

111TH CONGRESS  
1ST SESSION

# S. 1529

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

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IN THE SENATE OF THE UNITED STATES

JULY 28, 2009

Mr. REID (for Mr. BYRD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To prohibit the President, Vice President, or any other executive branch official from knowingly and willfully misleading the Congress of the United States for the purpose of gaining support for the use of force by 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**  
17 **FORCE BY THE ARMED FORCES OF THE**  
18 **UNITED STATES.**

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

1 **“§ 1041. Executive branch misrepresentations for the**  
2 **purpose of gaining support for the use**  
3 **force by the Armed Forces of the United**  
4 **States**

5 “(a) IN GENERAL.—It shall be unlawful for any cov-  
6 ered official, for the purpose of influencing a member of  
7 Congress to authorize the use of force by the Armed  
8 Forces of the United States, to knowingly and willfully—

9 “(1) falsify, conceal, or cover up by any trick,  
10 scheme, or device a material fact;

11 “(2) make any materially false, fictitious, or  
12 fraudulent statement or representation; or

13 “(3) make or use any false writing or document  
14 knowing the same to contain any materially false,  
15 fictitious, or fraudulent statement or entry.

16 “(b) PENALTY.—Any covered official who violates  
17 subsection (a) shall be fined under this title, imprisoned  
18 not more than 10 years, or both.

19 “(c) DEFINITION.—In this section, the term ‘covered  
20 official’ means the President, Vice President, or an officer  
21 or employee of the executive branch of the Government.”.

22 (b) SUSPENSION OF LIMITATIONS DURING PRESI-  
23 DENTIAL TERM.—Chapter 213 of title 18, United States  
24 Code, is amended by adding at the end the following:

1 **“§ 3301. Suspension of limitations during Presidential**  
 2 **term**

3 “The running of any statute of limitations applicable  
 4 to an offense under section 1041 shall be suspended until  
 5 the end of the term of the President in office at the time  
 6 the offense is committed.”.

7 (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
 8 Title 18, United States Code, is amended—

9 (1) in the table of sections for chapter 47, by  
 10 adding at the end the following:

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

11 (2) in the table of sections for chapter 213, by  
 12 adding at the end the following:

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

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

14 (a) REFERRAL FOR PROSECUTION.—If a House of  
 15 Congress passes a resolution or concurrent resolution in  
 16 which the House of Congress finds that a violation of sec-  
 17 tion 1041 of title 18, United States Code, has occurred,  
 18 the referring party of the House of Congress shall trans-  
 19 mit a copy of the resolution to the Attorney General.

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

22 (1) in the case of the House of Representatives,  
 23 the Clerk of the House of Representatives; or

1           (2) in the case of the Senate, the Secretary of  
2           the Senate.

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