

115TH CONGRESS
1ST SESSION

S. 897

To protect civilians from cluster munitions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 7, 2017

Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. BROWN, Mr. CARDIN, Mr. DURBIN, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. MURPHY, Mrs. MURRAY, Mr. SANDERS, Mr. UDALL, Mr. WHITEHOUSE, Mr. MARKEY, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To protect civilians from cluster munitions, 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 “Cluster Munitions Ci-
5 vilian Protection Act of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Convention on Cluster Munitions, done
9 at Dublin May 30, 2008, and entered into force Au-

1 gust 1, 2010, now has 100 States Parties, including
2 Canada, France, Germany, and the United King-
3 dom, and an additional 19 signatories.

4 (2) The Convention on Cluster Munitions,
5 which comprehensively bans the use, production, ac-
6 quisition, export, or transfer of cluster munitions
7 and requires the destruction of existing stockpiles,
8 clearance of contaminated land, and assistance to
9 cluster munition victims, has led to the destruction
10 of nearly 1,400,000 cluster munitions containing
11 more than 170,000,000 submunitions.

12 (3) Under a policy issued in 2008 by Secretary
13 of Defense Robert Gates, by the end of 2018, the
14 United States will no longer use cluster munitions
15 anywhere in the world, unless, after arming, the
16 cluster munitions do not result in more than 1 per-
17 cent unexploded ordnance across the range of in-
18 tended operational environments.

19 (4) The CBU-105 Sensor Fuzed Weapon meets
20 the standard established by Secretary Gates in
21 2008.

22 **SEC. 3. LIMITATION ON THE USE OF CLUSTER MUNITIONS.**

23 No funds appropriated or otherwise available to any
24 Federal department or agency may be obligated or ex-

1 pending to purchase, transfer, issue a license for the export
2 of, or use any cluster munitions unless—

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

7 (2) the policy applicable to the export or trans-
8 fer of such cluster munitions specifies that the clus-
9 ter munitions will only be used against clearly de-
10 fined military targets and will not be used where ci-
11 vilians are known to be present or in areas normally
12 inhabited by civilians.

13 **SEC. 4. SENSE OF CONGRESS.**

14 It is the sense of Congress that—

15 (1) the Secretary of Defense should ensure that
16 the July 2008 Gates policy on cluster munitions is
17 being fully implemented and that the 2018 deadline
18 referred to in section 2(3) will be met;

19 (2) the United States Government should adopt
20 a policy and develop a strategy to phase out, as soon
21 as possible, the transfer, export, and use of all clus-
22 ter munitions;

23 (3) any alternatives that the United States Gov-
24 ernment develops to replace cluster munitions should

1 be compliant with the Convention on Cluster Muni-
2 tions; and

3 (4) the United States should take all steps nec-
4 essary to enable it to accede to the Convention on
5 Cluster Munitions as soon as possible.

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