

118TH CONGRESS
1ST SESSION

H. R. 2894

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

APRIL 26, 2023

Mr. LIEU (for himself, Mr. BUCK, and Mr. BEYER) 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 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 Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Block Nuclear Launch
5 by Autonomous Artificial Intelligence Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Department of Defense Directive 3000.09
2 defines “autonomous weapons system” as a weapons
3 system that, once activated, can select and engage
4 targets without further intervention by an operator.

5 (2) Article 3, clause 8 of the United Nations
6 Convention on Certain Conventional Weapons pro-
7 hibits the indiscriminate use of weapons, which is
8 defined as “any placement of such weapons . . .
9 which may be expected to cause incidental loss of ci-
10 vilian life, injury to civilians, damage to civilian ob-
11 jects, or a combination thereof, which would be ex-
12 cessive in relation to the concrete and direct military
13 advantage anticipated”.

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

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

1 (5) The 2022 Nuclear Posture Review states
2 “[i]n all cases, the United States will maintain a
3 human ‘in the loop’ for all actions critical to inform-
4 ing and executing decisions by the President to ini-
5 tiate and terminate nuclear weapon employment”.

6 (6) The National Security Commission on Arti-
7 ficial Intelligence, established by Congress pursuant
8 to section 1051 of the National Defense Authoriza-
9 tion Act for Fiscal Year 2019 (Public Law 115–
10 232), recommends that the United States “clearly
11 and publicly affirm existing U.S. policy that only
12 human beings can authorize employment of nuclear
13 weapons and seek similar commitments from Russia
14 and China”.

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

22 (8) Large-scale nuclear war would lead to the
23 deaths of millions of people, firestorms, radioactive
24 fallout contamination, agricultural failure, and cata-
25 strophic climate results.

1 (9) To comply with international humanitarian
2 law, human control and human legal judgment are
3 essential in the nuclear command and control proc-
4 ess.

5 **SEC. 3. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) the use of lethal, autonomous nuclear weap-
8 ons systems that are not subject to meaningful
9 human control cannot properly adhere to inter-
10 national humanitarian law; and

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

13 **SEC. 4. PROHIBITION ON USE OF FEDERAL FUNDS TO DE-**
14 **PLOY NUCLEAR WEAPONS WITH AUTONO-**
15 **MOUS WEAPONS SYSTEMS NOT SUBJECT TO**
16 **MEANINGFUL HUMAN CONTROL.**

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

22 (1) launch a nuclear weapon; or

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

25 (b) DEFINITIONS.—In this section:

1 (1) The term “autonomous weapons system”
2 has the meaning given such term in Department of
3 Defense Directive 3000.09, titled “Autonomy in
4 Weapons Systems” as in effect on the date of the
5 enactment of this Act.

6 (2) The term “meaningful human control”
7 means, with respect to an autonomous weapons sys-
8 tem, human control of—

9 (A) the selection and engagement of tar-
10 gets; and

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

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