

AMENDMENT TO RULES COMMITTEE PRINT 117–

13

OFFERED BY MR. DESJARLAIS OF TENNESSEE

Add at the end of subtitle C of title XVI the following new section:

1 **SEC. 16___. CERTIFICATION REQUIREMENT FOR ADOPTION**
2 **OF CERTAIN NUCLEAR DECLARATORY POLI-**
3 **CIES.**

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

5 (1) The Chairman of the Joint Chiefs of Staff,
6 General Milley, stated on June 23, 2021, to the
7 Committee on Armed Services of the House of Rep-
8 resentatives that “My personal best military advice
9 is to maintain all options to the President of the
10 United States at all times, so I would not rec-
11 ommend making a declaration of no first use.”.

12 (2) The Commander of the United States Stra-
13 tegic Command, Admiral Richard, stated on April
14 22, 2021, to the Subcommittee on Strategic Forces
15 of the Committee on Armed Services of the House
16 of Representatives that—

1 (A) “I see a no-first-use policy as degrad-
2 ing the nation’s deterrence. It will remove a
3 level of ambiguity that has deterrence value.”;

4 (B) “I think it will have a negative effect
5 on extended deterrence and assurance.”; and

6 (C) “I do think, in some cases, it [a dec-
7 laration of no first use] will diminish our ex-
8 tended deterrence and assurance commitments.
9 And if that were to be diminished, that would
10 become their own decisions as to what steps
11 they might need to take to redress that.”.

12 (3) The Secretary of State for Defence of the
13 United Kingdom, Ben Wallace, stated on July 16,
14 2021, that “We are not in favor of that change
15 [adoption of a no first use policy] in posture...we re-
16 serve that right to deploy those weapons as we
17 must.”.

18 (b) CERTIFICATION REQUIREMENT.—Chapter 24 of
19 title 10, United States Code, is amended by adding at the
20 end the following new section (and conforming the table
21 of contents at the beginning of such chapter accordingly):

22 **“§ 499b. Certification requirement for adoption of**
23 **certain nuclear declaratory policies**

24 “(a) CERTIFICATION REQUIRED.—The President
25 may not adopt a sole purpose policy, a no first use policy,

1 or an existential threat policy, unless, not later than 60
2 days before the date of the adoption, the Secretary of De-
3 fense (in consultation with the Chairman of the Joint
4 Chiefs of Staff) submits to the congressional defense com-
5 mittees the following:

6 “(1) Notice regarding the adoption of the pol-
7 icy.

8 “(2) A certification that—

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

12 “(B) the adoption of the policy is in the
13 national security interest of the United States.

14 “(b) DEFINITIONS.—In this section:

15 “(1) The term ‘allied country’ means—

16 “(A) a country that is a member of the
17 North Atlantic Treaty Organization;

18 “(B) Australia;

19 “(C) Canada;

20 “(D) India;

21 “(E) Japan;

22 “(F) New Zealand;

23 “(G) the Republic of Korea;

24 “(H) the United Kingdom; or

1 “(I) any other country designated as an al-
2 lied country for purposes of this section by the
3 Secretary.

4 “(2) The term ‘existential threat policy’ means
5 a policy declaring that the United States will use nu-
6 clear weapons only when no viable alternative exists
7 to stop an existential attack against the United
8 States, or the allies or partners of the United States.

9 “(3) The term ‘no first use policy’ means a pol-
10 icy declaring that the President is required to con-
11 firm a nuclear strike against the homeland of the
12 United States, the armed forces of the United
13 States, or the allies or partners of the United States,
14 before conducting a nuclear strike in response.

15 “(4) The term ‘nuclear strike’ means an attack
16 using nuclear weapons.

17 “(5) The term ‘sole purpose policy’ means a
18 policy declaring that the sole purpose of the nuclear
19 arsenal of the United States is to deter (or respond
20 to, as necessary) a nuclear strike against the United
21 States, or the allies or partners of the United
22 States.”.

