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:

SEC. 16. CERTIFICATION REQUIREMENT FOR ADOPTION OF 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—
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(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) Certification Requirement.—Chapter 24 of title 10, United States Code, is amended by adding at the end the following new section (and conforming the table of contents at the beginning of such chapter accordingly):

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

“(a) Certification Required.—The President may not adopt a sole purpose policy, a no first use policy,
or an existential threat policy, unless, not later than 60
days before the date of the adoption, the Secretary of De-
fense (in consultation with the Chairman of the Joint
Chiefs of Staff) submits to the congressional defense com-
mittees the following:

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

“(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
“(1) any other country designated as an allied country for purposes of this section by the Secretary.

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

“(3) 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 the allies or partners of the United States, before conducting a nuclear strike in response.

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

“(5) 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 the allies or partners of the United States.”.