H. R._____

To prohibit the use of Federal funds to launch a nuclear weapon using an autonomous weapons system that is not subject to meaningful human control, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LIEU introduced the following bill; which was referred to the Committee on ________________

A BILL

To prohibit the use of Federal funds to launch a nuclear weapon using an autonomous weapons system that is not subject to meaningful human control, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the Block Nuclear Launch by Autonomous Artificial Intelligence Act of 2023.

4 SEC. 2. FINDINGS.

5 Congress finds the following:
(1) Department of Defense Directive 3000.09 defines “autonomous weapons system” as a weapons system that, once activated, can select and engage targets without further intervention by an operator.

(2) Article 3, clause 8 of the United Nations Convention on Certain Conventional Weapons prohibits the indiscriminate use of weapons, which is defined as “any placement of such weapons...which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”.

(3) Section 5.10 of the Department of Defense Law of War Manual states “[c]ommanders, at all levels, have a great responsibility to exercise the leadership necessary to reduce the risk of harm to civilians and civilian objects”.

(4) In a report on autonomous weapons systems published on December 1, 2021, Human Rights Watch and the International Human Rights Clinic of Harvard Law School argue that “[r]obots lack the compassion, empathy, mercy, and judgment necessary to treat humans humanely, and they cannot understand the inherent worth of human life”.

(5) The 2022 Nuclear Posture Review states "[i]n all cases, the United States will maintain a human ‘in the loop’ for all actions critical to informing and executing decisions by the President to initiate and terminate nuclear weapon employment”.

(6) The National Security Commission on Artificial Intelligence, established by Congress pursuant to section 1051 of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), recommends that the United States “clearly and publicly affirm existing U.S. policy that only human beings can authorize employment of nuclear weapons and seek similar commitments from Russia and China”.

(7) On February 16, 2023, the Department of State issued a Political Declaration on Responsible Military Use of Artificial Intelligence and Autonomy, which includes the following statement: “States should maintain human control and involvement for all actions critical to informing and executing sovereign decisions concerning nuclear weapons”.

(8) Large-scale nuclear war would lead to the deaths of millions of people, firestorms, radioactive fallout contamination, agricultural failure, and catastrophic climate results.
(9) To comply with international humanitarian law, human control and human legal judgment are essential in the nuclear command and control process.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the use of lethal, autonomous nuclear weapons systems that are not subject to meaningful human control cannot properly adhere to international humanitarian law; and

(2) any decision to launch any nuclear weapon should not be made by artificial intelligence.

SEC. 4. PROHIBITION ON USE OF FEDERAL FUNDS TO DEPLOY NUCLEAR WEAPONS WITH AUTONOMOUS WEAPONS SYSTEMS NOT SUBJECT TO MEANINGFUL HUMAN CONTROL.

(a) In General.—None of the funds authorized to be appropriated or otherwise made available for any fiscal year may be obligated or expended to use an autonomous weapons system that is not subject to meaningful human control to—

(1) launch a nuclear weapon; or

(2) select or engage targets for the purposes of launching a nuclear weapon.

(b) Definitions.—In this section:
(1) The term “autonomous weapons system” has the meaning given such term in Department of Defense Directive 3000.09, titled “Autonomy in Weapons Systems” as in effect on the date of the enactment of this Act.

(2) The term “meaningful human control” means, with respect to an autonomous weapons system, human control of—

(A) the selection and engagement of targets; and

(B) the time, location, and manner of use.