

116TH CONGRESS  
1ST SESSION

# H. R. 669

To prohibit the conduct of a first-use nuclear strike absent a declaration  
of war by Congress.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2019

Mr. TED LIEU of California (for himself, Ms. SCHAKOWSKY, Mr. BEYER, Ms. PINGREE, Ms. CLARKE of New York, Mr. PANETTA, Ms. ESHOO, Mr. MCGOVERN, Mr. COHEN, Mr. NADLER, Mr. DEFazio, Mr. GRIJALVA, Mr. RUSH, Ms. LEE of California, Mr. ESPAILLAT, Ms. BONAMICI, Mrs. WATSON COLEMAN, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. KHANNA, Ms. SPEIER, Ms. VELÁZQUEZ, Ms. MCCOLLUM, Ms. CLARK of Massachusetts, Ms. PORTER, Ms. JUDY CHU of California, Mr. GARAMENDI, Ms. JAYAPAL, Mr. JONES, Ms. DELAURO, Ms. GABBARD, Mr. BLUMENAUER, Mr. JOHNSON of Georgia, Ms. NORTON, Mr. SHERMAN, Mr. PAYNE, Mrs. NAPOLITANO, Ms. LOFGREN, Mr. POCAN, Mr. WELCH, Mr. CRIST, Mr. CARBAJAL, Mr. SERRANO, and Mr. COURTNEY) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To prohibit the conduct of a first-use nuclear strike absent  
a declaration of war by Congress.

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 2019”.

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

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

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

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

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

21 (4) Nuclear weapons are uniquely powerful  
22 weapons that have the capability to instantly kill  
23 millions of people, create long-term health and envi-  
24 ronmental consequences throughout the world, di-  
25 rectly undermine global peace, and put the United

1 States at existential risk from retaliatory nuclear  
2 strikes.

3 (5) By any definition of war, a first-use nuclear  
4 strike from the United States would constitute a  
5 major act of war.

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

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

12 **SEC. 3. PROHIBITION ON CONDUCT OF FIRST-USE NU-**  
13 **CLEAR STRIKES.**

14 (a) PROHIBITION.—Notwithstanding any other provi-  
15 sion of law, the President may not use the Armed Forces  
16 of the United States to conduct a first-use nuclear strike  
17 unless such strike is conducted pursuant to a declaration  
18 of war by Congress that expressly authorizes such strike.

19 (b) FIRST-USE NUCLEAR STRIKE DEFINED.—In this  
20 section, the term “first-use nuclear strike” means an at-  
21 tack using nuclear weapons against an enemy that is con-  
22 ducted without the President determining that the enemy  
23 has first launched a nuclear strike against the United  
24 States or an ally of the United States.

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