

.....
(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R.

To authorize the President to take actions to ensure Israel is prepared for all contingencies if Iran seeks to develop a nuclear weapon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GOTTHEIMER introduced the following bill; which was referred to the Committee on _____

A BILL

To authorize the President to take actions to ensure Israel is prepared for all contingencies if Iran seeks to develop a nuclear weapon, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bunker Buster Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) The United States Nuclear Regulatory
8 Commission defines “high-enriched uranium” as

1 uranium enriched to at least 20 percent uranium–
2 235.

3 (2) Under the 2015 Joint Comprehensive Plan
4 of Action, Iran agreed to refrain from producing en-
5 riched uranium containing more than 3.67 percent
6 uranium–235 for 15 years.

7 (3) On January 13, 2019, the head of the
8 Atomic Energy Organization of Iran, Dr. Ali Akbar
9 Salehi, told the Fars News Agency, “If we want to
10 come out of the nuclear deal and produce, within
11 four days we could start our 20 percent.”

12 (4) On June 17, 2019, the spokesman for
13 Iran’s Atomic Energy Organization, Behrouz
14 Kamalvandi, suggested that Iran’s enrichment could
15 reach up to 20 percent.

16 (5) On April 16, 2021, the head of the Atomic
17 Energy Organization of Iran, Dr. Ali Akbar Salehi,
18 told the state television that Iran had begun enrich-
19 ing uranium to 60 percent.

20 (6) On July 14, 2021, the former President of
21 Iran, President Hassan Rouhani, says during a
22 press conference that Iran has the knowledge and
23 ability to enrich weapons-grade uranium at 90 per-
24 cent.

1 (7) On September 7, 2021, the International
2 Atomic Energy Agency warned in their quarterly re-
3 port of the knowledge gained by Iran about ad-
4 vanced centrifuge performance and higher-level en-
5 richment that cannot be fully reversed. The report
6 showed that the stockpile of 60 percent enriched
7 uranium grew from 2.4 kilograms in May to 10 kilo-
8 grams. It also indicated Iran reconfigured its 60
9 percent production lines at Natanz and appears to
10 be enriching to that level more efficiently and con-
11 sistently.

12 **SEC. 3. SENSE OF CONGRESS.**

13 It is the sense of Congress that the United States
14 should—

15 (1) seek to extend the limitations on Iran’s en-
16 riched uranium, including through engagement in
17 multilateral diplomatic initiatives;

18 (2) ensure that Israel and other allies are pre-
19 pared for all contingencies if Iran pursues develop-
20 ment of a nuclear weapon;

21 (3) send a clear signal to Iran that development
22 of a nuclear weapon will never be tolerated; and

23 (4) reaffirm the United States commitment to
24 deter Iranian nuclear development with a credible
25 military threat.

1 **SEC. 4. STUDY AND REPORT.**

2 (a) STUDY.—The President, acting through the Sec-
3 retary of Defense, shall seek to conduct a study with the
4 Government of Israel on Israeli military requirements to
5 defend itself against a wide range of threats to Israel’s
6 qualitative military edge (as such term is defined in sec-
7 tion 36(h)(3) of the Arms Export Control Act (22 U.S.C.
8 2776(h)(3))) and national security, including an Iranian
9 nuclear weapon. Such study shall include an analysis of
10 gaps in Israel’s security requirements, including infra-
11 structure, munitions, intelligence sharing, satellites, and
12 the extent to which the transfer of United States ordnance
13 to Israel would advance the national interests of both
14 countries.

15 (b) REPORT.—Not later than 180 days after the date
16 of the enactment of this Act, the President shall transmit
17 to Congress a report that contains the results of the study
18 described in subsection (a).

19 (c) FORM.—The report referred to in subsection (b)
20 shall be submitted in unclassified form but may include
21 a classified annex.

22 **SEC. 5. ACTIONS TO ENSURE ISRAEL IS PREPARED FOR**
23 **ALL CONTINGENCIES IF IRAN SEEKS TO DE-**
24 **VELOP A NUCLEAR WEAPON.**

25 (a) IN GENERAL.—Subject to the preliminary condi-
26 tions described in subsection (b), the President is author-

1 ized to take the actions described in subsection (c), upon
2 the request of the Government of Israel, to ensure Israel
3 is prepared for all contingencies if Iran seeks to develop
4 a nuclear weapon.

5 (b) PRELIMINARY CONDITIONS.—The President may
6 exercise the authority of subsection (a) only if the Presi-
7 dent first determines and certifies to Congress that—

8 (1) it is consistent with the results of the study
9 and report required under section 4 to do so; and

10 (2) it is vital to the national security interests
11 of the United States to do so.

12 (c) ACTIONS DESCRIBED.—The actions described in
13 this subsection are the following:

14 (1) To provide for the construction of infra-
15 structure in Israel to accommodate large ordnance
16 systems that are designed to destroy underground
17 nuclear infrastructure, including—

18 (A) construction of extended runways for
19 aircraft that carry the Massive Ordnance Pene-
20 trator (MOP);

21 (B) basing options for such aircraft; and

22 (C) munition storage facilities.

23 (2)(A) To store in the territory of Israel the
24 MOP or related munitions described in paragraph

1 (1), to be used by the United States except as pro-
2 vided in subparagraph (B).

3 (B) To transfer the MOP or related munitions
4 described in paragraph (1) to Israeli custody if the
5 President determines and certifies to Congress
6 that—

7 (i) Iran—

8 (I) is in noncompliance with the NPT
9 Safeguards Agreement;

10 (II) has modified its implementation
11 of the NPT Safeguards Agreement (includ-
12 ing modified Code 3.1); or

13 (III) as determined by the President,
14 has reduced access of inspectors of the
15 Agency in such a manner so as to be prej-
16 udicial to the Agency's ability to provide
17 confidence as to the non-diversion of de-
18 clared nuclear material and absence of
19 undeclared nuclear activities;

20 (ii) it is vital to the national security of the
21 United States to do so;

22 (iii) Israel has no other means to achieve
23 a mutual national security objective of destroy-
24 ing Iran's underground nuclear infrastructure
25 or facilities; and

1 (iv) a dual key control system is in place
2 requiring approval by the President, acting
3 through the Secretary of Defense (which may
4 not be further delegated) for deployment of the
5 MOP or related munitions described in para-
6 graph (1) prior to Israeli deployment of such
7 munitions.

8 (3) To provide for training of Israeli personnel
9 with respect to the MOP or related munitions de-
10 scribed in paragraph (1).

11 (4) To conduct joint research and development
12 with Israel to—

13 (A) enhance United States ordnance; and

14 (B) develop Israeli capability for ordnance
15 to destroy underground infrastructure, includ-
16 ing Hezbollah rocket storage and manufac-
17 turing facilities and underground Iranian nu-
18 clear facilities.

19 (d) NPT SAFEGUARDS AGREEMENT DEFINED.—In
20 this section, the term “NPT Safeguards Agreement”
21 means the Agreement between Iran and the International
22 Atomic Energy Agency for the Application of Safeguards
23 in Connection with the Treaty on the Non-Proliferation
24 of Nuclear Weapons, which entered into force on May 15,
25 1974.

1 SEC. 6. RULE OF CONSTRUCTION.

2 Nothing in this Act may be construed to serve as an
3 authorization for the use of military force against Iran.