

118TH CONGRESS
1ST SESSION

S. 1394

To prohibit the use of Federal funds to launch a nuclear weapon using an autonomous weapons system that is not subject to meaningful human control, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2023

Mr. MARKEY (for himself, Ms. WARREN, Mr. MERKLEY, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To prohibit the use of Federal funds to launch a nuclear weapon using an autonomous weapons system that is not subject to meaningful human control, and for other purposes.

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 “Block Nuclear Launch
5 by Autonomous Artificial Intelligence Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Department of Defense Directive 3000.09
2 (relating to Autonomy in Weapons Systems), dated
3 November 21, 2012, defines “autonomous weapons
4 system” as a weapons system that, once activated,
5 can select and engage targets without further inter-
6 vention by an operator.

7 (2) Article 3, clause 8 of the Convention on
8 Prohibitions or Restrictions on the Use of Certain
9 Conventional Weapons Which may be Deemed to be
10 Excessively Injurious or to Have Indiscriminate Ef-
11 fects, signed at Geneva October 10, 1980 (commonly
12 known as the “ Convention on Certain Conventional
13 Weapons”) prohibits the indiscriminate use of weap-
14 ons, which is defined in the Convention on Certain
15 Conventional Weapons as “any placement of such
16 weapons. . .which may be expected to cause inci-
17 dental loss of civilian life, injury to civilians, damage
18 to civilian objects, or a combination thereof, which
19 would be excessive in relation to the concrete and di-
20 rect military advantage anticipated”.

21 (3) Section 5.10 of the Department of Defense
22 Law of War Manual states that “[c]ommanders, at
23 all levels, have a great responsibility to exercise the
24 leadership necessary to reduce the risk of harm to
25 civilians and civilian objects”.

1 (4) In a report on autonomous weapons systems
2 published on December 1, 2021, Human Rights
3 Watch and the International Human Rights Clinic
4 of Harvard Law School argue that “[r]obots lack
5 the compassion, empathy, mercy, and judgment nec-
6 essary to treat humans humanely, and they cannot
7 understand the inherent worth of human life”.

8 (5) The 2022 Nuclear Posture Review states
9 “[i]n all cases, the United States will maintain a
10 human ‘in the loop’ for all actions critical to inform-
11 ing and executing decisions by the President to ini-
12 tiate and terminate nuclear weapon employment”.

13 (6) The National Security Commission on Arti-
14 ficial Intelligence recommends that the United
15 States “clearly and publicly affirm existing U.S. pol-
16 icy that only human beings can authorize employ-
17 ment of nuclear weapons and seek similar commit-
18 ments from Russia and China”.

19 (7) On February 16, 2023, the Secretary of
20 State issued a Political Declaration on Responsible
21 Military Use of Artificial Intelligence and Autonomy,
22 which states that “States should maintain human
23 control and involvement for all actions critical to in-
24 forming and executing sovereign decisions con-
25 cerning nuclear weapons”.

1 (8) Large-scale nuclear war would lead to the
2 deaths of millions of people, firestorms, radioactive
3 fallout contamination, agricultural failure, and cata-
4 strophic climate results.

5 (9) Compliance with international humanitarian
6 law, human control and human legal judgment is es-
7 sential in the nuclear command and control process.

8 **SEC. 3. SENSE OF CONGRESS.**

9 It is the sense of Congress that—

10 (1) the use of lethal, autonomous nuclear weap-
11 ons systems that are not subject to meaningful
12 human control cannot properly adhere to inter-
13 national humanitarian law; and

14 (2) any decision to launch a nuclear weapon
15 should not be made by artificial intelligence.

16 **SEC. 4. PROHIBITION ON USE OF FEDERAL FUNDS TO DE-**
17 **PLOY NUCLEAR WEAPONS WITH AUTONO-**
18 **MOUS WEAPONS SYSTEMS NOT SUBJECT TO**
19 **MEANINGFUL HUMAN CONTROL.**

20 (a) IN GENERAL.—None of the funds authorized to
21 be appropriated or otherwise made available for any fiscal
22 year may be obligated or expended to use an autonomous
23 weapons system that is not subject to meaningful human
24 control—

25 (1) to launch a nuclear weapon; or

1 (2) to select or engage targets for the purposes
2 of launching a nuclear weapon.

3 (b) DEFINITIONS.—In this section:

4 (1) AUTONOMOUS WEAPONS SYSTEM.—The
5 term “autonomous weapons system” has the mean-
6 ing given such term in Department of Defense Di-
7 rective 3000.09 (relating to Autonomy in Weapons
8 Systems), as in effect on the date of the enactment
9 of this Act.

10 (2) MEANINGFUL HUMAN CONTROL.—The term
11 “meaningful human control” means, with respect to
12 an autonomous weapons system, human control of—

13 (A) the selection and engagement of tar-
14 gets; and

15 (B) the time, location, and manner of use.

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