

**AMENDMENT TO H.R. 4350**  
**OFFERED BY MR. DESJARLAIS OF TENNESSEE**

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

1 **SEC. \_\_\_\_ . LIMITATION ON AUTHORITY TO ADOPT CERTAIN**  
2 **NUCLEAR DECLARATORY POLICIES.**

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

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

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

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

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

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

9 (3) The Secretary of State for Defence of the  
10 United Kingdom, Ben Wallace, stated on July 16,  
11 2021, that “We are not in favor of that change  
12 [adoption of a no first use policy] in posture...we re-  
13 serve that right to deploy those weapons as we  
14 must.”.

15 (b) LIMITATION.—Chapter 24 of title 10, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing new section:

18 **“§ 499b. Limitation on authority to adopt certain nu-  
19 clear declaratory policies**

20 “(a) LIMITATION.—The President may not adopt a  
21 sole purpose policy or a no first use policy unless, not later  
22 than 90 days before the date of the adoption, the Sec-  
23 retary of Defense (in consultation with the Chairman of  
24 the Joint Chiefs of Staff) submits to the congressional de-  
25 fense committees the following:

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

3           “(2) A certification that—

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

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

9       “(b) DEFINITIONS.—In this section:

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

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

13               “(B) Australia;

14               “(C) Canada;

15               “(D) India;

16               “(E) Japan;

17               “(F) New Zealand;

18               “(G) the Republic of Korea;

19               “(H) the United Kingdom; or

20               “(I) any other country designated as a cov-  
21       ered ally for purposes of this section by the Sec-  
22       retary.

23           “(2) The term ‘no first use policy’ means a pol-  
24       icy declaring that the President is required to con-  
25       firm a nuclear strike against the homeland of the

1 United States, the armed forces of the United  
2 States, or allies of the United States, before con-  
3 ducting a nuclear strike in response.

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

6 “(4) The term ‘sole purpose policy’ means a  
7 policy declaring that the sole purpose of the nuclear  
8 arsenal of the United States is to deter (or respond  
9 to, as necessary) a nuclear strike against the United  
10 States or allies of the United States.”.

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

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

