

110TH CONGRESS  
1ST SESSION

# S. 594

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

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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

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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. 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.

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