DEREGULATING FOR DOLLARS

HOW DONALD TRUMP'S RECKLESS ANTI-REGULATION AGENDA COULD BOOST HIS OWN POCKETBOOK

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INTRODUCTION

Gutting public protections is at the top of President Donald Trump's agenda. Regulations, according to Trump, are "unnecessary, burdensome, and job-killing."[1] They "undermine growth and innovation."[2] He says he wants to "cut regulations by 75 percent," an assertion that even an economist at the anti-regulation Cato Institute suggested was an exaggeration.[3] His corporate-tied cabinet secretaries are eliminating restrictions so rapidly and so carelessly, even the fossil fuel industry is asking him to slow down for fear of a backlash against deregulation when the next environmental disaster occurs.[4]

"It's not helpful if regulations are streamlined so as to allow something to happen — say, a methane explosion or a spill — and we'd be painted with it as an entire industry," an oil and gas industry employee told Politico. [5]

Trump's flurry of deregulatory policies and executive orders — especially his unconstitutional "one in, two out" order[6] — all point to one goal: allowing reckless corporations to regulate themselves, a model that has been spectacularly unsuccessful in the past. Meanwhile, Trump's refusal to cede ownership of his businesses means the president can personally profit from gutting environmental, worker, health and financial protections.

In financial disclosures the president voluntarily released in June, Trump reported gross income of at least $596.3 million in 2016, claimed assets with a value of at least $1.4 billion and reported owing at least $310 million in debt.[7] Bloomberg News estimates Trump's net worth — largely derived from the value of Trump's more than 500 business entities and properties — to be about $2.9 billion.[8] It's a tangled web[9] that's poised to take advantage of the president's deregulatory powers.

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[1] Blog Post, "President Trump Eliminates Job-Killing Regulations, The White House (March 30, 2017), https://www.whitehouse.gov/blog/2017/03/30/president-trump-eliminates-job-killing-regulations
[2] Full transcript of Trump's rally speech in Florida, *Atlanta Journal Constitution* (Feb. 18, 2017), http://www.ajc.com/news/national/read-full-transcript-trump-rally-speech-florida/DeDCpoNEKLQmWcIKndWB0M/
[3] Chris Arnold, "President Trump To Cut Regulations By '75 Percent' — How Real Is That?" National Public Radio (Jan. 24, 2017), http://www.npr.org/2017/01/24/511341779/president-trump-to-cut-regulations-by-75-percent-how-real-is-that
[4] Ben Lefebvre, "Oil and gas allies to Trump: Slow down," *Politico* (Aug. 25, 2017), http://www.politico.com/story/2017/08/25/oil-and-gas-allies-want-trump-to-slow-down-242008
[5] *Ibid*
[6] Which Public Citizen is challenging in court. See https://www.citizen.org/public-citizen-v-trump
[7] Theodoric Meyer and Matthew Nussbaum, "Trump reports assets of at least $1.4 billion in financial disclosure," *Politico* (June 16, 2017), http://www.politico.com/story/2017/06/16/us-ethics-office-releases-trumps-financial-disclosure-239649
[8] Caleb Melby, "Trump's Net Worth Slips to $2.9 Billion as Towers Underperform," *Bloomberg News* (June 21, 2017), https://www.bloomberg.com/news/articles/2017-06-21/trump-s-net-worth-slips-to-2-9-billion-as-towers-underperform
[9] Mike Tanglis, "President Trump Inc.: The Report," Public Citizen report (Sept. 5, 2017), http://www.citizenvox.org/2017/09/05/president-trump-inc-report/

The conflicts of interest stem from President Trump's refusal to divest from his business empire after taking office. Instead, Trump maintains his ownership stake in his businesses, setting the stage for unprecedented opportunities for the president to profit by wiping out protections.[10]

In several instances, Trump's financial interests are directly at odds with protecting the public it is his administration's duty to serve. The result is the disturbing potential for Americans to be harmed by policies that are implemented partly because they offer short-term financial benefits to the president's businesses.

This report highlights six examples of cases in which President Trump's business interests could benefit from his administration's plans to dismantle public protections. Gutting these protections – the Environmental Protection Agency's Clean Water Rule and ban on brain-damaging pesticide chlorpyrifos, the Department of Labor's overtime rule, the National Labor Relations Board's "joint employer" rule, the Equal Employment Opportunity Commission's pay transparency rule and the Department of Homeland Security's cap on H-2B visa workers — could benefit the Trump Organization. At the same time, these rollbacks would harm low- and middle-income Americans, many of whom supported his candidacy.

The report also provides nine additional examples off anti-corruption restrictions, consumer protections and worker protections that could be rolled back under Trump, to the potential benefit of his companies. It also notes Trump's potential conflicts of interest relating to an affordable housing program from which he and his family profit and details how Trump could benefit from restrictions on class action lawsuits and tax cuts to benefit corporations and the rich.

At issue are not only the direct monetary gains that Trump may garner from deregulatory moves. His ongoing ownership of a wide range of business interests can't help but color his approach to regulatory policy, as it relates both to specific rules and broad policy considerations.

The stakes are high. Trump's deregulatory agenda will result in more workers facing injuries and discrimination, more consumers ripped off and more pollution accelerating climate change and poisoning our air and water. The more Trump's deregulatory agenda is realized, the more the costs will be borne by the American public.

Trump's unprecedented conflicts should give pause to legislators and the public when considering the motives behind the president's deregulatory agenda. They also should prompt a deeper assessment of the degree to which this president — or any future occupant of the Oval Office — should be able to personally profit from his administration's policies.

[10] *Ibid.*

MAJOR REGULATORY CONFLICTS

Regulation Trump could gut: The Environmental Protection Agency (EPA) and the Army Corps of Engineers' Clean Water Rule

What it does: The Clean Water Rule,[11] also known as the Waters of the United States rule, enables the government to prevent pollution in fresh water wetlands and streams, which are sources of drinking water for about 117 million Americans (more than a third of the population of the U.S.).[12] In practice, it means that facilities that house pollutants and are located near water sources are subject to stricter requirements to prevent those waters from being contaminated.[13] Enacted in 2015, the rule was issued to clarify the 1972 Clean Water Act, and was the outcome of a synthesis more than 1,200 scientific studies, more than 400 stakeholder meetings and more than one million comments from the public.[14]

Risk status: From day one, the Clean Water Rule has faced fierce corporate opposition. Among the groups leading the lobbying charge against the rule have been the U.S. Chamber of Commerce, the National Association of Manufacturers and the American Farm Bureau Federation.[15] Though the rule was enacted in 2015, legal challenges[16] have stalled it from taking effect. On Feb. 28, Trump signed an executive order "paving the way for the elimination of this very destructive and horrible rule."[17] On June 27, Trump's EPA formally released its proposal to repeal the rule.[18]

Conflict: Also among the rule's most outspoken opponents: property developers and golf-course owners.[19] The Trump Organization's multitude of property development projects,[20]

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[11] Environmental Protection Agency website about the Waters of the United States (WOTUS) Rulemaking (accessed Sept. 18, 2017), https://www.epa.gov/cleanwaterrule/clean-water-rule-streams-and-wetlands-matter

[12] Environmental Protection Agency website on Section 404 of the Clean Water Act: Geographic Information Systems Analysis of the Surface Drinking Water Provided by Intermittent, Ephemeral, and Headwater Streams in the U.S. (accessed Sept. 18, 2017), https://www.epa.gov/cwa-404/geographic-information-systems-analysis-surface-drinking-water-provided-intermittent

[13] Brad Plumer, "Trump has begun dismantling Obama's EPA rules. First up: the Clean Water Rule." *Vox* (March 1, 2017), https://www.vox.com/energy-and-environment/2017/2/28/14761236/wotus-waters-united-states-rule-trump

[14] Press Release, Environmental Protection Agency, "Clean Water Rule Protects Streams and Wetlands Critical to Public Health, Communities, and Economy," (May 27, 2015), https://www.epa.gov/newsreleases/clean-water-rule-protects-streams-and-wetlands-critical-public-health-communities-and

[15] Jenny Hopkinson, "Obama's water war," *Politico* (May 27, 2015), http://www.politico.com/story/2015/05/epa-waterways-wetlands-rule-118319

[16] Jonathan H. Adler, "Sixth Circuit puts controversial 'waters of the United States' (WOTUS) rule on hold," *The Washington Post* (Oct. 9, 2015), https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/10/09/sixth-circuit-puts-controversial-waters-of-the-united-states-wotus-rule-on-hold/

[17] Press Release, The White House, "Remarks by President Trump at Signing of Waters of the United States (WOTUS) Executive Order," (Feb. 28, 2017), https://www.whitehouse.gov/the-press-office/2017/02/28/remarks-president-trump-signing-waters-united-states-wotus-executive

[18] Valerie Volcovici, "EPA and Army Corps seek to rescind clean water rule," Reuters (June 27, 2017), http://www.reuters.com/article/us-usa-regulation-idUSKBN19I2L0

[19] Coral Davenport, "Trump Plans to Begin E.P.A. Rollback With Order on Clean Water," *The New York Times* (Feb. 28, 2017), https://www.nytimes.com/2017/02/28/us/politics/trump-epa-clean-water-climate-change.html?_r=0

including the 12 Trump-branded golf courses in the U.S.,[21] would be expected to experience increased compliance costs associated with acquiring permits and limitations on pesticide use.[22] Golf course lobbyists claim the rule's negative impact on their business would be "dramatic."[23] The top lobbyist for the Golf Course Superintendents Association of America – which includes on its member rolls more than 20 Trump employees – has called blocking the rule "a very high priority,"[24] and spent $100,000 on lobbying in 2016 and 2017.[25]

Regulation Trump could gut: The Labor Department's Expansion of Overtime Pay

What it does: In May 2016, the Labor Department required employers to pay overtime to people who earn up to $47,476 per year and work more than 40 hours in a week. This change was twice the previous threshold of $23,660 per year. It was the first update to the overtime threshold since 2004 (and the first comprehensive update since the 1970s[26]). The rule, which was issued under the Fair Labor Standards Act, was expected to raise incomes for more than 4 million workers by $12 billion over the next decade.[27] If the 1975 threshold had been set to adjust for inflation, the 2016 threshold would be $51,000.[28] The rule was the focus of grassroots lobbying campaigns, resulting in more than 270,000 comments submitted to weigh in on the rule, mostly from supportive individuals and organizations.[29]

Risk status: Killed. After corporate groups and 21 Republican state attorneys general sued the Labor Department, a federal judge delayed the rule's implementation, which was slated

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[20] Real Estate Portfolio page of The Trump Organization website (accessed Sept. 19, 2017), http://www.trump.com/real-estate-portfolio/

[21] "Our Properties" page of Trump Golf website (accessed Sept. 19, 2017), https://www.trumpgolf.com/Our-Courses

[22] Ben Brody, "Trump's Golf Courses Would Benefit From His Water-Rule Rollback," *Bloomberg News* (March 1, 2017), https://www.bloomberg.com/news/articles/2017-03-01/trump-s-golf-courses-would-benefit-from-his-water-rule-rollback

[23] Scott Hollister, "New executive order pushes for WOTUS review," Golf Course Management Magazine blog (Feb. 28, 2017), http://gcm.typepad.com/gcm/2017/02/trump-executive-order-pushes-for-wotus-review.html

[24] Ben Brody, "Trump's Golf Courses Would Benefit From His Water-Rule Rollback," *Bloomberg News* (March 1, 2017), https://www.bloomberg.com/news/articles/2017-03-01/trump-s-golf-courses-would-benefit-from-his-water-rule-rollback

[25] Golf Course Superintendants Association of America Lobbying Disclosure Act records accessed via https://soprweb.senate.gov/index.cfm?event=selectFields

[26] Press Release, The White House, "FACT SHEET: Growing Middle Class Paychecks and Helping Working Families Get Ahead By Expanding Overtime Pay," (May 17, 2016), https://obamawhitehouse.archives.gov/the-press-office/2016/05/17/fact-sheet-growing-middle-class-paychecks-and-helping-working-families-0

[27] Michael A. Memoli, "Obama administration announces final overtime rule, boosting pay for millions," *Los Angeles Times* (May 17, 2016), http://www.latimes.com/politics/la-na-obama-overtime-pay-20160517-snap-story.html

[28] Noam Scheiber, "White House Increases Overtime Eligibility by Millions," *The New York Times* (May 17, 2016), https://www.nytimes.com/2016/05/18/business/white-house-increases-overtime-eligibility-by-millions.html

[29] Final Rule, Federal Register, "Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees," Wage and Hour Division (May 23, 2016), https://www.federalregister.gov/documents/2016/05/23/2016-11754/defining-and-delimiting-the-exemptions-for-executive-administrative-professional-outside-sales-and; Lydia DePillis, "Inside the battle to overhaul overtime — and what it says about how lobbying has changed," *The Washington Post* (Sept. 4, 2015), https://www.washingtonpost.com/news/wonk/wp/2015/09/04/inside-the-battle-to-overhaul-overtime-and-what-it-tells-us-about-how-lobbying-works-now/

to take effect on Dec. 1, 2016.[30] On Aug. 31, the judge struck down the rule.[31] Less than a week later, the Trump administration's Justice Department declined to defend the rule,[32] although it is reportedly considering issuing a more modest standard that would rely on a much lower threshold, and take into account other factors.

Conflict: While it is impossible to know how many of the Trump Organization's purported 22,450 employees would have been impacted by the new rule, hotel and restaurant associations opposed it. In an op-ed, the presidents of the American Hotel and Lodging Association, the National Restaurant Association and the International Franchise Association predicted the rule would result in "severe, negative" impacts on the intended beneficiaries of the rule including decreased worker hours. "Employers will be very careful to monitor and limit employee hours to avoid costly overtime. Hourly workers that could be eligible to become salaried employees would most likely become more stagnant."[33] The Trump Organization operates seven hotels with restaurants in the U.S.[34]

Regulation Trump could gut: The Labor Department's joint employer guidance and the National Labor Relations Board's (NLRB) joint employer ruling

What it does: An NLRB 3-2 decision in 2015 held that when a corporation indirectly employs workers by hiring them through a staffing firm, the corporation and the staffing firm are "joint" employers of the workers and share responsibility for the workers' employment conditions. The decision makes it easier for franchise workers, contractors and other indirectly hired employees to form and join labor unions, and was predicted to have a particularly significant impact on fast-food corporations.[35] In 2016, the Department of Labor issued joint employer guidance to block businesses from using joint employment arrangements to skirt the law, such as by cheating workers out of overtime wages.[36]

Risk status: Trump's Labor Department announced on June 7 its intention to rescind the guidance.[37] Additionally, Trump is expected to fill two vacant seats on the NLRB's five-

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[30] Tim Devaney and Lydia Wheeler, "Judge blocks Obama overtime rule, putting it in jeopardy," *The Hill* (Nov. 11, 2016), http://thehill.com/policy/finance/307295-judge-blocks-obama-overtime-rule

[31] Chris Opfer, "Texas Judge Kills Obama Overtime Rule," *Bloomberg BNA* (Aug. 31, 2017), https://www.bna.com/texas-judge-kills-n73014463988/

[32] Chris Opfer, "Justice Department to Drop Pending Overtime Appeal," *Bloomberg BNA* (Sept. 5, 2017), https://www.bna.com/justice-department-drop-n73014464148/

[33] Dawn Sweeney, Steve Caldeira and Katherine Lugar, "New overtime rules close the door on hospitality," *The Hill* (Aug. 3, 2015), http://thehill.com/blogs/pundits-blog/labor/250087-new-overtime-rules-close-the-door-on-hospitality

[34] Trump Hotels page of the Trump Organization website (accessed Sept. 19, 2017), http://www.trump.com/hotel-collection/washington-dc/trump-intl-hotel/

[35] Kent Hoover, "NLRB rewrites 'joint employer' rule, upends business relationships in franchising, outsourcing," *Business Journals* (Aug. 27, 2015), http://www.bizjournals.com/bizjournals/washingtonbureau/2015/08/nlrb-rewrites-joint-employer-rule-upends-business.html

[36] Lydia DePillis, "Department of Labor sends warning shot to clients of temp staffing agencies," The Washington Post (Jan. 20, 2016), https://www.dol.gov/whd/flsa/jointemployment.htm

[37] Daniel Wiessner, "U.S. Labor Department rescinds Obama-era rule on 'joint employment'," Reuters (June 7, 2017), https://www.reuters.com/article/us-usa-labor-idUSKBN18Y2PZ

member board, flipping the board from majority-Democrat to majority-Republican. Trump's first Republican NLRB nominee, Marvin Kaplan, has been widely praised by business groups, including the National Restaurant Association,[38] which staunchly opposes the NLRB's joint employer ruling.[39] A Republican-majority NLRB is expected to lead to decisions that shift the board's policy to favor employers over workers.[40] In the previous Congress, Republicans introduced legislation in the House and Senate to overturn the NLRB decision.[41]

Conflict: Trump businesses have a history of problems with joint employer standards; Trump Miami Resort Management, Trump's company that oversees the National Doral golf resort in South Florida, spent $125,000 to settle a joint employer dispute with food catering workers.[42] The hotel industry in particular is a vociferous opponent of both the NLRB's joint employer ruling and the Obama administration joint employer guidance. The American Hotel and Lodging Association, the hotel industry's lobbying arm, voiced its strong opposition to the NLRB's joint employer ruling — labeling it a "short-sighted, highly politicized decision"[43] — and praised the Trump administration's revocation of the Obama administration's joint employer guidance.[44]

Regulation Trump could gut: The EPA's Ban on Chlorpyrifos, a Toxic Pesticide

What it does: In response to a petition for rulemaking filed in 2007, EPA scientists' findings,[45] and a court order, EPA was expected to announce a ban on a toxic pesticide, chlorpyrifos, on March 31, 2017. Chlorpyrifos has already been banned from household use for 15 years, but remains in use mostly in agricultural settings.[46] Over the years, studies have linked exposure to the pesticide, which is sprayed on fruit and vegetable crops, to low

[38] Lydia Wheeler, "Biz groups hail Trump's labor board pick," *The Hill* (June 20, 2017), http://thehill.com/regulation/labor/338641-biz-groups-hail-trumps-labor-board-pick
[39] Joint employer page of the National Restaurant Association's website (accessed Sept. 20, 2017), http://www.restaurant.org/advocacy/Union-Organizing
[40] Chris Isidore, "Trump will remake agency that ruled against his Vegas hotel", CNN Money (Nov. 17, 2016), http://money.cnn.com/2016/11/17/news/companies/trump-hotel-labor-dispute/index.html
[41] H.R.3459 - Protecting Local Business Opportunity Act, 114th Congress (Introduced Sept. 9, 2015), https://www.congress.gov/bill/114th-congress/house-bill/3459/related-bills
[42] Chris Opfer, "Trump Business Recently Dealt With Joint Employer Issue," Bloomberg BNA (Aug. 25, 2016), https://www.bna.com/trump-business-recently-n73014446822/
[43] Press Release, American Hotel & Lodging Association, "Hotel Industry Opposes NLRB Joint-Employer Decision," (Aug. 27, 2015), https://www.ahla.com/press-release/hotel-industry-opposes-nlrb-joint-employer-decision
[44] Press Release, American Hotel & Lodging Association, "Hotel Industry Applauds Department of Labor Step to Rescind Onerous Joint Employer Guidance," (June 7, 2017), https://www.ahla.com/press-release/hotel-industry-applauds-department-labor-step-rescind-onerous-joint-employer-guidance
[45] Chlorpyrifos Revised Human Health Risk Assessment, Environmental Protection Agency posting on Regulations.gov (Nov. 17, 2016), https://www.regulations.gov/document?D=EPA-HQ-OPP-2015-0653-0454
[46] Paul Koberstein, "Pruitt's Rejection of Chlorpyrifos Ban Seems Based on 'Alternative Facts'," truthout (April 9, 2017), http://www.truth-out.org/news/item/40154-pruitt-s-rejection-of-chlorpyrifos-ban-seems-based-on-alternative-facts

birth weight and both mental and physical developmental problems in infants and young children.[47]

Risk status: On March 29, Trump's EPA administrator Scott Pruitt issued an order derailing the expected ban of chlorpyrifos and delaying final consideration on the question to 2022.[48] Prior to issuing the order, Dow Chemical, the corporation that originally patented the chemical and which makes most commercially available pesticides that use it,[49] asked Pruitt to ignore EPA scientists' findings about the pesticide's harms.[50] Dow Chemical contributed $1 million to Trump's inauguration and the company's CEO, Andrew Liveris,[51] has personally met with Trump at least four times since he was elected.

Conflict: The EPA lists golf courses as a top non-agricultural user of chlorpyrifos.[52] Dow Chemical sells a chlorpyrifos-containing pesticide, Dursban,[53] which is marketed to golf courses.[54] The golf course lobby group Golf Course Superintendents Association of America — which includes on its member rolls more than 20 Trump employees[55] — has a history of supporting pesticide deregulation[56] and is a member of the Pesticide Policy Coalition, which applauded Pruitt's reversal of the ban.[57] While it is true that the original Obama EPA rule exempted golf courses, golf courses' use of chlorpyrifos and longstanding resistance to pesticide regulation suggests a potential conflict of exactly the sort that could and should be eliminated through divestiture.

Regulation Trump could gut: The Equal Employment Opportunity Commission's (EEOC) collection of pay data to identify and resolve discriminatory pay practices.

[47] Roni Caryn Rabin, "A Strong Case Against a Pesticide Does Not Faze E.P.A. Under Trump," *The New York Times* (May 15, 2017), https://www.nytimes.com/2017/05/15/health/pesticides-epa-chlorpyrifos-scott-pruitt.html

[48] Environmental Protection Agency, "Order Denying Petition to Revoke All Tolerances for the Pesticide Chlorpyrifos" (March 2017), https://www.epa.gov/ingredients-used-pesticide-products/order-denying-petition-revoke-all-tolerances-pesticide

[49] Sharon Lerner, "Poison Fruit: Dow Chemical Wants Farmers to Keep Using a Pesticide Linked to Autism and ADHD," The Intercept_ (Jan. 14, 2017), https://theintercept.com/2017/01/14/dow-chemical-wants-farmers-to-keep-using-a-pesticide-linked-to-autism-and-adhd/

[50] "Dow Chemical pushing Trump administration to scrap risk study about pesticides," Associated Press (April 20, 2017), http://www.nydailynews.com/news/national/dow-chemical-pushing-trump-administration-scrap-risk-study-article-1.3078798

[51] Ibid.

[52] Chlorpyrifos page on the Environmental Protection Agency website (accessed Sept. 20, 2017), https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos

[53] Dursban 50W Specialty Insecticide page on the Dow AgroSciences website (accessed Sept. 20, 2017), http://www.dowagro.com/en-us/turf/product-finder/insecticides/dursban-50w

[54] Dursban 50W page on Golf Ventures website (accessed Sept. 20, 2017), https://www.golfventures.com/dursban-50-wsp-rup-/dursban144/ - tab-product_information

[55] Ben Brody, "Trump's Golf Courses Would Benefit From His Water-Rule Rollback," *Bloomberg News* (March 1, 2017), https://www.bloomberg.com/news/articles/2017-03-01/trump-s-golf-courses-would-benefit-from-his-water-rule-rollback

[56] Pesticide Regulation page on the Golf Course Superintendents Association of America website (accessed Sept. 20, 2017), https://www.gcsaa.org/advocacy/priority-issues/pesticides/pesticide-regulation

[57] "EPA Denies Petition and Retains All Tolerances on Chlorpyrifos," Golf Course Superintendents Association of America website (April 3, 2017), https://www.gcsaa.org/advocacy/advocacy-hub/gcsaa-government-affairs-blog/2017/04/03/epa-denies-petition-and-retains-all-tolerances-on-chlorpyrifos

What it does: The regulation required businesses with more than 100 employees to include race, ethnicity and gender data along with basic pay data as part of confidential annual reports businesses are already required to file..[58] The goal of the disclosures was to provide the U.S. Department of Labor with data that could be used to inform the development of policies that address pay disparities across the American workforce.

Risk status: On Aug. 29, Neomi Rao, the administrator of the White House's Office of Information and Regulatory Affairs, issued a memo immediately halting the rule's implementation.[59] Earlier this year, the U.S. Chamber of Commerce asked the White House to rescind the rule.[60] The announcement, which effectively blocks a major effort to address the gender pay gap, came just three days after Trump's proclaimed "Women's Equality Day."[61]

Conflict: While the demographics of the Trump Organization's employees is unknown, the president's business would have had to comply with the rule. Lawsuits filed against the Trump Organization allege discriminatory behavior, including telling managers to fire servers who were "not pretty enough."[62] During Trump's presidential campaign, a staffer filed a lawsuit accusing the campaign of discriminatory pay practices.[63] According to a *USA Today* graphic that Ivanka Trump herself shared on her Instagram account in April, women in the U.S. earn only 82 percent of what men earn.[64] In Trump's White House, the pay gap is double the national average, with female staffers earning about 63 cents for every dollar a male staffer earns.[65]

Regulation Trump could gut: The Department of Homeland Security's (DHS) cap on the number of foreign nationals employed in the U.S. through the H-2B Visa program.

What it does: The H-2B Nonimmigrant Visa program allows U.S. companies to employ foreign nationals. Congress has capped the total number of workers who can be employed

[58] Press Release, "EEOC Announces Proposed Addition of Pay Data to Annual EEO-1 Reports," Equal Employment Opportunity Commission (Jan. 29, 2016), https://www.eeoc.gov/eeoc/newsroom/release/1-29-16.cfm
[59] Memo from Neomi Rao, administrator of the Office of Information and Regulatory Affairs, to Acting Chair Victoria Lipnic, Equal Employment Opportunity Commission (Aug. 29, 2017), http://src.bna.com/r5M
[60] Letter from the U.S. Chamber of Commerce and other industry groups to John M. "Mick" Mulvaney, director of the Office of Management and Budget, "Re: Request for Review; EEOC's Revision of the Employer Information Report," (March 20, 2017), https://www.uschamber.com/sites/default/files/eeo-1_coalition_request_for_review.pdf
[61] Press release, The White House, "President Donald J. Trump Proclaims August 26, 2017, as Women's Equality Day," (Aug. 25, 2017), https://www.whitehouse.gov/the-press-office/2017/08/25/president-donald-j-trump-proclaims-august-26-2017-womens-equality-day
[62] Matt Pearce, "Trump wanted to fire women who weren't pretty enough, say employees at his California golf club," *Los Angeles Times* (Sept. 29, 2016), http://www.latimes.com/projects/la-na-pol-trump-women/
[63] https://www.nytimes.com/2016/02/01/us/politics/trump-field-organizer-accuses-campaign-of-sex-discrimination.html
[64] "Women earn 82% of the full-time weekly paycheck of a man," *USA Today* infographic posted on the ivankatrump Instagram account (April 4, 2017), https://www.instagram.com/p/BSdkeglFwdx/
[65] Christopher Ingraham, "White House gender pay gap more than triples under Trump," *The Washington Post* (July 5, 2017), https://www.washingtonpost.com/news/wonk/wp/2017/07/05/white-house-gender-pay-gap-more-than-triples-under-trump/

through the H-2B program at 66,000.[66] Abuse and exploitation of foreign workers hired through the program is well documented.[67] Because the program allows American corporations to undercut American workers with low-wage, temporary workers, expanding the program is strongly opposed by labor unions such as the AFL-CIO.[68] Business-allied Republicans and Democrats have supported raising the cap; opponents of raising the cap include labor-allied Democrats and anti-immigration Republicans.[69]

Risk Status: On July 17, 2017, DHS raised the 2017 cap to 81,000.[70] Then-Homeland Security Secretary John Kelly described the action as providing "temporary relief to American businesses in danger of suffering irreparable harm due to a lack of available temporary workers." Raising the cap has been a priority for the U.S. Chamber of Commerce and other groups representing businesses that use the program to employ low-wage, temporary workers.[71]

Conflict: Despite Trump's anti-immigrant rhetoric, his Mar-a-Lago resort in Palm Beach, Fla., regularly employs H-2B workers.[72] The same week DHS raised the cap – incidentally "Made in America Week," according to White House announcements[73] — Mar-a-Lago sought approval to hire 76 new H-2B guest workers.[74] The workers are to be paid between $10.33 and $13.34 an hour at the resort, where the initiation fee was doubled to $200,000 following Trump's election.[75]

[66] Cap count for H-2B Nonimmigrants page of the U.S. Citizenship and Immigration Services website (last reviewed/updated Sept. 6, 2017), https://www.uscis.gov/working-united-states/temporary-workers/h-2b-non-agricultural-workers/cap-count-h-2b-nonimmigrants

[67] Jessica Garrison, Ken Bensinger and Jeremy Singer-Vine, "The New American Slavery: Invited To The U.S., Foreign Workers Find a Nightmare," BuzzFeed News (July 24, 2015), https://www.buzzfeed.com/jessicagarrison/the-new-american-slavery-invited-to-the-us-foreign-workers-f?utm_term=.rtbVQm480 - .judQJY9Ev

[68] Letter from William Samuel, AFL-CIO government affairs director, to the Senate Committee on Appropriations, regarding H-2B policy riders (April 26, 2016), http://static.politico.com/51/81/440d28774bd7a493c27bdc844c35/afl-h2b-letter.pdf

[69] Seung Min Kim, "New immigration fight looms in Congress," *Politico* (May 3, 2016), http://www.politico.com/story/2016/05/h2b-riders-222737

[70] Press release, U.S. Citizenship and Immigration Services, "DHS Provides Relief to American Businesses in Danger of Suffering Irreparable Harm," (July 17, 2017), https://www.uscis.gov/news/news-releases/dhs-provides-relief-american-businesses-danger-suffering-irreparable-harm

[71] Daniel Costa, "No evidence of labor shortages but Congress considering giving H-2B employers access to more exploitable and underpaid guestworkers," Economic Policy Institute's Working Economics Blog (Dec. 15, 2015), http://www.epi.org/blog/no-evidence-of-labor-shortages-h2b/

[72] Jeff Ostrowski, "Trump again hires foreign workers for Mar-a-Lago — little change in pay," *Palm Beach Post* (Dec. 6, 2016), http://www.mypalmbeachpost.com/business/trump-again-hires-foreign-workers-for-mar-lago-little-change-pay/NtHozFcFMZXQWVkErxSdhM/

[73] Philip Rucker, "White House unveils 'Made in America' week, though many Trump products are made overseas," *The Washington Post* (July 16, 2017), https://www.washingtonpost.com/news/post-politics/wp/2017/07/16/white-house-unveils-made-in-america-week-though-many-trump-products-are-made-overseas/

[74] Alexia Fernandez Campbell, "Trump lifted the cap on H-2B worker visas. Then his businesses asked for 76 of them." Vox (July 20, 2017), https://www.vox.com/policy-and-politics/2017/7/20/16003254/trump-h2b-visa-program

[75] Robert Frank, "Mar-a-Lago membership fee doubles to $200,000," CNBC (Jan. 25, 2017), http://www.cnbc.com/2017/01/25/mar-a-lago-membership-fee-doubles-to-200000.html

ADDITIONAL POTENTIAL REGULATORY CONFLICTS

ANTI-CORRUPTION RESTRICTIONS

Regulation Trump could gut: The Financial Crimes Enforcement Network's (FinCEN) anti-money laundering requirements for casinos

What it does: Requires casinos to report large transactions and monitor suspicious activity.

Risk status: Potentially at risk.

Conflict: The now-shuttered[76] Trump Taj Mahal Casino Resort in Atlantic City, N.J., which has since its bankruptcy filing been owned not by Trump but by Trump ally Carl Icahn,[77] was fined $477,000 in 1998[78] and $10 million in 2015 for anti-money laundering violations.[79] Senate investigators say they are using FinCEN's database of transactions to seek evidence of illicit transactions between Trump casinos and Russia.[80]

Regulation Trump could gut: Enforcement of the Foreign Corrupt Practices Act (FCPA) by the Securities and Exchange Commission (SEC) and the Department of Justice (DOJ).

What it does: Prohibits multinational corporations from paying or accepting bribes from foreign governments.

Risk status: Potentially at risk. Trump himself has said of the FCPA, "It's a horrible law and it should be changed. We are like the policeman for the world. It's ridiculous."[81] Securities and Exchange Commission chairman Jay Clayton authored a paper[82] criticizing FCPA enforcement as part of a concerted effort by the U.S. Chamber of Commerce to weaken

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[76] "Billionaire Carl Icahn rips N.J. lawmakers over Trump Taj Mahal bill," Associated Press (Jan. 4, 2017), http://www.nj.com/atlantic/index.ssf/2017/01/taj_mahal_not_for_sale_casino_will_remain_closed_c.html

[77] https://www.wsj.com/articles/trump-taj-mahal-casino-out-of-bankruptcy-into-carl-icahns-hands-1456545458

[78] Jose Pagliery, "Trump's casino was a money laundering concern shortly after it opened," CNN (May 22, 2017), http://www.cnn.com/2017/05/22/politics/trump-taj-mahal/index.html

[79] Press release, Financial Crimes Enforcement Network, "FinCEN Fines Trump Taj Mahal Casino Resort $10 Million for Significant and Long Standing Anti-Money Laundering Violations," (March 6, 2015), https://www.fincen.gov/news/news-releases/fincen-fines-trump-taj-mahal-casino-resort-10-million-significant-and-long

[80] Jim Zarroli, "Looking Into Trump Campaign's Russia Ties, Investigators Follow The Money," National Public Radio (May 15, 2017), http://www.npr.org/2017/05/15/528486988/investigators-looking-into-trump-campaigns-russia-ties-follow-the-money

[81] Martin Gould, "Trump Slams FCPA Law, Killing American Business," Newsmax (May 15, 2012), http://www.newsmax.com/Newsfront/Trump-bribery-foreign-business/2012/05/15/id/439104/

[82] Samuel Rubenfeld, "Global Anti-Bribery Efforts Have Grown Since Clayton Paper," *The Wall Street Journal* (Jan. 9, 2017), https://blogs.wsj.com/riskandcompliance/2017/01/09/global-anti-bribery-efforts-have-grown-since-clayton-paper/

enforcement of the law.[83] Clayton defended Italian oil firm Eni over accusations of foreign corruption violations.[84] Trump recently complained to Secretary of State Rex Tillerson about the FCPA; Tillerson defended the anticorruption law.[85] Attorney General Jeff Sessions has pledged to continue enforcing the law.[86]

Conflict: The Trump Organization's international licensing and property development deals mean the organization must perform due diligence to comply with the law. Trump Organization partners in countries such as Azerbaijan have faced alleged corruption issues.[87]

CONSUMER PROTECTIONS

Regulation Trump could gut: The Consumer Product Safety Commission's (CPSC) flammability standards.

What it does: The CPSC issues regulations to enforce the 1953 Flammable Fabrics Act, which sets baseline flammability standards for various consumer products including clothing, carpets and mattresses.[88]

Risk status: Potentially at risk. Updated mattress flammability standards were among the regulations halted by Trump's executive order to freeze the implementation of Obama-era regulations.[89]

Conflict: The Trump Organization sells suits and neckties that are required to meet the flammability standards.[90] In April 2016, the CPSC recalled 20,000 Ivanka Trump-branded

[83] Peter Henning, "Under New Chairman, S.E.C. Enforcer Role Might Shrink," *The New York Times* (Jan. 9, 2017), https://www.nytimes.com/2017/01/09/business/dealbook/under-new-chairman-sec-enforcer-role-might-shrink.html

[84] Steve Goldstein, "Trump pick for SEC chief may target foreign bribery enforcement," MarketWatch (Jan. 4, 2017), http://www.marketwatch.com/story/new-sec-chief-may-have-interest-in-reforming-foreign-bribery-enforcement-2017-01-04

[85] David Ignatius, "Rex Tillerson is off to an agonizingly slow start," *The Washington Post* (March 9, 2017), https://www.washingtonpost.com/opinions/rex-tillerson-is-off-to-an-agonizingly-slow-start/2017/03/09/32858980-050f-11e7-b9fa-ed727b644a0b_story.html

[86] Press release, Department of Justice, "Attorney General Jeff Sessions Delivers Remarks at Ethics and Compliance Initiative Annual Conference," (April 24, 2017), https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-delivers-remarks-ethics-and-compliance-initiative-annual

[87] Adam Davidson, "Donald Trump's Worst Deal," *The New Yorker* (March 13, 2017), http://www.newyorker.com/magazine/2017/03/13/donald-trumps-worst-deal ; Luke Harding, Caelainn Barr and Dina Nagapetyants, "UK at centre of secret $3bn Azerbaijani money laundering and lobbying scheme," *the guardian* (Sept. 4, 2017), https://www.theguardian.com/world/2017/sep/04/uk-at-centre-of-secret-3bn-azerbaijani-money-laundering-and-lobbying-scheme

[88] Flammable Fabrics Act page of the Consumer Product Safety Commission website (accessed Sept. 20, 2017), https://www.cpsc.gov/Regulations-Laws--Standards/Statutes/Flammable-Fabrics-Act/

[89] Tim Devaney, "Trump administration withdraws 23 rules from Federal Register," *The Hill* (Jan. 24, 2017), http://thehill.com/regulation/315839-trump-administration-withdraws-23-rules-from-federal-register

[90] Consumer Product Safety Commission recall: Ivanka Trump Scarves Recalled by GBG Accessories Group Due to Violation of Federal Flammability Standard (April 6, 2016), https://www.cpsc.gov/Recalls/2016/Ivanka-Trump-Scarves-Recalled-by-GBG-Accessories-Group/ - remedy

scarves that were made in China.[91] While Serta used to sell Trump-branded mattresses, the company severed its business ties with Trump after he made anti-immigrant remarks during the presidential campaign.[92]

Regulation Trump could gut: The Federal Communications Commission's (FCC) prohibition against hotels blocking customers' personal Wi-Fi networks.

What it does: The FCC interprets a 1934 law against jamming radio signals[93] to apply to cell phones, GPS and wireless internet. In 2014, Marriott paid $600,000 to resolve an FCC investigation into the hotel chain's jamming practices, which included blocking individuals' personal Wi-Fi networks while charging consumers and exhibitors $250 to $1,000 for access to the hotel's Wi-Fi network.[94]

Risk status: Potentially at risk. Marriott with the hotel industry lobby petitioned the FCC in 2015 to change its rules to allow hotels to block customers' personal Wi-Fi networks, citing "security" concerns.[95] Following a furious consumer backlash during which Obama administration's FCC chairman, Tom Wheeler, voiced opposition to the petition,[96] the petition was withdrawn.[97]

Conflict: The Trump Organization has seven hotels in the U.S.[98] and intends to undergo an aggressive domestic expansion with its new Scion-branded hotels.[99] Allowing hotels to block personal Wi-Fi networks and then sell Internet access may directly benefit the Trump Organization.

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[91] *Ibid.*
[92] "Serta Mattress Maker Latest to Dump Trump," NBC News (July 2, 2015), http://www.nbcnews.com/news/latino/serta-mattress-maker-latest-dump-trump-n385851
[93] Jammer Enforcement page on the Federal Communications Commission website (accessed Sept. 20, 2017), https://www.fcc.gov/general/jammer-enforcement
[94] Press release, Federal Communications Commission, "Marriott to pay $600,000 to resolve wifi-blocking investigation," (Oct. 3, 2014), https://apps.fcc.gov/edocs_public/attachmatch/DOC-329743A1.pdf
[95] Petition for rulemaking from the American Hotel & Lodging Association, Marriott International, Inc., and Ryman Hospitality Properties to the Federal Communications Commission (Aug. 25, 2014), https://ecfsapi.fcc.gov/file/60000986872.pdf
[96] Brendan Sasso, "FCC Warns Hotels Not to Block Wi-Fi," *The Atlantic* (Jan. 27, 2015), https://www.theatlantic.com/politics/archive/2015/01/fcc-warns-hotels-not-to-block-wi-fi/456627/
[97] Letter from Bennett L. Ross, representing American Hotel & Lodging Association, Marriott International, Inc., and Ryman Hospitality Properties, to Marlene Dortch, Federal Communications Secretary, withdrawing the groups' petition for rulemaking (Jan. 30, 2015), https://ecfsapi.fcc.gov/file/60001024752.pdf
[98] Trump Hotels page of the Trump Organization website (accessed Sept. 20, 2017), http://www.trump.com/hotel-collection/
[99] Hui-yong Yu and Caleb Melby, "Trump Hotels, Amid Calls to Divest, Instead Plans U.S. Expansion," *Bloomberg News* (Jan. 25, 2017), https://www.bloomberg.com/news/articles/2017-01-25/trump-hotels-to-triple-locations-in-u-s-expansion-ceo-says

Regulation Trump could gut: The DOJ's 2011 decision ending the federal ban on online gambling.

What it does: The gambling industry has long been divided between owners of brick and mortar casinos and insurgent online gambling operations that want to expand. A 2011 Justice Department opinion[100] reinterprets federal law to allow online gambling "[a]s long as the gambling operator and the customer are within the same state [...] and the betting activity does not include sporting events,"[101] on the condition that the individual state has not outlawed online gambling.

Risk status: Potentially at risk. The Poker Players Alliance, an advocacy group that supports online gaming, has campaigned for Attorney General Jeff Sessions not to reverse the 2011 DOJ opinion.[102] The Poker Players Alliance web page reads:

> At the behest of a political mega donor (Sheldon Adelson) several members of Congress have called on the Department of Justice to overturn the 2011 OLC opinion that helped pave the way for state licensed iPoker and iGaming. It is imperative that the Attorney General knows that you oppose this crony capitalist attempt to usurp states' rights! Please send this letter against a DoJ reversal today!

Conflict: Trump criticized U.S. restrictions on online gaming in 2011, saying "many other countries are doing it and like usual the U.S. is just missing out."[103] In 2012, Trump started an online gaming company called Poker Ventures, but the initiative reportedly did not proceed past the initial planning stages.[104] As recently as June 2016, the Trump Organization had registered domain names for websites — including trumpinternetcasino.com, onlinetrumppoker.com and trumpcasinoonline.com, which presumably could be used to host Trump's online gambling sites.[105]

However, Trump ally, Republican donor and casino CEO Sheldon Adelson, who contributed $5 million toward Trump's inaugural festivities, staunchly opposes online gambling.

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[100] Opinion, Justice Department, "Whether proposals by Illinois and New York to use the internet and out-of-state transaction processors to sell lottery tickets to in-state adults violate the Wire Act," (Sept. 20, 2011), https://www.justice.gov/sites/default/files/olc/opinions/2011/09/31/state-lotteries-opinion.pdf

[101] Edward Wyatt, "Ruling by Justice Dept. Opens a Door on Online Gambling," *The New York Times* (Dec. 24, 2011), http://www.nytimes.com/2011/12/25/us/online-gaming-loses-obstacle-at-justice-department.html

[102] Online campaign page, "Don't Overturn 2011 Opinion," on the Poker Players Alliance website (accessed Sept. 20, 2017), https://theppa.org/take-action/?vvsrc=%2fCampaigns%2f51617%2fRespond

[103] Nathan Vardi, "The Billionaires Betting On Internet Gambling," *Forbes* (Oct. 31, 2011), https://www.forbes.com/sites/nathanvardi/2011/10/31/the-billionaires-betting-on-internet-gambling/

[104] John Mehaffey, "Donald Trump May Oppose Many Things, But Online Gambling Isn't One," US Poker (Aug. 4, 2015), https://www.uspoker.com/blog/trump-online-gambling-support-could-be-gop-debate-topic/12102/

[105] Edward-Isaac Dovere, Madeline Conway and Tyler Fisher, "Trump's future business plans may be hiding in plain sight, *Politico* (June 28, 2017), http://www.politico.com/interactives/2017/trump-organization-business-domain-names-vegas-moscow/

WORKER PROTECTIONS

Regulation Trump could gut: The Department of Labor's persuader rule

What it does: Requires employers to disclose efforts to influence employee decisions regarding union representation and/or collective bargaining rights.[106]

Risk status: Under attack. Following a lawsuit from corporate advocacy and litigation group National Federation of Independent Business, a U.S. judge enjoined the rule, effectively blocking its implementation.[107] Under the Trump administration, the federal government has withdrawn its defense of the rule and the Labor Department filed a proposal to revoke it.[108]

Conflict: *The Nation* reports that the management of the Trump International Hotel in Las Vegas waged a "stealth campaign" against a union drive among the luxury hotel staff. Organizers filed charges with the National Labor Relations Board accusing hotel management of "blocking organizers from distributing pro-union literature in the workers' dining room, while stealthily allowing anti-union activists to campaign during work hours."[109] Union organizers ultimately reached an agreement with hotel management.[110] Nevertheless, the Trump hotel's anti-union activities show the Trump businesses may have an interest in revocation of the persuader rule, especially as the Trump Organization looks to open new U.S. hotels.

Regulation Trump could gut: The DOL's updated tipping regulation under the Fair Labor Standards Act

What it does: The 2011 rule affirms that tips are the property of the worker who receives them and prohibits employers from keeping or "pooling" and redistributing tips given to employees who are paid minimum wage or more.[111]

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[106] Lydia Wheeler, "DOL issues union 'persuader rule'," *The Hill* (March 23, 2016), http://thehill.com/regulation/pending-regs/274022-dol-unveils-persuader-rule

[107] Daniel Wiessner, "U.S. judge blocks union 'persuader' rule pending lawsuit," Reuters (June 27, 2016), http://www.reuters.com/article/us-usa-labor-persuader-idUSKCN0ZD2LH

[108] Daniel Wiessner, "Labor Department moves to wipe out 'persuader' rule," Reuters (May 23, 2017), https://www.reuters.com/article/labor-persuader-idUSL1N1IP29N

[109] Michelle Chen, "No Surprise: Trump Is a Union Buster at His Own Hotel," *The Nation* (Aug. 21, 2015), https://www.thenation.com/article/no-surprise-trump-is-a-union-buster-at-his-own-hotel/

[110] Press release, Unite Here! "UNITE HERE Unions Reach Agreements with Trump Hotels in Las Vegas and Washington, D.C.," (Dec. 21, 2016), http://unitehere.org/press-releases/unite-here-unions-reach-agreements-with-trump-hotels-in-las-vegas-and-washington-d-c/

[111] Susan Schaecher, "What To Know About Proposed Changes To Tip-Pooling Rule," Law 360 (July 21, 2017), https://www.law360.com/articles/946866/what-to-know-about-proposed-changes-to-tip-pooling-rule

Risk status: Under attack. Trump's Department of Labor in July announced its intention to change the Fair Labor Standards Act regulation so that employers may pool and/or keep a portion of tips given to workers who are paid minimum wage or more.[112] The National Restaurant Association in 2011 sued to block the U.S. Department of Labor regulation.[113] Raj Nayek, a DOL official in the Obama administration and now a research director at the National Employment Law Project, notes that without this rule, employers have the power to "do whatever they want" with tips given to employees — including taking a percentage or even all of it.[114]

Conflict: A lawsuit filed in 2016 accuses the Trump Organization's Trump SoHo Hotel in New York City of keeping tips that should have been paid to catering workers.[115] Gutting the DOL tipping rule would mean the Trump Organization, which operates a total of seven hotels with restaurants in the U.S.,[116] could keep servers' tips so long as they are paid at least the federal minimum wage ($7.25 per hour). According to job site indeed.com, Trump servers are paid at least $7 per hour.[117]

Regulation Trump could gut: The Occupational Health and Safety Administration's (OSHA) rule to limit worker exposure to silica dust.[118]

What it does: The silica dust rule would require employers whose workers are exposed to silica dust to take measures to prevent workers from inhaling this carcinogenic substance, preventing at least 600 deaths and 1,000 new cases of silicosis each year.[119]

Risk status: Potentially under attack. The Trump administration has delayed the rule's implementation. Corporate interests closely aligned with the administration, such as the construction industry lobby, have long opposed the rule.[120]

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112 Lydia Wheeler, "Trump targets Obama rule on workers' tips," *The Hill* (Aug. 27, 2017), http://thehill.com/regulation/labor/348052-trump-targets-obama-rule-on-workers-tips

113 Press release, National Restaurant Association, "NRA sues Labor Department over new tip-credit legislation," (June 17, 2011), http://www.restaurant.org/News-Research/News/NRA-sues-Labor-Department-over-new-tip-credit-regu

114 Lydia Wheeler, "Trump targets Obama rule on workers' tips," *The Hill* (Aug. 27, 2017), http://thehill.com/regulation/labor/348052-trump-targets-obama-rule-on-workers-tips

115 James Fanelli, "Trump SoHo Hotel Stiffed Caterers Out of Tips, Lawsuit Charges," DNAinfo (March 7, 2016), https://www.dnainfo.com/new-york/20160307/soho/trump-soho-hotel-stiffed-caterers-out-of-tips-lawsuit-charges

116 Trump Hotels page of the Trump Organization website (accessed Sept. 20, 2017), http://www.trump.com/hotel-collection/

117 Trump Organization salaries page on Indeed.com (accessed Sept. 20, 2017), https://www.indeed.com/cmp/Trump-Organization/salaries

118 Fact sheet, Occupational Safety and Health Administration, "OSHA's Proposed Crystalline Silica Rule: Overview," (accessed Sept. 20, 2017), https://www.osha.gov/silica/factsheets/OSHA_FS-3683_Silica_Overview.html

119 AFL-CIO Report: "Death on the Job: The Toll of Neglect, 2017," (April 26, 2017), https://aflcio.org/reports/death-job-toll-neglect-2017

120 Elizabeth Grossman, "Trump's Policies Are Already Making Workplaces More Toxic," truthout (April 21, 2017), http://www.truth-out.org/news/item/40290-trump-s-policies-are-already-making-workplaces-more-toxic ; Silica Rule page on the Associated General Contractors of America website (accessed Sept. 20, 2017), https://www.agc.org/industry-priorities/labor-hr/silica-rule

Conflict: Though the Trump Organization has largely moved from being a developer to brand licensing, the president's family business is still reliant on and aligned with the construction industry. The construction industry is among the most vocal opponents of the silica dust rule.[121] The Trump Organization could benefit from gutting the rule because doing so would allow the business and its contractors to ignore required precautionary measures that limit workers' exposure to these harmful substances, potentially lowering construction costs while undermining worker safety.

The Trump Organization is no stranger to workplace health and safety problems. In 2008, a section of the under-construction Trump SoHo collapsed, killing one worker and injuring three others. The construction subcontractor was fined $44,000 by OSHA.[122]

Regulation Trump could gut: OSHA's recordkeeping rule

What it does: Ensures that employers maintain accurate records of serious workplace injuries and illnesses for up to five years (after a 2012 court ruling limited OSHA's enforcement of recordkeeping violations to records that are no older than six months).[123]

Risk status: Eliminated. Congress passed and President Trump signed legislation to repeal the rule.[124]

Conflict: Though the Trump Organization has largely moved from being a developer to brand licensing, the president's family business is still reliant on and aligned with the construction industry. The National Association of Home Builders says it has "vigorously opposed" the recordkeeping rule and trumpets its efforts to "fight this unlawful example of regulatory overreach."[125] The "Corporate Rap Sheet" compiled by Good Jobs First's Corporate Research Project mentions several OSHA violations by the Trump Organization and its contractors.[126] One in five private industry fatalities occurs in the construction industry.[127]

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[121] *Ibid.*
[122] Phillip Mattera, "Trump Organization Corporate Rap Sheet," Corporate Research Project (last updated Feb. 5, 2017), http://corp-research.org/trump-organization
[123] OSHA Recordkeeping Rule page on the Rules At Risk campaign website (accessed Sept. 20, 2017), http://rulesatrisk.org/osha-recordkeeping-rule/
[124] Dave Jamieson, "Trump Signs Bill Making It Easier For Employers To Hide Workplace Injuries," The Huffington Post (April 4, 2017), http://www.huffingtonpost.com/entry/trump-signs-bill-making-it-easier-for-employers-to-hide-worker-injuries_us_58e3efa6e4b0f4a923b2cad9
[125] Press release, National Association of Home Builders, "Statement from NAHB Chairman Granger MacDonald on Congressional Effort to Overturn OSHA Recordkeeping "Volks" Rule," (Feb. 21, 2017), http://www.nahb.org/en/news-and-publications/press-releases/2017/02/statement-from-nahb-chairman-on-congressional-effort-to-overturn-osha-recordkeeping.aspx
[126] Phillip Mattera, "Trump Organization Corporate Rap Sheet," Corporate Research Project (last updated Feb. 5, 2017), http://corp-research.org/trump-organization
[127] Commonly Used Statistics page on the Occupational Safety and Health Administration website (accessed Sept. 20, 2017), https://www.osha.gov/oshstats/commonstats.html

ADDITIONAL POLICY CONFLICTS

Policy Dispute: Federal programs through the Department of Housing and Urban Development (HUD) that provide housing for poor and homeless families

What it does: Increases availability of low-income housing through support and subsidies from the federal government.

Risk status: Under attack. The Trump administration's proposed budget would cut more than $6 billion from HUD's funding, or more than 13 percent, eliminating some programs whose purpose is to increase homeownership in low-income communities and decreasing the number of available subsidized housing vouchers.[128]

Conflict: One exception to the deep cuts the Trump administration's proposed HUD cuts is Section 8 Project-Based Rental Assistance[129] – a $10.8 billion program that provides direct payments to landlords. The administration proposal would cut only about one half of one percent of this program's budget.[130] The president's inheritance from his father included a stake in Starrett City, a large Brooklyn, N.Y. housing complex that participates in the program. Last year, his stake in the property earned him $5 million.[131] The property is currently up for sale; if a sale goes through, Trump stands to make an estimated $14 million.[132] Until recently, senior White House advisor and Trump's son-in-law Jared Kushner also held a significant stake in HUD-subsidized housing[133] through the Kushner Companies. (Kushner divested from the company, but his stake is still held by his family).[134]

What Trump could gut: Rules governing class-action lawsuits

What it does: Class-action lawsuits are the legal mechanism through which a large number of people who have been wronged can collectively seek redress against harm. Historically,

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128 Jose A. DelReal, "Trump budget asks for $6 billion in HUD cuts, drops development grants," *The Washington Post* (March 16), https://www.washingtonpost.com/politics/trump-budget-asks-for-6-billion-in-hud-cuts-drops-development-grants/2017/03/15/1b157338-09a0-11e7-b77c-0047d15a24e0_story.html

129 Policy Basics: Section 8 Project-Based Rental Assistance, Center on Budget and Policy Priorities (updated May 3, 2017), http://www.cbpp.org/research/housing/policy-basics-section-8-project-based-rental-assistance

130 Shawn Boburg, "Trump seeks sharp cuts to housing aid, except for program that brings him millions," *The Washington Post* (June 20, 2017), https://www.washingtonpost.com/investigations/trump-seeks-sharp-cuts-to-housing-aid-except-for-program-that-brings-him-millions/2017/06/20/bf1fb2b8-5531-11e7-ba90-f5875b7d1876_story.html

131 *Ibid.*

132 Charles Bagli, "*Sale of Brooklyn Housing Complex Would Benefit Trump,"* The New York Times (Sept. 6, 2017), https://www.nytimes.com/2017/09/06/nyregion/starrett-city-housing-complex-trump-sale.html?mcubz=0

133 Doug Donovan and Jean Marbella, "Jared Kushner, relative and adviser to Trump, to avoid housing voucher policies," *The Baltimore Sun* (Feb. 25, 2017), http://www.baltimoresun.com/news/maryland/investigations/bs-md-jared-kushner-housing-20170226-story.html

134 Angelo Young, "Jared Kushner's family affair: Ethics lawyers raise concerns over Donald Trump's son-in-law's not-so-blind trust," Salon (Jan. 10, 2017), http://www.salon.com/2017/01/10/jared-kushners-family-affair-ethics-lawyers-raise-concerns-over-donald-trumps-son-in-laws-not-so-blind-trust/

class actions have been an especially effective tool for holding corporations accountable for widespread harms.

Risk status: Under attack. Corporate groups such as the U.S. Chamber of Commerce have long sought to restrict workers' and consumers' access to courts in order to weaken class actions' effectiveness as vehicles for corporate accountability. Republican lawmakers regularly have introduced legislation that would make it more difficult for aggrieved consumers to hold corporations accountable. Chamber-backed legislation that would gut the effectiveness of class-action lawsuits already has passed the U.S. House of Representatives.[135] In June, Trump's NLRB announced its intention to side with employers who wish to use the fine print of employment contracts to deny employees the right to use class actions to seek collective justice against an employer.[136] A resolution to rescind a Consumer Financial Protection Bureau rule[137] to prevent financial firms from denying consumers' class-action rights has passed the House[138] and was introduced in the Senate.[139] If the Senate passes and Trump signs the resolution, the rule will be eliminated and the financial regulator will be blocked from issuing a similar rule.

Conflict: Trump has been named as a defendant in 1,450 lawsuits.[140] Among these lawsuits are class actions, including the suit filed by allegedly defrauded Trump University students, which Trump paid $25 million[141] to settle, a suit filed by Trump golf club members who sought refunds, which Trump paid $5.7 million to settle,[142] and a suit filed by Trump employees over denying breaks and mistreatment of women, which Trump paid at least $475,000 to settle.[143] Trump's customers also are denied class action rights, as the terms of service for Trump businesses including Trump Hotels, Trump Golf and Trump Winery all include class action waivers.[144] Trump also requires at least some of his businesses'

[135] Press release, Public Citizen, "Corporate Interests Give Tens of Millions to Dismantle Legal Rights of Consumers and Patients," (March 10, 2017), https://www.citizen.org/media/press-releases/corporate-interests-give-tens-millions-dismantle-legal-rights-consumers-and

[136] Lawrence Hurley, "Trump administration sides with employers in Supreme Court labor case," Reuters (June 16, 2017), http://www.reuters.com/article/us-usa-court-workplace-idUSKBN1972P0

[137] Press release, Consumer Financial Protection Bureau, "CFPB Issues Rule to Ban Companies From Using Arbitration Clauses to Deny Groups of People Their Day in Court," (July 10, 2017), https://www.consumerfinance.gov/about-us/newsroom/cfpb-issues-rule-ban-companies-using-arbitration-clauses-deny-groups-people-their-day-court/

[138] Press release, Public Citizen, "House Sides With Predatory Banks Against Main Street Americans," (July 25, 2017), https://www.citizen.org/media/press-releases/house-sides-predatory-banks-against-main-street-americans

[139] Arbitration Rule page on the Rules at Risk campaign website (accessed Sept. 20, 2017), http://rulesatrisk.org/arbitration-rule/

[140] Nick Penzenstadler and Susan Page, "Exclusive: Trump's 3,500 lawsuits unprecedented for a presidential nominee," *USA Today* (June 1, 2016), https://www.usatoday.com/story/news/politics/elections/2016/06/01/donald-trump-lawsuits-legal-battles/84995854/

[141] Steve Eder, "Donald Trump Agrees to Pay $25 Million in Trump University Settlement, *The New York Times* (Nov. 18, 2016), https://www.nytimes.com/2016/11/19/us/politics/trump-university.html

[142] Ahiza Garcia, "Trump golf club must pay $5.7 million to ex-members," CNN Money (Feb. 1, 2017), http://money.cnn.com/2017/02/01/news/companies/trump-lawsuit-jupiter-golf-club/index.html

[143] Matt Pearce, "Trump wanted to fire women who weren't pretty enough, say employees at his California golf club," *Los Angeles Times* (Sept. 29, 2016), http://www.latimes.com/projects/la-na-pol-trump-women/

[144]

employees — and his campaign staff — to resolve disputes in arbitration, rather than in courts, as a condition of employment.[145] Legislation that blocks consumer class actions could benefit Trump businesses by preventing future class actions against the Trump Organization.

What Trump could gut: Taxes paid by corporations and the rich

What it does: Tax revenues provide approximately $6.9 trillion in annual funding for the federal government.[146]

Risk status: Under attack. The Trump administration's proposed tax plan would dramatically lower corporate tax rates and tax rates for so-called pass-through businesses[147] and repeal taxes on the wealthy such as the alternative minimum tax (AMT) and the estate tax.[148] If enacted, the proposal could cost more than $5 trillion over its first ten years, though Republican lawmakers aim to limit the cost to $1.5 trillion.[149]

Conflict: Because Trump refused to release his tax forms, any estimate of how much the proposed Trump tax cuts would benefit the president himself is provisional. A leaked document that revealed that Trump paid $31.3 million in AMT taxes in 2005.[150]

An analysis by CNN notes that lowing tax rates on pass-through business entities (of which Trump has more than 500) to 25 percent from 39.6 percent would likely be extremely lucrative for Trump, and that while details on Trump's business income are sparse, this lowering of the tax rate would mean Trump would owe $150,000 per $1 million of income instead of the $396,000 he'd owe under the current rate.[151]

If Trump's net worth is $3.5 billion, as has been reported, Trump's heirs would benefit from an estate tax repeal by at least $857 million.[152]

Lisa Lambert and Pete Schroeder, "Senate poised to repeal new rule allowing consumer class actions," Reuters (Sept. 26, 2017), https://www.reuters.com/article/us-usa-consumers-arbitration/senate-poised-to-repeal-new-rule-allowing-consumer-class-actions-idUSKCN1C12MA

[145] Julie Pace and Chad Day, "For many Trump employees, keeping quiet is legally required," Associated Press (June 21, 2016), https://apnews.com/14542a6687a3452d8c9918e2f0bf16e6/many-trump-employees-keeping-quiet-legally-required

[146] "Policy Basics: Where Do Federal Tax Revenues Come From?," Center on Budget and Policy Priorities (updated Sept. 5, 2017), http://www.cbpp.org/research/policy-basics-where-do-federal-tax-revenues-come-from

[147] Jonathan Swan, "Exclusive: Trump, GOP to cut top rate to 35 percent," Axios (Sept. 23, 2017), https://www.axios.com/exclusive-trump-gop-to-cut-top-rate-to-35-percent-2488858973.html

[148] Seth Hanlon, "Trump's Reform Plan Is All About Cutting Taxes—For Trump," *Fortune* (Sept. 26, 2017), http://fortune.com/2017/09/26/donald-trump-gop-tax-reform-plan/

[149] Richard Rubin and Siobhan Hughes, "The GOP Tax Plan: Tough Choices With Limited Room to Maneuver," *The Wall Street Journal* (Sept. 26, 2017), https://www.wsj.com/articles/the-gop-tax-plan-tough-choices-with-limited-room-to-maneuver-1506418204

[150] David Cay Johnston, "Trump Earned $153 Million In 2005; He Paid $36.6 Million In Taxes," DCreport.org (March 14, 2017), https://www.dcreport.org/2017/03/14/taxes/

[151] Jeanne Sahadi, "The two biggest ways the Trump family could benefit from his tax plan," CNN Money (April 28, 2017), http://money.cnn.com/2017/04/28/news/economy/trump-tax-plan-trump-benefit/index.html

[152] Max Ehrenfreund and Christopher Ingraham, "This mammoth tax cut could be worth $1.5 billion to Trump's wealthy Cabinet," *The Washington Post* (May 2, 2017), https://www.washingtonpost.com/news/wonk/wp/2017/05/02/this-mammoth-tax-cut-could-save-trumps-wealthy-cabinet-1-5-billion/?utm_term=.a0b7e5ff2adc

CONCLUSION

America has never before confronted the reality of a president who owns a complex business empire and seems uninterested in avoiding conflicts of interest. The public should not tolerate the president's pursuit of policies that increase profits and power for his private businesses while harming individual Americans. The conflicts illustrated in this report demonstrate ways the Trump Organization could benefit from the president's deregulatory moves, but it is by no means exhaustive. Because of Trump's pervasive regulatory conflicts, any attempt by the administration to gut public protections should be preceded by a detailed and thorough accounting of how such actions will impact the president and his business interests. The public deserves to be informed how the president stands to gain when his administration and legislators call for axing protections that improve and protect American lives.