

104TH CONGRESS
1ST SESSION

S. 940

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

IN THE SENATE OF THE UNITED STATES

JUNE 16 (legislative day, JUNE 5), 1995

Mr. LEAHY (for himself, Mr. BRADLEY, Mr. GRAHAM, Mr. DASCHLE, Mr. SIMON, Mr. INOUE, Mr. JEFFORDS, Mr. REID, Mr. HATFIELD, Mr. FORD, Mr. HARKIN, Mr. SARBANES, Mr. FEINGOLD, Mr. KOHL, Mr. LAUTENBERG, Mr. DODD, Mr. KERRY, Mrs. KASSEBAUM, Ms. MOSELEY-BRAUN, Mr. BUMPERS, Mr. KENNEDY, Mrs. BOXER, Mr. PELL, Mr. CHAFEE, Mr. DORGAN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. SIMPSON, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. BRYAN, Mr. MOYNIHAN, Mr. KERREY, Mrs. FEINSTEIN, Mr. AKAKA, Mr. CONRAD, Mr. JOHNSTON, Mr. PRYOR, Mr. BREAUX, Mr. EXON, and Mr. CAMPBELL) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To support proposals to implement the United States goal of eventually eliminating antipersonnel land mines; to impose a moratorium on use of antipersonnel land mines except in limited circumstances; to provide for sanctions against foreign governments that export antipersonnel land mines, 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. FINDINGS.**

4 The Congress makes the following findings:

5 (1) On September 26, 1994, the President de-
6 clared that it is a goal of the United States to even-
7 tually eliminate antipersonnel land mines.

8 (2) On December 15, 1994, the United Nations
9 General Assembly adopted a resolution sponsored by
10 the United States which called for international ef-
11 forts toward the eventual elimination of anti-
12 personnel land mines.

13 (3) According to the Department of State, there
14 are an estimated 80,000,000 to 110,000,000
15 unexploded land mines in 62 countries, and millions
16 of additional land mines were laid in 1994.

17 (4) Antipersonnel land mines are routinely used
18 against civilian populations and kill and maim an es-
19 timated 70 people each day, or 26,000 people each
20 year.

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

24 (6) There are hundreds of varieties of anti-
25 personnel land mines, from the simple two dollar

1 type to the more complex self-destructing type, all of
2 which kill and maim civilians, as well as combatants,
3 indiscriminately.

4 **SEC. 2. CONVENTIONAL WEAPONS CONVENTION REVIEW.**

5 At the United Nations conference to review the 1980
6 Conventional Weapons Convention, including Protocol II
7 on land mines, which is to be held from September 25
8 to October 13, 1995, the President shall actively support
9 proposals to modify Protocol II which would implement
10 as rapidly as possible the United States goal of eventually
11 eliminating antipersonnel land mines.

12 **SEC. 3. MORATORIUM ON USE OF ANTIPERSONNEL LAND**
13 **MINES.**

14 (a) UNITED STATES MORATORIUM.—(1) For a pe-
15 riod of one year beginning three years after the date of
16 the enactment of this Act, the United States Government
17 shall not use antipersonnel land mines except along inter-
18 nationally recognized national borders within a perimeter
19 marked area that is monitored by military personnel and
20 protected by adequate means to ensure the exclusion of
21 civilians.

22 (2) If the President determines, before the end of the
23 period of the United States moratorium under paragraph
24 (1), that the governments of other nations are implement-
25 ing moratoriums on use of antipersonnel land mines simi-

1 lar to the United States moratorium, the President may
2 extend the period of the United States moratorium for
3 such additional period as the President considers appro-
4 priate.

5 (b) OTHER NATIONS.—The President shall actively
6 encourage the governments of other nations to join the
7 United States in solving the global land mine crisis by im-
8 plementing moratoriums on use of antipersonnel land
9 mines similar to the United States moratorium, as an in-
10 terim step toward the eventual elimination of anti-
11 personnel land mines.

12 **SEC. 4. ANTIPERSONNEL LAND MINE EXPORTS.**

13 (a) PROHIBITION.—In order to further discourage
14 the proliferation of antipersonnel land mines, the United
15 States Government shall not sell, license for export, or oth-
16 erwise transfer defense articles and services to any foreign
17 government which the President determines sells, exports,
18 or otherwise transfers antipersonnel land mines.

19 (b) WAIVER AUTHORITY.—The President may waive
20 the applicability of the prohibition in subsection (a) to a
21 foreign government if—

22 (1) the President determines that there exists
23 an emergency which makes it vital to the interest of
24 the United States for the President to waive the pro-
25 hibition; and

1 (2) the President first notifies Congress of the
2 waiver and the reasons for the waiver.

3 **SEC. 5. DEFINITIONS.**

4 For purposes of this Act:

5 (1) ANTIPERSONNEL LAND MINE.—The term
6 “antipersonnel land mine” means any munition
7 placed under, on, or near the ground or other sur-
8 face area, delivered by artillery, rocket, mortar, or
9 similar means, or dropped from an aircraft and
10 which is designed, constructed, or adapted to be det-
11 onated or exploded by the presence, proximity, or
12 contact of a person.

13 (2) 1980 CONVENTIONAL WEAPONS CONVEN-
14 TION.—The term “1980 Conventional Weapons Con-
15 vention” means the Convention on Prohibitions or
16 Restrictions on the Use of Certain Conventional
17 Weapons Which May Be Deemed To Be Excessively
18 Injurious or To Have Indiscriminate Effects, to-
19 gether with the protocols relating thereto, done at
20 Geneva on October 10, 1980.

○