

110TH CONGRESS  
1ST SESSION

# H. R. 1755

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mr. MCGOVERN (for himself, Ms. MCCOLLUM of Minnesota, and Mr. ISSA) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, 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

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## 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. FINDINGS.**

7 Congress finds the following:

8 (1) Cluster munitions pose grave dangers to ci-  
9 vilian populations because of their wide area effects

1 and the large number of active duds which are trig-  
2 gered indiscriminately like landmines.

3 (2) Tens of thousands of civilians have been  
4 killed and injured by cluster munitions in more than  
5 20 countries.

6 (3) At least 34 countries have produced cluster  
7 munitions and at least 75 countries stockpile cluster  
8 munitions containing billions of submunitions.

9 (4) On February 23, 2007, 47 countries com-  
10 mitted to conclude by 2008 a new legally binding in-  
11 strument that will prohibit the use, production,  
12 transfer and stockpiling of cluster munitions that  
13 cause unacceptable harm to civilians.

14 (5) In January 2001, the Department of De-  
15 fense stated that in the future it would purchase  
16 only cluster munitions with a 99 percent or higher  
17 functioning rate.

18 (6) In view of the growing problems caused by  
19 cluster munitions for civilian populations during and  
20 after conflicts, as well as the proliferation of these  
21 indiscriminate weapons, the United States should  
22 play a leadership role in addressing this problem by  
23 ensuring that cluster munitions used, sold, or trans-  
24 ferred by the United States have a 99 percent or

1 higher functioning rate and are subject to strict con-  
2 trols to prevent unacceptable harm to civilians.

3 **SEC. 3. LIMITATION ON THE USE, SALE, OR TRANSFER OF**  
4 **CLUSTER MUNITIONS.**

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

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

11 (2) the policy applicable to the use, or the  
12 agreement applicable to the sale or transfer, of such  
13 cluster munitions specifies that the cluster munitions  
14 will only be used against clearly defined military tar-  
15 gets and will not be used where civilians are known  
16 to be present or in areas normally inhabited by civil-  
17 ians; and

18 (3) not later than 30 days after such cluster  
19 munitions are used, the President submits to the ap-  
20 propriate congressional committees a plan, including  
21 estimated costs, for cleaning up any such cluster  
22 munitions and submunitions which fail to explode  
23 and continue to pose a hazard to civilians that is  
24 prepared, as applicable—

1           (A) by the head of such Federal depart-  
2           ment or agency in the event such cluster muni-  
3           tions are to be used by the United States Gov-  
4           ernment; or

5           (B) by the government of the country to  
6           which the United States Government sold or  
7           transferred such cluster munitions.

8 **SEC. 4. PRESIDENTIAL WAIVER.**

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

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

14           (2) not later than 30 days after making such  
15          certification, submits to the appropriate congress-  
16          sional committees a report, in classified form if nec-  
17          essary, describing in detail—

18           (A) the steps that will be taken to protect  
19          civilians; and

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

1 **SEC. 5. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**  
2 **FINED.**

3 In this Act, the term “appropriate congressional com-  
4 mittees” means the Committee on Foreign Relations of  
5 the Senate and the Committee on Foreign Affairs of the  
6 House of Representatives.

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