

112TH CONGRESS  
1ST SESSION

# H. R. 996

To limit the use of cluster munitions.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2011

Mr. MCGOVERN (for himself, Mr. ISSA, and Mr. BOUSTANY) introduced the following bill; which was referred to the Committee on Armed Services

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## 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 2011”.

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—

10 (1) the submunitions of the cluster munitions,  
11 after arming, do not result in more than 1 percent

1 unexploded ordnance across the range of intended  
2 operational environments; and

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

9 **SEC. 3. PRESIDENTIAL WAIVER.**

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

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

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

19 (A) the steps that will be taken to protect  
20 civilians; and

21 (B) the failure rate of the cluster muni-  
22 tions that will be used and whether such muni-  
23 tions are fitted with self-destruct or self-deacti-  
24 vation devices.

1 **SEC. 4. CLEANUP PLAN.**

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

9 **SEC. 5. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**  
10 **FINED.**

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

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