

111TH CONGRESS
1ST SESSION

S. 416

To limit the use of cluster munitions.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2009

Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. CARDIN, Mr. CASEY, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, Ms. MIKULSKI, Mr. MENENDEZ, Mr. MERKLEY, Mr. SANDERS, Ms. STABENOW, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To limit the use 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 2009”.

6 **SEC. 2. LIMITATION ON THE USE OF CLUSTER MUNITIONS.**

7 No funds appropriated or otherwise available to any
8 Federal department or agency may be obligated or ex-
9 pended to use any cluster munitions unless—

1 (1) the submunitions of the cluster munitions,
2 after arming, do not result in more than 1 percent
3 unexploded ordnance across the range of intended
4 operational environments; and

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

11 **SEC. 3. PRESIDENTIAL WAIVER.**

12 The President may waive the requirement under sec-
13 tion 2(1) if, prior to the use of cluster munitions, the
14 President—

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

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

21 (A) the steps that will be taken to protect
22 civilians; and

23 (B) the failure rate of the cluster muni-
24 tions that will be used and whether such muni-

1 tions are fitted with self-destruct or self-deacti-
2 vation devices.

3 **SEC. 4. CLEANUP PLAN.**

4 Not later than 90 days after any cluster munitions
5 are used by a Federal department or agency, the President
6 shall submit to the appropriate congressional committees
7 a plan, prepared by such Federal department or agency,
8 for cleaning up any such cluster munitions and submuni-
9 tions which fail to explode and continue to pose a hazard
10 to civilians.

11 **SEC. 5. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
12 **FINED.**

13 In this Act, the term “appropriate congressional com-
14 mittees” means the Committee on Foreign Relations, the
15 Committee on Armed Services, and the Committee on Ap-
16 propriations of the Senate and the Committee on Foreign
17 Affairs, the Committee on Armed Services, and the Com-
18 mittee on Appropriations of the House of Representatives.

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