt attention and response on this matter.

Sincerely,



Benjamin L. Cardin  
United States Senator



Dianne Feinstein  
United States Senator



Jack Reed  
United States Senator