

## Congress Must Pass the No Payoffs for Pardons Act

The presidential pardon power exists to correct injustice and provide mercy in extraordinary cases. Some presidents have misused this broad authority in ways that have been questionable or self-serving, but President Trump has taken it further than ever, transforming the federal clemency process into a system where loyalty, access, and wealth can seemingly buy a pardon.

Specifically, President Trump has routinely pardoned wealthy individuals following large contributions to his political endeavors, including his super PAC, campaign committees, and inaugural committee. He has also granted clemency after pardon seekers channeled benefits to his family's many businesses or hired lobbyists with insider access to his relatives and administration staff. Alarming, the cases that have made headlines are likely just the tip of the iceberg: we cannot know how much pardon recipients may have channeled to dark money groups, projects like the East Wing ballroom and Trump's presidential library, or businesses connected to the president that do not disclose their donors and investors.

The No Payoffs For Pardons Act would address this situation through two key reforms:

- 1) **Transparency** requirements for pardon seekers who attempt to purchase clemency by supporting the president's personal, political, or financial interests.
- 2) **Accountability** by updating existing law to ensure that corruptly paying for a pardon carries the same legal consequences as any other attempt to bribe federal officials.

### Using Transparency to Deter Corruption

The No Payoffs For Pardons Act would require pardon recipients disclose anything of value above \$10,000 that they provided—or that was provided at their direction or on their behalf—to:

- a. The president or their immediate family.
- b. Any entity established, financed, maintained, or controlled by the president or their immediate family, or that exists to advance the president's personal, political, or financial interests. This includes super PACs, dark money groups, inaugural funds, presidential libraries, ballroom projects, and other entities.
- c. Any business in which the president or their immediate family holds a meaningful financial interest, including real estate and cryptocurrency ventures.
- d. Any lobbyist, political fixer, or intermediary paid to seek a pardon.

These reports would be collected by the Attorney General and promptly posted online, with significant penalties for pardon recipients who knowingly or willfully violate the law.

## **Holding Corrupt Individuals Accountable**

The No Payoffs For Pardons Act would also strengthen the existing federal bribery law to:

- a. Clarify that offering or granting a pardon or commutation is both an “official act” and a “thing of value” covered by the current law. This would not only ensure that a pardon seeker cannot buy clemency, but that pardons cannot be solicited or offered to influence participation in an investigation, or to coerce a state or local official to enact the president’s policy preferences.
- b. Expand the law to candidates for federal office, in order to capture corrupt bargains made during a campaign in exchange for the promise of a future pardon.
- c. Double the statute of limitations from 5 to 10 years, so that a future administration can investigate and prosecute corrupt clemency bribes even if the president who issued a pardon obstructs the Department of Justice during their term of office.

**These two reforms reinforce one another: disclosure requirements for pardon recipients to deter and expose potential corruption, and bribery law amendments to ensure that such corruption can be prosecuted. Both are commonsense guardrails and well within Congress’s constitutional authority as a co-equal branch of government.**

It is true that the president’s pardon power is broad, and the Supreme Court held in *Trump v. United States* that the president has absolute immunity for the exercise of core constitutional powers, which includes granting clemency. But that immunity does not shield private individuals who seek to buy a pardon or act as intermediaries in such corrupt arrangements. Congress has both the power and responsibility to pass legislation targeting exactly that conduct, helping to identify and punish corruption by pardon seekers and their go-betweens.

**Campaign Legal Center strongly urges Congress to pass the No Payoffs For Pardons Act, which will restore fairness to the federal clemency process and strengthen the rule of law that guards our democracy.**