

## **Proposed Constitutional Amendment on War Powers CACTUS, 2011**

### Section I

The power to declare war or to authorize warfare by the United States, and to regulate the use of funds for military action, shall be vested in the Congress.

### Section II

Absent a formal declaration of war The President of the United States shall have the power to initiate offensive military action only with the advice and 3/4 majority consent of a Special Commission on Warfare, consisting of the Vice President, Speaker of the House, President Pro-tempore of the Senate, the Highest ranking military official as defined by the Congress, and three members elected from the House of Representatives by its membership and three members elected from the Senate by its membership who shall be apportioned equitably among the members of their respective chambers in the same manner as each chamber may provide for representation on any standing committees it may establish; but the approval of any such military action shall be limited to the extent of one (1) year after the initial order commencing the action , whereafter the military action shall cease, and all funding which may be used to support it will expire, unless the Congress shall declare war or by a majority vote of the membership in each House, recorded by roll call vote, authorize the continued use of military force in the action in question, for an additional specified period not to exceed six (6) months.

### Section III

If an urgent threat to the security of the United States will not admit of delay, the President may initiate military action without prior approval of the Special Commission on Warfare, but shall seek such approval as soon as may be practicable or within seventy-two (72) hours, whichever shall be less.

### Section IV

Urgent threats to the security of the United States shall be construed to include armed insurrection which genuinely threatens the overthrow of government, an attack upon the United States by a foreign power, or the necessity to attack and eliminate a demonstrable and eminent threat from abroad, and Congress may by law define other situations in which immediate action may be necessary, but no such law shall override or remove the requirements for approval specified elsewhere in this amendment.

## Section V

In the event that any military action approved by the Special Commission on Warfare shall require greater than three (3) per cent of the annual operating budget of the armed services, the President shall accompany any request for increased funds with a report to the Special Commission on Warfare explaining and justifying the increased cost, and the Special Commission shall within 30 day of receipt of the President's report, and after consultation with the President, issue a report to the Congress indicating its approval or disapproval of the increase; and the Congress shall within 30 days thereafter, by roll call vote in both Chambers, approve or disapprove the increased expenditure, and reaffirm its authorization for continuance of the military action, or declare war; and if Congress shall not reaffirm its approval or declare war, the military action shall cease, unless the President shall affirm that sureties given to him or her by special intelligence demonstrate that absent the continued military action, an attack on American soil or its territories may be expected to commence within seventy-two (72) hours.

## Section VI

Initiation and conduct of warfare by the President not in compliance with this amendment shall be construed to meet the definition of high Crimes and Misdemeanors referenced in Article II, Section 4, and shall be grounds for Impeachment.

## Section VII

Congress shall have the power to enforce this amendment by appropriate legislation.