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Senator Dianne Feinstein

of California

FOR IMMEDIATE RELEASE:
Monday, November 5, 2007

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Statement of Senator Feinstein in Support of the Global Day of Action on Cluster Bombs

Today is the Global Day of Action on Cluster Bombs. It is a day dedicated to helping to raise awareness about the dangers that these weapons pose to civilians around the world. And I am pleased to add my voice in support of the efforts of the Cluster Munitions Coalition today.

The good news is that we have made a number of important strides this year in the effort to protect innocent civilians from these lethal relics of war.

First, this fall, the Senate approved a measure that Senator Patrick Leahy and I offered to restrict the sale and transfer of cluster bombs as part of the FY 2008 State-Foreign Operations Appropriations bill.

Specifically, the measure includes language from our legislation prohibiting funds from being spent for the sale or transfer of cluster bombs with failure rates of more than one percent, and restricting their use in civilian areas.

This was an important milestone. But victory is not assured.

So, I urge House and Senate conferees on the State Foreign Operations Appropriations bill to keep this language in the Conference Report. And I call on President Bush to sign it into law.

The language approved by the Senate is similar to legislation that Senator Leahy and I introduced earlier this year, the "Cluster Munitions Civilian Protection Act of 2007".

The bill would:

- **Prohibit any funds from being spent to use, sell, or transfer U.S. cluster bombs which have a failure rate of more than one percent;**
- **Ensure that cluster bombs used, sold, or transferred will only be used against clearly defined military targets and will not be used in civilian areas and;**
- **Require the President or the recipient country of U.S. cluster bombs to submit a report on the plan to clean up unexploded cluster bombs.**

The bill also includes a national security waiver which would allow the President to waive the prohibition on use of cluster bombs if he deems it in the national security interest of the United States to do so.

Since the beginning of FY 2005, all new cluster bombs in the U.S. arsenal must have a failure rate of less than one percent. This is called the “Cohen Policy,” which was instituted by former Secretary of Defense William Cohen in 2001.

But current military policy effectively dictates that the United States remains prepared to sell or transfer an arsenal of 5.5 million cluster bombs containing 728 million bomblets with failure rates of well more than one percent.

My belief is this: it is simply not acceptable for the United States to use, sell, or transfer these weapons when we know very well the impact they will have on innocent life – and our entire arsenal should be held to the same standard.

And at a time when our standing in the international community is at an all-time low, it is critical that we reclaim our leadership role in the fight for human rights.

So, simply put: the bill would extend the “Cohen Policy” to the existing U.S. arsenal.

Finally, a group of more than 70 countries have agreed to participate in a process to conclude an international treaty on cluster bombs in 2008.

Unfortunately, the United States has declined to participate in those discussions and it falls on Congress to demonstrate leadership on this critical humanitarian issue, and protect American values and innocent life.

So, bottom line: we have made progress, but we still have a long ways to go.

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