

116TH CONGRESS
2D SESSION

H. R. 7694

To provide increased Congressional oversight of certain pardons, to clarify the applicability of bribery prohibitions to pardons and commutations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2020

Mr. SCHIFF (for himself and Mr. NADLER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide increased Congressional oversight of certain pardons, to clarify the applicability of bribery prohibitions to pardons and commutations, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Abuse of the Pardon
5 Prevention Act”.

6 **SEC. 2. CONGRESSIONAL OVERSIGHT RELATING TO CER-**
7 **TAIN PARDONS.**

8 (a) SUBMISSION OF INFORMATION.—In the event
9 that the President grants an individual a pardon for a cov-

1 ered offense, not later than 30 days after the date of such
2 pardon—

3 (1) the Attorney General shall submit to the
4 chairmen and ranking members of the appropriate
5 congressional committees—

6 (A) all materials obtained or prepared by
7 the prosecution team, including the Attorney
8 General and any United States Attorney, and
9 all materials obtained or prepared by any inves-
10 tigative agency of the United States govern-
11 ment, relating to the offense for which the indi-
12 vidual was so pardoned; and

13 (B) all materials obtained or produced by
14 the Department of Justice in relation to the
15 pardon; and

16 (2) the President shall submit to the chairmen
17 and ranking members of the appropriate congres-
18 sional committees all materials obtained or produced
19 within the Executive Office of the President in rela-
20 tion to the pardon.

21 (b) TREATMENT OF INFORMATION.—Rule 6(e) of the
22 Federal Rules of Criminal Procedure may not be con-
23 strued to prohibit the disclosure of information required
24 by subsection (a) of this section.

25 (c) DEFINITIONS.—In this section:

1 (1) The term “appropriate congressional com-
2 mittees” means—

3 (A) the Committee on the Judiciary of the
4 House of Representatives and the Committee
5 on the Judiciary of the Senate; and

6 (B) if an investigation relates to intel-
7 ligence or counterintelligence matters, the Per-
8 manent Select Committee on Intelligence of the
9 House of Representatives and the Select Com-
10 mittee on Intelligence of the Senate.

11 (2) The term “covered offense” means—

12 (A) an offense against the United States
13 that arises from an investigation in which the
14 President, or a relative of the President, is a
15 target, subject, or witness;

16 (B) an offense under section 192 of title 2,
17 United States Code; or

18 (C) an offense under section 1001, 1505,
19 1512, or 1621 of title 18, United States Code,
20 provided that the offense occurred in relation to
21 a Congressional proceeding or investigation.

22 (3) The term “pardon” includes a commutation
23 of sentence.

1 (4) The term “relative” has the meaning given
2 that term in section 3110(a) of title 5, United
3 States Code.

4 **SEC. 3. BRIBERY IN CONNECTION WITH PARDONS AND**
5 **COMMUTATIONS.**

6 Section 201 of title 18, United States Code, is
7 amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1), by inserting “, in-
10 cluding the President and the Vice President of
11 the United States,” after “or an officer or em-
12 ployee or person”; and

13 (B) in paragraph (3), by inserting before
14 the period at the end the following: “, including
15 any pardon, commutation, or reprieve, or offer
16 any such pardon, commutation, or reprieve”;
17 and

18 (2) in subsection (b)(3), by inserting “(includ-
19 ing, for purposes of this paragraph, any pardon,
20 commutation, or reprieve, or offer any such pardon,
21 commutation, or reprieve)” after “corruptly gives,
22 offers, or promises anything of value”.

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