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. 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.

A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Restricting First Use of Nuclear Weapons Act of 2019”.

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SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds the following:

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

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

(3) As stated by section 2(c) of the War Powers Resolution (Public Law 93–148; 50 U.S.C. 1541), “the constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces”.

(4) Nuclear weapons are uniquely powerful weapons that have the capability to instantly kill millions of people, create long-term health and environmental consequences throughout the world, directly undermine global peace, and put the United
States at existential risk from retaliatory nuclear
strikes.

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

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

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

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

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

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