

118TH CONGRESS  
2D SESSION

# S. 3563

To require the President to publish a statement of reasons for pardons,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2024

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To require the President to publish a statement of reasons  
for pardons, 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 “Pardon Transparency  
5 to Protect Investigations Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) EXECUTIVE CLEMENCY.—the term “execu-  
9 tive clemency”—

1 (A) means any exercise by the President of  
2 the power to grant reprieves or pardons under  
3 clause 1 of section 2 of article II of the Con-  
4 stitution of the United States; and

5 (B) includes any pardon, commutation, re-  
6 prieve, or remission of a fine.

7 (2) VICTIM.—The term “victim” has the mean-  
8 ing given the term in section 503(e) of the Victims’  
9 Rights and Restitution Act of 1990 (34 U.S.C.  
10 20141(e)).

11 **SEC. 3. STATEMENT OF REASONS FOR PARDONS.**

12 On the date on which any grant of executive clemency  
13 is made, the President shall publish in the Federal Reg-  
14 ister and on the official website of the President a written  
15 explanation of the reasons for granting such executive  
16 clemency.

17 **SEC. 4. DUTIES OF THE PARDON ATTORNEY.**

18 (a) JUSTICE IMPACT STATEMENT.—The Pardon At-  
19 torney shall, as soon as the Pardon Attorney becomes  
20 aware of any potential grant of executive clemency being  
21 considered by the President, begin preparing a Justice Im-  
22 pact Statement, which shall be made available to the  
23 President and Congress as soon as practicable but not  
24 later than 30 days after the date on which the Pardon  
25 Attorney becomes so aware, and which shall include—

1           (1) a description of the efforts of the Pardon  
2     Attorney—

3           (A) to make each determination required  
4     under subsection (b); and

5           (B) to contact victims as required under  
6     subsection (b)(1); and

7           (2) any written statement submitted by a victim  
8     under subsection (b)(1).

9     (b) NOTIFICATION.—Any employee of the Depart-  
10  ment of Justice or Executive Office of the President who  
11  learns that the President is considering a grant of execu-  
12  tive clemency shall immediately inform the Pardon Attor-  
13  ney of such consideration.

14     (c) DETERMINATIONS REQUIRED.—In the prepara-  
15  tion of any Justice Impact Statement under subsection  
16  (a), the Pardon Attorney shall make all reasonable efforts  
17  to—

18           (1) inform the victims of each offense that is  
19     the subject of the potential grant of executive clem-  
20     ency that they may submit written statements for  
21     inclusion in the Justice Impact Statement prepared  
22     by the Pardon Attorney;

23           (2) determine the opinions of the victims de-  
24     scribed in paragraph (1) regarding the potential  
25     grant of executive clemency; and

1           (3) determine the opinions of the Attorney Gen-  
2           eral, the Secretary of Homeland Security, and other  
3           Federal law enforcement officials, as appropriate, as  
4           to the potential impact of the grant of executive  
5           clemency on the success of any ongoing investigation  
6           or prosecution.

7           (d) **JUSTICE IMPACT STATEMENT COMPLETION.**—  
8           The Justice Impact Statement required under subsection  
9           (a) shall be completed and submitted even if submitted  
10          after executive clemency is granted.

11 **SEC. 5. PARDON LOBBYING DISCLOSURE.**

12          (a) **DEFINITIONS.**—Section 3 of the Lobbying Dislo-  
13          sure Act of 1995 (2 U.S.C. 1602) is amended—

14                 (1) in paragraph (8)—

15                         (A) in subparagraph (A)—

16                                 (i) in clause (iii), by striking “or”  
17                                 after the semicolon;

18                                 (ii) in clause (iv), by striking the pe-  
19                                 riod and inserting “; or”; and

20                                 (iii) by adding at the end the fol-  
21                                 lowing:

22   “(v) the issuance of a grant of execu-  
23   tive clemency, as defined in section 2 of  
24   the Pardon Transparency to Protect Inves-  
25   tigations Act of 2024, in the form of a

1           pardon, commutation of sentence, reprieve,  
2           or remission of fine.”; and

3           (B) in subparagraph (B)(xii), by striking  
4           “made to” and inserting “except as provided in  
5           subparagraph (A)(v), made to”; and

6           (2) in paragraph (10), by inserting after the  
7           word “period” the following: “, or any individual  
8           who is employed or retained by a client for financial  
9           or other compensation for services that include not  
10          fewer than 1 lobbying contact relating to a potential  
11          grant of executive clemency, as defined in section 2  
12          of the Pardon Transparency to Protect Investiga-  
13          tions Act of 2024, regardless of the percent of the  
14          services provided by the individual to that client that  
15          consist of lobbying activities.”

16          (b) REGISTRATION OF LOBBYISTS.—Section 4 of the  
17          Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is  
18          amended by adding at the end the following:

19           “(e) REGISTRATION RELATING TO GRANTS OF EXEC-  
20          UTIVE CLEMENCY.—Not later than 2 days after the date  
21          on which a lobbyist first makes a lobbying contact per-  
22          taining to a potential grant of executive clemency, as de-  
23          fined in section 2 of the Pardon Transparency to Protect  
24          Investigations Act of 2024, or is employed or retained to  
25          make a lobbying contact pertaining to a potential grant

1 of executive clemency, as so defined in that Act, whichever  
2 is earlier, such lobbyist (or the organization employing  
3 such lobbyist) shall register with the Secretary of the Sen-  
4 ate and the Clerk of the House of Representatives in ac-  
5 cordance with the requirements of this section, regardless  
6 of the total income or expenses related to such lobbying  
7 activities.”.

8 (c) REPORTS BY REGISTERED LOBBYISTS.—Section  
9 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604)  
10 is amended by adding at the end the following:

11 “(f) LOBBYING CONTACTS RELATING TO EXECUTIVE  
12 CLEMENCY.—Not later than 2 days after a lobbying con-  
13 tact pertaining to a potential grant of executive clemency,  
14 as defined in section 2 of the Pardon Transparency to  
15 Protect Investigations Act of 2024, each registrant shall  
16 file a report with the Secretary of the Senate and the  
17 Clerk of the House of Representatives containing the in-  
18 formation described in subsection (b) relating to the lob-  
19 bing contact pertaining to the potential grant of executive  
20 clemency.”.

21 **SEC. 6. STUDIES AND REPORTS.**

22 (a) STUDIES.—

23 (1) IN GENERAL.—Beginning on the date that  
24 is 180 days after the date of enactment of this Act,  
25 and every other year thereafter, the Pardon Attor-

1       ney shall conduct a study on the extent of compli-  
2       ance or noncompliance with this Act.

3           (2) REPORTS TO CONGRESS.—Not later than  
4       April 1 of each year following the completion of the  
5       study required under subsection, the Pardon Attor-  
6       ney shall submit to Congress a report containing the  
7       findings of the study and any recommendations to  
8       improve compliance with this Act.

9       **SEC. 7. SEVERABILITY.**

10       If any provision of this Act, an amendment made by  
11       this Act, or the application of such a provision or amend-  
12       ment to any particular person or circumstance is held in-  
13       valid, the remaining provisions of this Act and the amend-  
14       ments made by this Act, and the application of such re-  
15       maining provisions and amendments to any other person  
16       or circumstance, shall not be affected thereby.

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