

AMENDMENT TO RULES COMMITTEE PRINT 119-

33

OFFERED BY MR. PETERS OF CALIFORNIA

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

1 **SEC. ____ . LIMITATION ON USE OF FUNDS TO CONDUCT**
2 **FIRST-USE NUCLEAR STRIKES.**

3 (a) **LIMITATION.**—No amounts authorized to be ap-
4 propriated for any fiscal year may be obligated or ex-
5 pended to conduct a first-use nuclear strike unless—

6 (1) the President decides the strike is in the
7 best interests of the United States; and

8 (2) except as provided in subsection (b), not
9 more than 7 days before conducting such strike, the
10 Secretary of Defense submits to the Speaker of the
11 House of Representatives, the Minority Leader of
12 the House Representatives, the Majority Leader of
13 the House of Representatives, the Minority Leader
14 of the Senate, and the Majority Leader of the Sen-
15 ate a certification that the decision of the President
16 under paragraph (1) to conduct the strike is valid
17 and legal.

1 (b) EXCEPTIONS.—Subsection (a)(2) does not apply
2 with respect to a first-use nuclear strike conducted—

3 (1) under a declaration of war enacted by Con-
4 gress;

5 (2) in response to a nuclear attack against the
6 United States or an ally of the United States; or

7 (3) during a launch-on-warning scenario.

8 (c) DEFINITIONS.—For purposes of this section:

9 (1) The term “ally of the United States” means
10 a member of the North Atlantic Treaty Organiza-
11 tion, Japan, the Republic of Korea, and the Com-
12 monwealth of Australia.

13 (2) The term “first-use nuclear strike” means
14 an attack conducted by the United States using nu-
15 clear weapons against a foreign country in any in-
16 stance where the Secretary of Defense and the
17 Chairman of the Joint Chiefs of Staff have not joint-
18 ly confirmed to the President that the foreign coun-
19 try has conducted a nuclear attack against the
20 United States or an ally of the United States.

21 (3) The term “launch-on-warning scenario”
22 means a situation in which the United States early
23 warning systems have detected a launch of a missile
24 whose trajectory would result in an impact on the

1 territory of the United States or an ally of the
2 United States.

3 (4) The term “nuclear attack” means that one
4 or more nuclear detonations have occurred on the
5 territory of the United States or an ally of the
6 United States.

