

104TH CONGRESS
1ST SESSION

H. R. 1876

To support proposals to implement the United States goal of the eventual elimination of antipersonnel landmines, to impose a moratorium on the use of antipersonnel landmines except in limited circumstances, to provide for sanctions against foreign governments that export antipersonnel landmines, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 1995

Mr. EVANS (for himself, Mr. DEFazio, Mr. Faleomavaega, Mr. Frank of Massachusetts, Ms. Pelosi, Mr. Olver, Mr. Hinchey, Mr. Gutierrez, Mr. Durbin, Mr. Serrano, Mr. Shays, Mr. Foglietta, Mr. Lewis of Georgia, Mrs. Morella, Mr. Vento, Ms. Slaughter, Mr. Johnston of Florida, Mr. Minge, Mr. Deutsch, Mr. Dellums, Mr. Barrett of Wisconsin, Mr. Abercrombie, Mr. Torres, Mr. Brown of California, Mr. Wyden, and Mr. Conyers,) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on National Security, 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 support proposals to implement the United States goal of the eventual elimination of antipersonnel landmines, to impose a moratorium on the use of antipersonnel landmines except in limited circumstances, to provide for sanctions against foreign governments that export antipersonnel landmines, 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 “Landmine Use Morato-
5 rium Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) On September 26, 1994, the President de-
9 clared it to be a goal of the United States to eventu-
10 ally eliminate antipersonnel landmines.

11 (2) On December 15, 1994, the United Nations
12 General Assembly adopted a resolution sponsored by
13 the United States which calls for international ef-
14 forts toward the eventual elimination of anti-
15 personnel landmines.

16 (3) According to the Department of State, there
17 are an estimated 80,000,000 to 110,000,000
18 unexploded landmines in 62 countries, and millions
19 of additional mines were laid in 1994.

20 (4) Antipersonnel landmines are routinely used
21 against civilian populations and kill and maim an es-
22 timated 26,000 people each year, or approximately
23 70 people each day.

1 (5) The Secretary of State has noted that land-
2 mines have been called “slow-motion weapons of
3 mass destruction”.

4 (6) There are hundreds of varieties of anti-
5 personnel landmines, ranging from the simple \$2
6 type to the more complex self-destructing type, all of
7 which are incapable of distinguishing between civil-
8 ians and combatants.

9 **SEC. 3. CONVENTIONAL WEAPONS CONVENTION REVIEW.**

10 (a) IMPLEMENTATION OF UNITED STATES GOAL.—

11 The President shall, at the 1995 review conference, ac-
12 tively support proposals to modify Protocol II to the 1980
13 Conventional Weapons Convention to implement as rap-
14 idly as possible the goal of the United States of the even-
15 tual elimination of antipersonnel landmines.

16 (b) 1995 REVIEW CONFERENCE.—The 1995 review
17 conference referred to in subsection (a) is the international
18 conference sponsored by the United Nations to be held
19 from September 25, 1995, through October 13, 1995, to
20 review the 1980 Conventional Weapons Convention
21 (CWC), including Protocol II to that convention, relating
22 to landmines.

23 (c) 1980 CONVENTIONAL WEAPONS CONVENTION.—

24 For purposes of this section, the term “1980 Conventional
25 Weapons Convention” means the Convention on Prohibi-

1 tions or Restrictions on the Use of Certain Conventional
2 Weapons Which May Be Deemed To Be Excessively Inju-
3 rious or To Have Indiscriminate Effects, together with the
4 protocols relating thereto, done at Geneva on October 10,
5 1980.

6 **SEC. 4. MORATORIUM ON USE OF ANTIPERSONNEL LAND-**
7 **MINES.**

8 (a) UNITED STATES MORATORIUM.—(1) During the
9 one-year period beginning three years after the date of the
10 enactment of this Act, the United States Government shall
11 not use antipersonnel landmines.

12 (2) The moratorium under paragraph (1) does not
13 apply to the use of antipersonnel landmines along inter-
14 nationally recognized national borders within a perimeter
15 marked area that is monitored by military personnel and
16 protected by adequate means to ensure the exclusion of
17 civilians.

18 (3) If the President determines, before the end of
19 such one-year period, that the governments of other na-
20 tions are implementing moratoriums similar to the mora-
21 torium by the United States under paragraph (1), the
22 President may extend the period of that moratorium for
23 such additional period as the President considers appro-
24 priate.

1 (b) OTHER NATIONS.—The President shall actively
2 encourage the governments of other nations to join the
3 United States in solving the global landmine crisis by im-
4 plementing, as an interim step toward the eventual elimi-
5 nation of antipersonnel landmines moratoriums on the use
6 of antipersonnel landmines similar to the United States
7 moratorium under subsection (a).

8 **SEC. 5. ANTIPERSONNEL LANDMINE EXPORTS.**

9 (a) PURPOSE.—The purpose of this section is to dis-
10 courage the proliferation of antipersonnel landmines.

11 (b) PROHIBITION.—The United States Government
12 shall not sell, license for export, or transfer any defense
13 article or service to any foreign government which the
14 President determines sells, exports, or transfers anti-
15 personnel landmines.

16 (c) WAIVER AUTHORITY.—The President may waive
17 the applicability of the prohibition in subsection (b) to a
18 foreign government if the President determines that there
19 exists an emergency which makes it vital to the interest
20 of the United States for the President to waive such prohi-
21 bition. Any such waiver may not take effect until the
22 President transmits to Congress, in writing, notice of such
23 waiver and the reasons for the waiver.

1 **SEC. 6. DEFINITION.**

2 For purposes of this Act, the term “antipersonnel
3 landmine” means any munition that—

4 (1) is placed under, on, or near the ground or
5 other surface area;

6 (2) is delivered by artillery, rocket, mortar, or
7 similar means or dropped from an aircraft; and

8 (3) is designed, constructed, or adapted to be
9 detonated or exploded by the presence, proximity, or
10 contact of a person.

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