

118TH CONGRESS
1ST SESSION

H. R. 669

To restrict the first-use strike of nuclear weapons.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2023

Mr. LIEU (for himself, Mr. GRIJALVA, Ms. NORTON, Mr. MCGOVERN, Ms. PINGREE, Ms. SCHAKOWSKY, Mrs. WATSON COLEMAN, Mr. BEYER, Mr. SHERMAN, Mr. COHEN, Ms. MENG, Ms. PRESSLEY, Mr. BLUMENAUER, Mrs. NAPOLITANO, Mr. PALLONE, Ms. CLARKE of New York, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To restrict the first-use strike of nuclear weapons.

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 “Restricting First Use
5 of Nuclear Weapons Act of 2023”.

6 **SEC. 2. FINDINGS AND DECLARATION OF POLICY.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) The Constitution gives Congress the sole
2 power to declare war.

3 (2) The framers of the Constitution understood
4 that the monumental decision to go to war, which
5 can result in massive death and the destruction of
6 civilized society, must be made by the representa-
7 tives of the people and not by a single person.

8 (3) As stated by section 2(c) of the War Powers
9 Resolution (Public Law 93–148; 50 U.S.C. 1541),
10 “the constitutional powers of the President as Com-
11 mander-in-Chief to introduce United States Armed
12 Forces into hostilities, or into situations where im-
13 minent involvement in hostilities is clearly indicated
14 by the circumstances, are exercised only pursuant to
15 (1) a declaration of war, (2) specific statutory au-
16 thorization, or (3) a national emergency created by
17 attack upon the United States, its territories or pos-
18 sessions, or its armed forces”.

19 (4) Nuclear weapons are uniquely powerful
20 weapons that have the capability to instantly kill
21 millions of people, create long-term health and envi-
22 ronmental consequences throughout the world, di-
23 rectly undermine global peace, and put the United
24 States at existential risk from retaliatory nuclear
25 strikes.

1 (5) A first-use nuclear strike carried out by the
2 United States would constitute a major act of war.

3 (6) A first-use nuclear strike conducted absent
4 a declaration of war by Congress would violate the
5 Constitution.

6 (7) The President has the sole authority to au-
7 thorize the use of nuclear weapons, an order which
8 military officers of the United States must carry out
9 in accordance with their obligations under the Uni-
10 form Code of Military Justice.

11 (8) Given its exclusive power under the Con-
12 stitution to declare war, Congress must provide
13 meaningful checks and balances to the President's
14 sole authority to authorize the use of a nuclear
15 weapon.

16 (b) DECLARATION OF POLICY.—It is the policy of the
17 United States that no first-use nuclear strike should be
18 conducted absent a declaration of war by Congress.

19 **SEC. 3. PROHIBITION ON CONDUCT OF FIRST-USE NU-**
20 **CLEAR STRIKES.**

21 (a) PROHIBITION.—No Federal funds may be obli-
22 gated or expended to conduct a first-use nuclear strike un-
23 less such strike is conducted pursuant to a war declared
24 by Congress that expressly authorizes such strike.

1 (b) FIRST-USE NUCLEAR STRIKE DEFINED.—In this
2 section, the term “first-use nuclear strike” means an at-
3 tack using nuclear weapons against an enemy that is con-
4 ducted without the Secretary of Defense and the Chair-
5 man of the Joint Chiefs of Staff first confirming to the
6 President that there has been a nuclear strike against the
7 United States, its territories, or its allies (as specified in
8 section 3(b)(2) of the Arms Export Control Act (22 U.S.C.
9 2753(b)(2))).

○