

Congress of the United States
Washington, DC 20515

March 20, 2026

The Honorable Pete Hegseth
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Hegseth:

We write to request detailed information regarding your Department's [reported](#) purchase of \$210 million in XM1208 cluster munitions from Tomer, Ltd. On September 30, 2025, your Department awarded an indefinite delivery/quantity contract with a ceiling value of \$829.1 million to Tomer. This contract, which was first publicly reported in February 2026, is for the manufacture, testing, and production of the 155mm High Explosive Advanced Submunition XM1208 projectile—a cluster munition.

Cluster munitions are explosive weapons that indiscriminately disperse dozens to hundreds of submunitions over broad areas. The XM1208 cluster munition scatters nine submunitions that in turn explode to release around 1,200 tungsten steel fragments, fragments that have been found to disproportionately maim and kill children. The wide-area scope and imprecise targeting of cluster munitions make limiting their use to lawful military targets extraordinarily difficult. These weapons are among the most deadly weapons types for civilians, who [accounted](#) for 89% of recorded casualties from cluster munitions in 2024.

Cluster munitions also pose risks long after conflict. Many lack reliable self-destruct mechanisms and have failure rates ranging from 2 to 40 percent, leaving large areas contaminated with unexploded bomblets. These remnants not only endanger civilian populations—especially children, who [accounted](#) for 71% of deaths from cluster munition remnants in 2022—but also pose grave risks to U.S. Explosive Ordnance Disposal (EOD) personnel. Our world-class technicians are often deployed after conflicts to clear these hazards in partner nations.

Beyond raising serious safety concerns for civilians and U.S. personnel, this purchase departs from longstanding U.S. practice and international consensus. Cluster munitions are banned from 111 States, including most NATO allies. The United States last used cluster munitions in combat in 2003, aside from a single strike in Yemen in 2009. No American company currently produces them. At the same time, the United States has been the world's leading supporter of efforts to clear unexploded cluster munitions, and has endorsed the landmark Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences of Explosive Weapons in Populated Areas.

We request detailed information on why the Department of Defense has purchased cluster munitions and whether it plans to continue doing so. Specifically, we request written responses to the following questions:

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1. Why did the Department purchase cluster munitions? Under what circumstances would the Department use or transfer the purchased munitions?
2. Why did the Department execute a no-bid contract for the munitions in question?
3. What specific needs require the Department to purchase XM1208 munitions?
4. Does the Department intend to continue purchasing cluster munitions? If so, does the Department plan to do so indefinitely?
5. Has the Department ever purchased cluster munitions from a foreign government or company?
6. Please describe the current status of the U.S. cluster munitions stockpile.
7. What is the current status of the U.S. policy to avoid production and use of cluster munitions?
8. What does the Department assess to be the dud rate of XM1208 munitions? Please describe the testing conditions used to ascertain that dud rate.

We respectfully request this information and documentation no later than April 3, 2026. Thank you for your attention to this important matter and we look forward to your response.

Sincerely,



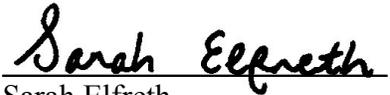
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