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**HOUSE BILL NO. 1576**

Offered January 9, 2013

Prefiled January 4, 2013

A *BILL to amend the Code of Virginia by adding a section numbered 44-116.1, relating to Virginia armed forces; education materials.*

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Patron—Marshall, R.G.

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Referred to Committee on Militia, Police and Public Safety**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 44-116.1 as follows:****§ 44-116.1. Distribution of certain educational materials.**

A. *The Adjutant General shall cause to be distributed to all members of the Virginia National Guard and all members of the Virginia Defense Force materials relating to the power of the United States Congress to declare war pursuant to Article 1, Section 8, Clause 11 of the United States Constitution and the War Powers Resolution of 1973 (50 U.S.C. §§ 1541 through 1548) for the purpose of educating the members as to the lawful exercise of such power. The Adjutant General shall by regulation designate the materials to be distributed, and such materials, at a minimum, shall include examples of formal Declarations of War approved by the United States Congress, examples of other congressional authorizations for the use of military force, responses from the United States Congress to the use of military force by the President without congressional authorization, United States Supreme Court cases addressing the scope and limits of war powers, and other historical materials that emphasize the positions of the Commonwealth's founders with regard to the scope and limits of war powers. Such materials shall also include the conditions that satisfy the tenets of the "Just War" doctrine: (i) the damage inflicted by the aggressor on the United States will be lasting, grave, and certain; (ii) all means of preventing or ending the conflict shall be determined to be impractical or ineffective; (iii) serious prospects of success exists; and (iv) the use of arms, taking into consideration the destructive power of modern weapons, shall not produce evils or disorders more serious than the aggression to be avoided or eliminated.*

B. *Distribution of the educational materials required by this section may be made by electronic means and shall be distributed to each member at the time of the member's appointment or enlistment in the Virginia National Guard or the Virginia Defense Force and at the time of any reappointment of or reenlistment by the member.*

INTRODUCED

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