

119TH CONGRESS
2D SESSION

S. _____

To amend title 18, United States Code, to reform executive clemency.

IN THE SENATE OF THE UNITED STATES

Mr. SCHUMER (for himself, Mr. BLUMENTHAL, Ms. CORTEZ MASTO, Ms. HIRONO, and Mr. SCHIFF) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 18, United States Code, to reform executive clemency.

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 “No Payoffs for Par-

5 dons Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Constitution of the United States

9 grants the President broad authority to issue re-

10 prieves and pardons for offenses against the United

1 States. This power is meant to serve the interests of
2 justice and offer a pathway to remedy unfair out-
3 comes within the criminal legal system.

4 (2) The breadth of the pardon power demands
5 it be used judiciously. At times, Presidents have
6 made questionable clemency decisions throughout
7 American history, creating legitimate concerns about
8 potential misuse across the political spectrum.

9 (3) Alarminglly, President Donald Trump has
10 gone further than any of his predecessors and fun-
11 damentally transformed the Presidential pardon
12 from an instrument of mercy into a currency for in-
13 siders, repeatedly using clemency to reward political
14 donors, loyalists, cronies, and individuals with direct
15 access to him, while ordinary petitioners languish for
16 years in the Department of Justice process.

17 (4) In his current term, President Trump has
18 granted only a tiny handful of pardons and
19 commutations to the roughly 10,000 people who fol-
20 lowed the formal Department of Justice review proc-
21 ess in 2026, while showering clemency on high-pro-
22 file allies, business associates, and well-connected of-
23 fenders whose chief qualification was deep pockets or
24 proximity to the President, not the merits of their
25 cases.

1 (5) President Trump has exploited clemency to
2 erase the crimes and consequences of some of the
3 most notorious white-collar offenders in United
4 States history, including the longest-sentenced Medi-
5 care fraudster in the country. All told, President
6 Trump's pardons have wiped out nearly
7 \$2,000,000,000 in victim repayments and taxpayer
8 recovery.

9 (6) President Trump has used the pardon
10 power to undercut ongoing law enforcement inves-
11 tigations, including commuting the sentence of a
12 predatory lender whose cooperation Federal prosecu-
13 tors were actively seeking, instantly stripping pros-
14 ecutors of leverage and signaling that well-connected
15 criminals can buy or lobby their way out of account-
16 ability.

17 (7) President Trump has leveraged clemency
18 for convicted narcotraffickers and enablers of the
19 international drug trade, such as the former Hon-
20 duran President who turned his government into a
21 cocaine pipeline to the United States and the creator
22 of the Silk Road dark web drug market, even while
23 demanding the death penalty for traffickers and
24 campaigning on a promise to wage "war" on cartels.

1 (8) On the first day of his second term, Presi-
2 dent Donald Trump issued a sweeping clemency
3 proclamation granting blanket pardons and
4 commutations to nearly all offenders charged or con-
5 victed for crimes arising from the January 6, 2021,
6 attack on the United States Capitol, instantly wiping
7 away the criminal records and prison time of rough-
8 ly 1,600 rioters who assaulted law enforcement and
9 violently disrupted the peaceful transfer of power.

10 (9) President Trump's Department of Justice is
11 now actively seeking to vacate and dismiss the sedi-
12 tious conspiracy convictions of multiple top Proud
13 Boys and Oath Keepers leaders, including Stewart
14 Rhodes and other organizers who helped plan and
15 direct the assault, moving to erase the last remain-
16 ing jury verdicts against the extremist ringleaders of
17 the insurrection and to nullify years of painstaking
18 prosecutions by career Federal law enforcement

19 (10) President Trump's pattern of clemency for
20 wealthy benefactors, the politically connected, and
21 corrupt officials paired with his deliberate neglect of
22 ordinary, meritorious petitioners, has weaponized the
23 pardon power against the rule of law, turning a con-
24 stitutional safety valve into a commodity to be pur-
25 chased or bartered for through political allegiance.

1 (11) Although the Supreme Court of the United
2 States erroneously held in *Trump v. United States*,
3 603 U.S. 593 (2024), that the President has abso-
4 lute immunity for the exercise of core constitutional
5 powers, that immunity only attaches to the Presi-
6 dent and does not extend to private individuals who
7 corruptly offer things of value to obtain clemency, or
8 act as intermediaries in such corrupt arrangements.
9 Congress has authority and responsibility to address
10 corruption by clemency seekers and intermediaries,
11 even if the conduct of the President may be beyond
12 the reach of Federal criminal prosecution.

13 **SEC. 3. DISCLOSURE REQUIREMENTS FOR PARDON RECIPI-**
14 **ENTS.**

15 (a) IN GENERAL.—Chapter 11 of title 18, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 **“§ 227A. Financial disclosure reports by recipients of**
19 **executive clemency**

20 “(a) DEFINITIONS.—In this section:

21 “(1) CLEMENCY RECIPIENT.—The term ‘clem-
22 ency recipient’ means any individual who has re-
23 ceived a pardon, commutation of sentence, reprieve,
24 or any other form of executive clemency pursuant to

1 section 2 of article of the Constitution of the United
2 States.

3 “(2) COVERED BENEFIT.—The term ‘covered
4 benefit’ means anything of value, including any con-
5 tribution, donation, gift, service, payment, transfer,
6 contract, investment, goods, or other benefit, wheth-
7 er direct or indirect, provided by the clemency recipi-
8 ent, at the direction of the clemency recipient, or on
9 behalf of the clemency recipient, with an aggregate
10 value at any point during any 12-month period dur-
11 ing the disclosure period of not less than \$10,000,
12 as adjusted for inflation pursuant to subsection (f).

13 “(3) COVERED RECIPIENT.—The term ‘covered
14 recipient’—

15 “(A) means—

16 “(i) the President or an immediate
17 family member of the President;

18 “(ii) any entity directly or indirectly
19 established, financed, maintained, or con-
20 trolled by, or operating with the explicit or
21 implicit purpose of advancing a financial,
22 political, electoral, or reputational benefit
23 of, the President or an immediate family
24 member of the President, including any
25 commercial entity, any presidential library

1 or foundation, any organization exempt
2 from taxation under section 501(a) of the
3 Internal Revenue Code of 1986, any Inau-
4 gural Committee, as defined in section 501
5 of title 36, any authorized committee, as
6 defined in section 301 of the Federal Elec-
7 tion Campaign Act of 1971 (52 U.S.C.
8 30101), and any political committee (in-
9 cluding an independent expenditure-only
10 committee), as defined in that section;

11 “(iii) any entity in which the clemency
12 recipient knows, or reasonably should
13 know, that the President or an immediate
14 family member of the President holds a di-
15 rect or indirect financial interest, including
16 any ownership interest, partnership inter-
17 est, or interest through a trust, limited li-
18 ability company, or other intermediary; or

19 “(iv) any person who receives a cov-
20 ered benefit for the purpose of seeking or
21 advocating for executive clemency for the
22 clemency recipient; and

23 “(B) does not include any class of securi-
24 ties registered under section 12 of the Securi-
25 ties Exchange Act of 1934 (15 U.S.C. 78l) if—

1 “(i) the President and no immediate
2 family member of the President serve as a
3 director or officer of the issuer; or

4 “(ii) the President and all immediate
5 family members of the President are not,
6 in the aggregate, beneficial owners of more
7 than 10 percent of such class of securities
8 within the meaning of section 16(a) of the
9 Securities Exchange Act of 1934 (15
10 U.S.C. 78p(a)).

11 “(4) DISCLOSURE PERIOD.—The term ‘disclo-
12 sure period’ means the period beginning on the date
13 that is 1 year before the date on which the President
14 who granted the executive clemency was first sworn
15 into office and ending on the last day of the fourth
16 calendar year after the calendar year during which
17 the clemency recipient received the executive clem-
18 ency.

19 “(5) IMMEDIATE FAMILY MEMBER.—The term
20 ‘immediate family member’ means, with respect to
21 an individual, the spouse, child, stepchild, parent,
22 stepparent, or sibling.

23 “(6) WILLFULLY.—The term ‘willfully’—

24 “(A) means intentionally undertaking an
25 act that one knows to be wrongful; and

1 “(B) does not require that the actor know
2 specifically that the conduct was unlawful.

3 “(b) DISCLOSURE REQUIREMENT.—

4 “(1) PRE-CLEMENCY DISCLOSURE.—Not later
5 than 90 days after receiving executive clemency for
6 an offense against the United States, each clemency
7 recipient that has provided a covered benefit to a
8 covered recipient during the disclosure period shall
9 file with the Attorney General a disclosure report
10 identifying each covered benefit provided to any cov-
11 ered recipient during the disclosure period.

12 “(2) ANNUAL POST-CLEMENCY DISCLOSURE.—

13 For each of the 4 calendar years following the cal-
14 endar year in which executive clemency was granted,
15 a clemency recipient who has provided a covered
16 benefit to a covered recipient during the disclosure
17 period shall file with the Attorney General an annual
18 disclosure report identifying each covered benefit
19 provided to any covered recipient during that cal-
20 endar year.

21 “(3) CONTENT OF DISCLOSURE.—Each disclo-
22 sure report required under this subsection shall in-
23 clude—

24 “(A) the identity of the covered recipient;

1 “(B) a description of the covered benefit,
2 including its form, nature, and purpose;

3 “(C) the approximate date or dates on
4 which the covered benefit was provided; and

5 “(D) the value of the covered benefit, or,
6 where the exact value cannot reasonably be
7 ascertained, a good-faith estimate of such value
8 with an explanation of the basis for the esti-
9 mate.

10 “(c) EXCEPTION FOR BONA FIDE LEGAL SERV-
11 ICES.—

12 “(1) IN GENERAL.—This section shall not apply
13 to payments made exclusively for bona fide legal
14 services rendered in connection with representation
15 before a court of law.

16 “(2) ALLOCATION.—

17 “(A) IN GENERAL.—If a payment is made
18 in part for legal services described in paragraph
19 (1) and in part for lobbying, advocacy, advice,
20 or other services related to seeking or obtaining
21 executive clemency, only the portion of such
22 payment reasonably attributable to clemency-re-
23 lated services shall be subject to disclosure
24 under this section.

1 “(B) GOOD FAITH.—The clemency recipi-
2 ent shall—

3 “(i) make the allocation required
4 under subparagraph (A) in good faith; and

5 “(ii) shall document the basis for the
6 allocation in the disclosure report filed pur-
7 suant to subsection (b).

8 “(d) PUBLICATION BY THE ATTORNEY GENERAL.—

9 “(1) IN GENERAL.—The Attorney General shall
10 make all disclosure reports filed under this section
11 publicly available on a searchable, machine-readable
12 website maintained by the Department of Justice
13 not later than 30 days after the filing deadline appli-
14 cable to each report. If a disclosure report is re-
15 ceived after the filing deadline, the Attorney General
16 shall make the report available as soon as prac-
17 ticable, but not later than 30 days after the date on
18 which the report is received.

19 “(2) FORMS AND PROCEDURES.—

20 “(A) IN GENERAL.—The Attorney General
21 shall prescribe forms and procedures for the fil-
22 ing of disclosure reports under this section and
23 may promulgate regulations as the Attorney
24 General determines are necessary to carry out
25 the purposes of this section.

1 “(B) CONTENTS.—The procedures de-
2 scribed in subparagraph (A) shall include a
3 process by which the Attorney General regularly
4 contacts clemency recipients, through as many
5 methods of communication as possible, to notify
6 them of their obligations to file disclosure re-
7 ports.

8 “(3) ONLINE SUBMISSION.—Not later than 90
9 days after the date of enactment of this section, the
10 Attorney General shall establish an online portal
11 through which clemency recipients shall submit the
12 disclosure reports required under subsection (b).

13 “(e) ENFORCEMENT.—

14 “(1) CIVIL PENALTY.—Any clemency recipient
15 who knowingly fails to file a required disclosure re-
16 port, files a materially false or incomplete report, or
17 otherwise violates this section shall be subject to a
18 civil penalty of not more than \$50,000 per violation,
19 as adjusted for inflation pursuant to subsection (f).

20 “(2) CRIMINAL PENALTY.—Any clemency re-
21 cipient who willfully fails to file a required disclosure
22 report or who willfully files a materially false disclo-
23 sure report shall be fined under this title, imprisoned
24 for not more than 5 years, or both.

1 “(3) INVESTIGATIONS.—The Attorney General
2 shall have authority to investigate potential viola-
3 tions of this section and to bring civil or criminal en-
4 forcement actions in any appropriate court.

5 “(f) INFLATION ADJUSTMENT.—Not less frequently
6 than once every 5 years, the Attorney General shall adjust
7 the dollar threshold established in subsection (a)(2), and
8 the civil penalty established in subsection (e)(1), based on
9 the Consumer Price Index for All Urban Consumers (CPI-
10 U): U.S. city average, all items, published monthly by the
11 Bureau of Labor Statistics, rounded to the nearest \$500.

12 “(g) STATUTE OF LIMITATIONS.—No civil or crimi-
13 nal action may be brought under this section more than
14 10 years after the date on which the violation occurred.

15 “(h) SEVERABILITY.—If any provision of this section,
16 or the application thereof to any person or circumstances,
17 is held invalid, the remainder of the section, and the appli-
18 cation of such provision to other persons or circumstances,
19 shall not be affected thereby.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—
21 The table of sections for chapter 11 of title 18, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

“227A. Financial disclosure reports by recipients of executive clemency.”.

1 **SEC. 4. UPDATING THE FEDERAL BRIBERY STATUTE.**

2 (a) IN GENERAL.—Section 201 of title 18, United
3 States Code, is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), by inserting “, in-
6 cluding the President and the Vice President of
7 the United States,” after “or an officer or em-
8 ployee or person”; and

9 (B) in paragraph (2)—

10 (i) by striking “means any person”
11 and inserting the following: “means—
12 “(A) any person”;

13 (ii) by striking “and” at the end; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(B) any candidate, as defined in section
17 301 of the Federal Election Campaign Act of
18 1971 (52 U.S.C. 30101), with respect to any
19 official act the candidate would have authority
20 to perform upon taking office;”;

21 (C) in paragraph (3), by striking the pe-
22 riod at the end and inserting “, including any
23 pardon, commutation, reprieve, or other form of
24 executive clemency pursuant to section 2 of ar-
25 ticle II of the Constitution of the United States;
26 and”; and

1 (D) by adding at the end the following:

2 “(4) the term ‘anything of value’ includes any
3 pardon, commutation of sentence, remission of fine
4 or restitution, reprieve, or other form of executive
5 clemency pursuant to section 2 of article II of the
6 Constitution of the United States.”.

7 (b) LIMITATIONS.—Section 3282 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(c) EXTENDED LIMITATIONS PERIOD FOR BRIBERY
11 OFFENSES INVOLVING EXECUTIVE CLEMENCY.—Not-
12 withstanding subsection (a), no person shall be pros-
13 ecuted, tried, or punished for any offense under section
14 201 of this title arising from or related to the granting,
15 denying, withholding, promising, or offering of any par-
16 don, commutation, remission, or reprieve pursuant to sec-
17 tion 2 of article II of the Constitution of the United
18 States, unless the indictment is found or the information
19 is instituted within 10 years after the offense was com-
20 mitted.”.