

Congress of the United States

Washington, DC 20515

July 17, 2013

The Honorable Barack Obama
President of the United States
The White House
Washington, D.C. 20500

Dear President Obama,

We write to request that your Administration undertake a review of the Department of Defense's (DOD) policy on cluster munitions. Rather than waiting until 2018, as is current DOD policy, we believe the U.S. military should immediately halt the use of cluster munitions that have an unexploded ordnance rate of greater than one percent.

In April 2010, in a letter to us, former National Security Advisor Jim Jones committed to reviewing the government's cluster munitions policy after the Administration completes its review on U.S. landmine policy. The Administration's landmine policy review was completed in late 2011, yet it has not begun a review of its cluster munitions policy. We therefore request that you undertake such a review expeditiously.

As you know, cluster munitions are indiscriminate weapons that cause unintended harm to civilians and civilian infrastructure, in many cases long after the cessation of hostilities. In fact, cluster munitions dropped by U.S. aircraft over Laos during the Vietnam War continue to pose a danger to civilians nearly forty years after the end of that conflict. 8,750 square kilometers in Laos remain riddled with unexploded ordnance, and estimates of annual casualty figures are as high as 300 civilians. According to the International Committee of the Red Cross, unexploded submunitions have killed or injured some 11,000 people in Laos, more than 30 percent of whom have been children.

Not only do cluster munitions threaten civilians, they have been responsible for many U.S. casualties even when used by U.S. forces. During Operation Desert Storm, U.S.-dropped cluster submunitions caused more U.S. troop casualties than any single Iraqi weapon system. More recently, during the invasion of Iraq in 2003, the U.S. 3rd Infantry Division described cluster munitions as "battlefield losers" because U.S. forces were often forced to advance through areas contaminated with unexploded submunitions.

While we continue to advocate for the current congressional restrictions on the export of cluster munitions, we firmly believe that we must do more. DOD should immediately renounce its use of cluster munitions with submunitions that have a failure rate of greater than one percent. That would be an important step in putting the United States on a path to join the international Convention on Cluster Munitions (CCM). Eighteen NATO countries have signed the CCM, including France, Germany and the United Kingdom.

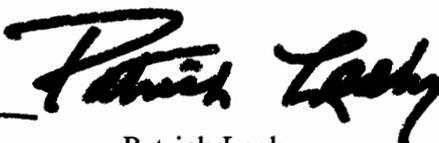
Additionally, the June 2008 DOD policy on cluster munitions requires the Services and Combatant Commands to initiate the removal from active inventory all cluster munitions stocks that exceed or do not satisfy operational planning requirements. We ask that you instruct DOD to provide our offices an unclassified report detailing the number of cluster munitions that have been removed from the active stockpile, as well as how many remain, to include a classified annex if necessary.

Finally, current DOD policy requires Combatant Commanders to approve the use of cluster munitions that exceed a one percent unexploded ordnance rate. In June 2010, according to media reports, the U.S. may have used cluster munitions in a strike against an al-Qaeda training camp in Yemen, which reportedly killed 14 women, 21 children and 14 alleged members of al-Qaeda. In addition to information on the reduction of U.S. stockpiles, we request that DOD provide detailed information on the use of cluster munitions since the implementation of current DOD policy.

Cluster munitions are indiscriminate, unreliable and pose an unacceptable danger to U.S. forces and civilians alike. The U.S. government's cluster munitions policy is outdated and should be immediately reviewed. Thank you for your attention to this matter, and we look forward to your timely response.

Sincerely,


Dianne Feinstein
U.S. Senator


Patrick Leahy
U.S. Senator


James McGovern
U.S. Representative