AMENDMENT TO H.R. 4350

OFFERED BY MR. DESJARLAIS OF TENNESSEE

At the appropriate place in the bill, insert the following:

SEC. ___. LIMITATION ON AUTHORITY TO ADOPT CERTAIN NUCLEAR DECLARATORY POLICIES.

(a) FINDINGS.—Congress finds the following:

(1) The Chairman of the Joint Chiefs of Staff, General Milley, stated on June 23, 2021, to the Committee on Armed Services of the House of Representatives that ''My personal best military advice is to maintain all options to the President of the United States at all times, so I would not recommend making a declaration of no first use.''.

(2) The Commander of the United States Strategic Command, Admiral Richard, stated on April 22, 2021, to the Subcommittee on Strategic Forces of the Committee on Armed Services of the House of Representatives that—

(A) ''I see a no-first-use policy as degrading the nation's deterrence. It will remove a level of ambiguity that has deterrence value.'';

(B) ''I think it will have a negative effect on extended deterrence and assurance.''; and

(C)''I do think, in some cases, it [a declaration of no first use] will diminish our extended deterrence and assurance commitments. And if that were to be diminished, that would become their own decisions as to what steps they might need to take to redress that.''.

(3) The Secretary of State for Defence of the United Kingdom, Ben Wallace, stated on July 16, 2021, that ''We are not in favor of that change [adoption of a no first use policy] in posture...we reserve that right to deploy those weapons as we must.''.

(b) LIMITATION.—Chapter 24 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 499b. Limitation on authority to adopt certain nuclear declaratory policies

''(a) LIMITATION.—The President may not adopt a sole purpose policy or a no first use policy unless, not later than 90 days before the date of the adoption, the Secretary of Defense (in consultation with the Chairman of the Joint Chiefs of Staff) submits to the congressional defense committees the following:

''(1) Notice regarding the adoption of the policy.

''(2) A certification that—

''(A) each allied country of the United States has been consulted with respect to the adoption of the policy; and

''(B) the adoption of the policy is in the national security interest of the United States.

''(b) DEFINITIONS.—In this section:

''(1) The term 'allied country' means—

''(A) a country that is a member of the North Atlantic Treaty Organization;

''(B) Australia;

''(C) Canada;

''(D) India;

''(E) Japan;

''(F) New Zealand;

''(G) the Republic of Korea;

''(H) the United Kingdom; or

''(I) any other country designated as a covered ally for purposes of this section by the Secretary.

''(2) The term 'no first use policy' means a policy declaring that the President is required to confirm a nuclear strike against the homeland of the

United States, the armed forces of the United States, or allies of the United States, before conducting a nuclear strike in response.

''(3) The term 'nuclear strike' means an attack using nuclear weapons.

''(4) The term 'sole purpose policy' means a policy declaring that the sole purpose of the nuclear arsenal of the United States is to deter (or respond to, as necessary) a nuclear strike against the United States or allies of the United States.''.

(c) CLERICAL AMENDMENT.—The table of contents at the beginning of such chapter is amended by adding at the end the following new item:

''499b. Limitation on authority to adopt certain nuclear declaratory policies.''.

