

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. J. RES.

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Expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unacceptable harm to civilians.

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## IN THE SENATE OF THE UNITED STATES

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Mrs. FEINSTEIN introduced the following joint resolution; which was read twice and referred to the Committee on \_\_\_\_\_

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# JOINT RESOLUTION

Expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unacceptable harm to civilians.

Whereas cluster munitions are bombs, rockets, or artillery shells that contain up to hundreds of small submunitions, or individual “bomblets” intended for attacking enemy troop formations and armor;

Whereas cluster munitions threaten the safety of civilians, particularly children, when used in populated areas because they are scattered over a wide area, and up to 40 percent fail to explode as designed, remaining as duds that can be detonated accidentally by whoever comes into contact with them;

Whereas, according to the nongovernmental organization Handicap International, civilians make up 98 percent of those killed or injured by cluster munitions, of which more than 25 percent are children;

Whereas in Laos alone there are millions of unexploded cluster munitions, left over from United States bombing missions in the 1960s and 1970s, and approximately 11,000 people, 30 percent of them children, have been killed or injured since those missions ended;

Whereas former Secretary of Defense William Cohen recognized the threat that cluster munitions pose to civilians and United States troops alike and issued a memorandum which became known as the Cohen Policy, stating that beginning in Fiscal Year 2005, all new United States cluster munitions would have a failure rate of not more than 1 percent;

Whereas the United States maintains an arsenal of an estimated 5,500,000 cluster bombs containing 728,500,000 submunitions, which have estimated failure rates of 5 to 15 percent;

Whereas the State and Foreign Operations division of the Consolidated Appropriations Act, 2008, signed into law on December 26, 2007, prohibits the sale or transfer of cluster munitions unless they have a 99 percent or higher tested rate, and the sale or transfer agreement specifies that the cluster munitions will be used only against clearly defined military targets, and will not be used where civilians are known to be present;

Whereas, in February 2007, 46 nations signed a declaration in Oslo, Norway, calling for an international convention to prohibit the production, transfer, and stockpiling of

cluster munitions that cause unacceptable harm to civilians;

Whereas, on May 30, 2008, 111 nations agreed to the Convention on Cluster Munitions, which will be signed in Oslo in December 2008, requiring parties to stop producing and using cluster bombs and to eliminate their stockpiles within 8 years; and

Whereas the Bush Administration declined to participate in the negotiations of the Oslo Process: Now, therefore, be it

1       *Resolved by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled,*  
3       That it is the sense of Congress that the United States  
4       should—

5               (1) embrace efforts to protect innocent civilians  
6       from cluster munitions; and

7               (2) sign the Convention on Cluster Munitions  
8       when it opens for signature in December 2008.