

116TH CONGRESS
1ST SESSION

H. R. 669

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

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. DELAUBO, 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

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.

