

110TH CONGRESS
1ST SESSION

S. 594

To limit the use, sale, and transfer of cluster munitions.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2007

Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. SANDERS, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To limit the use, sale, and transfer of cluster munitions.

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 “Cluster Munitions Ci-
5 vilian Protection Act of 2007”.

6 **SEC. 2. LIMITATION ON THE USE, SALE, OR TRANSFER OF**
7 **CLUSTER MUNITIONS.**

8 No funds appropriated or otherwise available to any
9 Federal department or agency may be obligated or ex-
10 pended to use, sell, or transfer any cluster munitions un-
11 less—

1 (1) the submunitions of the cluster munitions
2 have a 99 percent or higher functioning rate;

3 (2) the policy applicable to the use, or the
4 agreement applicable to the sale or transfer, of such
5 cluster munitions specifies that the cluster munitions
6 will only be used against clearly defined military tar-
7 gets and will not be used where civilians are known
8 to be present or in areas normally inhabited by civil-
9 ians; and

10 (3) not later than 30 days after such cluster
11 munitions are used, the President submits to the ap-
12 propriate congressional committees a plan, including
13 estimated costs, for cleaning up any such cluster
14 munitions and submunitions which fail to explode
15 and continue to pose a hazard to civilians that is
16 prepared, as applicable—

17 (A) by the head of such Federal depart-
18 ment or agency in the event such cluster muni-
19 tions are to be used by the United States Gov-
20 ernment; or

21 (B) by the government of the country to
22 which the United States Government sold or
23 transferred such cluster munitions.

1 **SEC. 3. PRESIDENTIAL WAIVER.**

2 The President may waive the requirement under sec-
3 tion 2(1) if, prior to the use, sale, or transfer of cluster
4 munitions, the President—

5 (1) certifies that it is vital to protect the secu-
6 rity of the United States; and

7 (2) not later than 30 days after making such
8 certification, submits to the appropriate congres-
9 sional committees a report, in classified form if nec-
10 essary, describing in detail—

11 (A) the steps that will be taken to protect
12 civilians; and

13 (B) the failure rate of the cluster muni-
14 tions that will be used, sold, or transferred and
15 whether such munitions are fitted with self-de-
16 struct or self-neutralization devices.

17 **SEC. 4. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
18 **FINED.**

19 In this Act, the term “appropriate congressional com-
20 mittees” means the Committee on Foreign Relations of
21 the Senate and the Committee on Foreign Affairs of the
22 House of Representatives.

○