

111TH CONGRESS
1ST SESSION

H. R. 743

To prohibit the President or any other executive branch official from knowingly and willfully misleading the Congress or the people of the United States, for the purpose of gaining support for the use of the Armed Forces of the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2009

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

A BILL

To prohibit the President or any other executive branch official from knowingly and willfully misleading the Congress or the people of the United States, for the purpose of gaining support for the use of the Armed Forces of the United States.

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 “Executive Account-
5 ability Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) In 1770, John Adams wrote in “Argument
2 in Defense of Soldier in the Boston Massacre
3 Trials”: “Facts are stubborn things; and whatever
4 may be our wishes, our inclinations, or the dictates
5 of our passion, they cannot alter the state of facts
6 and evidence.”.

7 (2) In 1787, John Jay wrote in “The Federalist
8 No. 4”: “There are pretended as well as just causes
9 of war.”.

10 (3) In 1865, Abraham Lincoln said: “I have
11 faith in the people . . . the danger is, they are mis-
12 led. Let them know the truth and the country is
13 safe.”.

14 **SEC. 3. PROHIBITION AGAINST EXECUTIVE BRANCH MIS-**
15 **REPRESENTATIONS MADE FOR THE PURPOSE**
16 **OF GAINING SUPPORT FOR THE USE OF THE**
17 **ARMED FORCES OF THE UNITED STATES.**

18 (a) IN GENERAL.—Chapter 47 of title 18, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 1041. Executive branch misrepresentations for the**
22 **purpose of gaining support for the use of**
23 **the Armed Forces of the United States**

24 “(a) Whoever, being a covered official, for the pur-
25 pose of influencing a member of the Congress to authorize

1 the use of the Armed Forces of the United States, know-
2 ingly and willfully—

3 “(1) falsifies, conceals, or covers up by any
4 trick, scheme, or device a material fact;

5 “(2) makes any materially false, fictitious, or
6 fraudulent statement or representation; or

7 “(3) makes or uses any false writing or docu-
8 ment knowing the same to contain any materially
9 false, fictitious, or fraudulent statement or entry,

10 shall be fined under this title, imprisoned not more than
11 10 years, or both.

12 “(b) In subsection (a), the term ‘covered official’
13 means the President or an officer or employee of the execu-
14 tive branch of the Government.”.

15 (b) SUSPENSION OF LIMITATIONS DURING PRESI-
16 DENTIAL TERM.—Chapter 213 of such title is amended
17 by adding at the end the following:

18 “§ 3301. **Suspension of limitations during Presidential**
19 **term**

20 “The running of any statute of limitations applicable
21 to an offense under section 1041 shall be suspended until
22 the end of the term of the President in office at the time
23 the offense is committed.”.

24 (c) CLERICAL AMENDMENTS.—

1 (1) The table of sections for chapter 47 of such
2 title is amended by adding at the end the following:

“1041. Executive branch misrepresentations for the purpose of gaining support
for the use of the Armed Forces of the United States.”.

3 (2) The table of sections for chapter 213 of
4 such title is amended by adding at the end the fol-
5 lowing:

“3301. Suspension of limitations during Presidential term.”.

6 **SEC. 4. REFERRAL OF VIOLATIONS FOR PROSECUTION.**

7 (a) REFERRAL FOR PROSECUTION.—If a House of
8 Congress passes a resolution or concurrent resolution in
9 which the House of Congress finds that a violation of sec-
10 tion 1041 of title 18, United States Code, has occurred,
11 the referring party of the House of Congress shall trans-
12 mit a copy of the resolution to the Attorney General.

13 (b) REFERRING PARTY DEFINED.—In this section,
14 the term “referring party” means—

15 (1) in the case of the House of Representatives,
16 the Clerk of the House of Representatives; or

17 (2) in the case of the Senate, the Secretary of
18 the Senate.

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