

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY MR. NADLER OF NEW YORK

Strike all that follows after the enacting clause and
insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Abuse of the Pardon
3 Prevention Act of 2020”.

4 SEC. 2. CONGRESSIONAL OVERSIGHT RELATING TO CER-
5 TAIN PARDONS.

6 (a) SUBMISSION OF INFORMATION.—In the event
7 that the President grants an individual a pardon for a cov-
8 ered offense, not later than 30 days after the date of such
9 pardon—

10 (1) the Attorney General shall submit to the
11 chairmen and ranking members of the appropriate
12 congressional committees—

13 (A) all materials obtained or prepared by
14 the prosecution team, including the Attorney
15 General and any United States Attorney, and
16 all materials obtained or prepared by any inves-
17 tigative agency of the United States govern-

1 ment, relating to the offense for which the indi-
2 vidual was so pardoned; and

3 (B) all materials obtained or produced by
4 the Department of Justice in relation to the
5 pardon; and

6 (2) the President shall submit to the chairmen
7 and ranking members of the appropriate congres-
8 sional committees all materials obtained or produced
9 within the Executive Office of the President in rela-
10 tion to the pardon.

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

15 (c) DEFINITIONS.—In this section:

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

18 (A) the Committee on the Judiciary of the
19 House of Representatives and the Committee
20 on the Judiciary of the Senate; and

21 (B) if an investigation relates to intel-
22 ligence or counterintelligence matters, the Per-
23 manent Select Committee on Intelligence of the
24 House of Representatives and the Select Com-
25 mittee on Intelligence of the Senate.

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

2 (A) an offense against the United States
3 that arises from an investigation in which the
4 President, or a relative of the President, is a
5 target, subject, or witness;

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

8 (C) an offense under section 1001, 1505,
9 1512, or 1621 of title 18, United States Code,
10 provided that the offense occurred in relation to
11 a Congressional proceeding or investigation.

12 (3) The term “pardon” includes a commutation
13 of sentence.

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

17 **SEC. 3. BRIBERY IN CONNECTION WITH PARDONS AND**
18 **COMMUTATIONS.**

19 Section 201 of title 18, United States Code, is
20 amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by inserting “, in-
23 cluding the President and the Vice President of
24 the United States,” after “or an officer or em-
25 ployee or person”; and

1 (B) in paragraph (3), by inserting before
2 the period at the end the following: “, including
3 any pardon, commutation, or reprieve, or offer
4 any such pardon, commutation, or reprieve”;
5 and
6 (2) in subsection (b)(3), by inserting “(includ-
7 ing, for purposes of this paragraph, any pardon,
8 commutation, or reprieve, or offer any such pardon,
9 commutation, or reprieve)” after “corruptly gives,
10 offers, or promises anything of value”.

