

117TH CONGRESS
2D SESSION

H. R. 8902

To direct the Secretary of Defense to notify Congress before carrying out an order to use a nuclear weapon without a declaration of war by Congress.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2022

Ms. SLOTKIN introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Defense to notify Congress before carrying out an order to use a nuclear weapon without a declaration of war by Congress.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. NOTIFICATION REQUIREMENT REGARDING**
4 **USE OF NUCLEAR WEAPONS WITHOUT DEC-**
5 **LARATION OF WAR BY CONGRESS.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

1 (1) nuclear deterrence is the bedrock of United
2 States national security;

3 (2) the ability for the United States to quickly
4 and decisively respond to acts of aggression against
5 the United States and the allies and partners of the
6 United States, including nuclear attacks, deters ac-
7 tors from acting against the United States in the
8 first place;

9 (3) as currently structured, responsibility and
10 authority for the release of nuclear weapons resides
11 solely with the President;

12 (4) any Presidential order for a nuclear strike
13 must be verified by a senior official of the Depart-
14 ment of Defense or military officer to ensure that a
15 lawful order was in fact issued by the President;

16 (5) neither a senior official of the Department
17 nor a military officer in the chain of command has
18 veto power and, therefore, must comply with a law-
19 ful order or resign;

20 (6) however, entrusting an individual with the
21 authority to order the use of nuclear weapons raises
22 the possibility, however small, of their accidental or
23 inappropriate use that risks catastrophic loss of life
24 and potential escalation into nuclear war; and

1 (7) the chain of command established under
2 section 162(b) of title 10, United States Code, ap-
3 plies to Presidential orders regarding the use of nu-
4 clear weapons.

5 (b) NOTIFICATION.—

6 (1) REQUIREMENT.—Upon the receipt of an
7 order described in paragraph (2) and before carrying
8 out such order, the Secretary of Defense, or any
9 other senior official of the Department of Defense or
10 military officer that is in direct receipt of such
11 order, shall notify the congressional defense commit-
12 tees, the Speaker of the House of Representatives,
13 the majority leader of the Senate, the minority lead-
14 er of the House of Representatives, and the minority
15 leader of the Senate of such order.

16 (2) ORDER DESCRIBED.—An order described in
17 this paragraph is a verified order by the President
18 to use nuclear weapons without a declaration of war
19 by Congress.

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