

October 13, 2023

The Honorable Jack Reed
Chairman
The Senate Committee on Armed Services
Washington, DC 20510

The Honorable Mike Rogers
Chairman
The House Committee on Armed Services
Washington, DC 20515

The Honorable Roger Wicker
Ranking Member
The Senate Committee on Armed Services
Washington, DC 20510

The Honorable Adam Smith
Ranking Member
The House Committee on Armed Services
Washington, DC 20515

Dear Chairmen Reed and Rogers and Ranking Members Wicker and Smith,

We, the undersigned human rights, protection of civilians, arms control, humanitarian and faith-based organizations, write to urge you to reject measures in the Senate's National Defense Authorization Act (NDAA) for Fiscal Year 2024 that support stockpiling and using indiscriminate weapons that harm civilians, especially children, for years after conflict has ended. Specifically, the provisions would delay implementation of the 2022 U.S. Anti-Personnel Landmine Policy and promote the use of internationally prohibited cluster munitions. By tabling these measures, Congress will ensure U.S. policy is more closely aligned with that of our NATO allies and the global norms codified in the Mine Ban Treaty and Convention on Cluster Munitions.

Specifically, we urge conferees to reject the following provisions of the Senate FY24 NDAA (S. 2226):

- **Section 1082**, which unnecessarily delays the destruction of anti-personnel landmine stockpiles until the Secretary of Defense provides a report to Congress, thereby preventing implementation of the 2022 U.S. Anti-Personnel Landmine Policy - a policy based on a comprehensive review with the Defense Department and others in the interagency. [Anti-personnel landmines](#) are “designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.” As they cannot distinguish between civilians and combatants, are difficult to safely remove, and often fail to self-destruct or self-deactivate, these landmines continue to disproportionately inflict suffering and death on civilians, and especially children, long after a conflict ends. The destruction of U.S. stockpiles, supported by policies established under Presidents Bill Clinton, George W. Bush, Barack Obama, and Joe Biden, must not be further delayed.
- **Section 1340**, which expresses the sense of the Senate that Ukraine would derive military benefit from the provision of dual-purpose improved conventional munitions, or cluster munitions. Cluster munitions are among the most harmful weapons to civilians: they disperse bomblets indiscriminately across a wide area and often fail to explode on initial impact, leaving duds that litter communities and endanger civilians, especially children, decades after a conflict ends. This provision undermines the global consensus against their use, including the position of many NATO allies, and sets a harmful precedent for U.S. transfer policy. It should be rejected.

Anti-personnel landmines and cluster munitions are among the most harmful weapons to civilians. In fact, the [Cluster Munition Monitor 2023](#) found that cluster munition attacks killed or wounded at least 987

people in 2022, of whom 890 were in Ukraine, and 95% of whom were civilians, including 71% that were children. Additionally, the most recent [Landmine Monitor](#) recorded at least 5,544 casualties of landmines in 2021, of whom 75% were civilians. Congress should reject, rather than endorse, the use of these horrific weapons.

In the past three months, the House of Representatives has voted on multiple amendments to prohibit the transfer of cluster munitions. In total 214 Members of Congress voted in favor of at least one of the three amendments, 114 of whom are Republicans and 100 of whom are Democrats. We urge you to heed this strong, bipartisan opposition to the transfer of these indiscriminate weapons.

Further, there is a global consensus prohibiting anti-personnel landmines and cluster munitions, exemplified by the [164 states parties](#) to the Mine Ban Treaty, including all other NATO member states, and the [124 signatories](#) or states parties to the Convention on Cluster Munitions, including 23 NATO member states. Beyond making the United States a global outlier, these NDAA provisions undermine the global consensus against these weapons' use and contradict partner nations' and NATO allies' express ban on the use, stockpiling, and transfer of such weapons. This could harm the U.S.' ability to forge and maintain the enduring coalitions that have been so crucial to U.S. national security and global leadership.

We urge you to reject these harmful provisions of the Senate FY24 NDAA in the final agreement.

We appreciate your consideration of our concerns and look forward to continuing to engage with you on these issues.

Sincerely,

Amnesty International USA
American Friends Service Committee
Arms Control Association
Center for Civilians in Conflict (CIVIC)
Demand Progress Action
Humanity & Inclusion
Human Rights Watch
Friends Committee on National Legislation
Legacies of War
Mines Advisory Group (MAG) US
Maryknoll Office for Global Concerns
Mennonite Central Committee U.S.
Nonviolent Peaceforce
Pax Christi USA
Peace Action
Quincy Institute for Responsible Statecraft
Save the Children US
Sisters of Mercy of the Americas - Justice Team
UNICEF USA
West Virginia Campaign to Ban Landmines and Cluster Munitions

CC: Members of the National Defense Authorization Act Conference Committee