

118TH CONGRESS
2D SESSION

H. R. 9206

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

JULY 30, 2024

Mr. GOTTHEIMER (for himself and Mr. MAST) introduced the following bill;
which was referred to the Committee on Foreign Affairs

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 of 2024”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The United States Nuclear Regulatory
9 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 April 16, 2021, Dr. Salehi told the state
13 television that Iran had begun enriching uranium to
14 60 percent.

15 (5) On July 14, 2021, the former President of
16 Iran, President Hassan Rouhani, said during a press
17 conference that Iran has the knowledge and ability
18 to enrich weapons-grade uranium at 90 percent.

19 (6) According to an International Atomic En-
20 ergy Agency (IAEA) report, as of May 11, 2024,
21 Iran has 142.1 kilograms (313.2 pounds) of ura-
22 nium enriched up to 60 percent, an increase of 20.6
23 kilograms (45.4 pounds) since the last report by the
24 United Nations watchdog in February. Uranium en-
25 riched at 60 percent purity is just a short, technical

1 step away from weapons-grade levels of 90 percent.
2 Iran's overall stockpile of enriched uranium stands
3 at 6,201.3 kilograms (1,3671.5 pounds), which rep-
4 represents an increase of 675.8 kilograms (1,489.8
5 pounds) since the IAEA's previous report.

6 (7) The current stockpile is enough to make
7 several nuclear bombs according to the criteria the
8 IAEA uses to make such determinations.

9 (8) Reports indicate the Iran may be con-
10 structing new facilities to help expand its nuclear
11 program

12 (9) In June 2024, the IAEA elected to censure
13 Iran for its violation of international responsibilities
14 under its nuclear agreement and demanded its co-
15 operation, including the readmittance of inspectors
16 and the restoration of camera surveillance at nuclear
17 sites.

18 (10) In June the IAEA announced Iran is in-
19 stalling 1,400 new advanced centrifuges at its
20 Fordow facility.

21 (11) Since October 7, 2023, Israel has been at
22 war with Hamas in the Gaza strip, which has used
23 Iranian funding and direction to target the Jewish
24 state.

1 (12) Hamas continues to hide within civilian in-
2 frastructure, fire rockets at humanitarian crossings,
3 and steal international aid and resources that are
4 only further hurting the Palestinian civilians. Hamas
5 has built tunnels under United Nations Relief and
6 Works Agency for Palestine Refugees in the Near
7 East (UNRWA) buildings, including a large data
8 center under UNRWA's Gaza base, and stores weap-
9 ons in UNRWA schools.

10 (13) As of June 2024, Ansarullah, or otherwise
11 known as the Houthis, have launched at least 60 at-
12 tacks at ships. They have seized 1 vessel, killed 4
13 sailors, and sunk 2 ships since November 2023. The
14 Houthis have also launched drones, missiles, and
15 mortars toward Israel and at United States and its
16 allies. The Houthis operate with Iranian funds.

17 (14) Since October 7, 2023, Hezbollah has
18 launched over 5,000 rockets, missiles, and drones at
19 Israel. Iran has, provided Hezbollah with more than
20 100,000 missiles and rockets.

21 (15) Iran is expanding its missile capacity and
22 weaponization program to further assist their prox-
23 ies across the region.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that the United States
3 should—

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

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

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

12 (4) reaffirm the United States commitment to
13 deter Iranian nuclear development with a credible
14 military threat.

15 **SEC. 4. STUDY AND REPORT.**

16 (a) STUDY.—The President, acting through the Sec-
17 retary of Defense, shall seek to conduct a study with the
18 Government of Israel on Israeli military requirements to
19 defend itself against a wide range of threats to Israel’s
20 qualitative military edge (as such term is defined in sec-
21 tion 36(h)(3) of the Arms Export Control Act (22 U.S.C.
22 2776(h)(3))) and national security, including an Iranian
23 nuclear weapon. Such study shall include an analysis of
24 gaps in Israel’s security requirements, including infra-
25 structure, munitions, intelligence sharing, satellites, and
26 the extent to which the transfer of United States ordnance

1 to Israel would advance the national interests of both
2 countries.

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

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

10 **SEC. 5. ACTIONS TO ENSURE ISRAEL IS PREPARED FOR**
11 **ALL CONTINGENCIES IF IRAN SEEKS TO DE-**
12 **VELOP A NUCLEAR WEAPON.**

13 (a) IN GENERAL.—Subject to the preliminary condi-
14 tions described in subsection (b), the President is author-
15 ized to take the actions described in subsection (c), upon
16 the request of the Government of Israel, to ensure Israel
17 is prepared for all contingencies if Iran seeks to develop
18 a nuclear weapon.

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

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

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

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

3 (1) To provide for the construction of infra-
4 structure in Israel to accommodate large ordnance
5 systems that are designed to destroy underground
6 nuclear infrastructure, including—

7 (A) construction of extended runways for
8 aircraft that carry the Massive Ordnance Pene-
9 trator (MOP);

10 (B) basing options for such aircraft; and

11 (C) munition storage facilities.

12 (2)(A) To store in the territory of Israel the
13 MOP or related munitions described in paragraph
14 (1), to be used by the United States except as pro-
15 vided in subparagraph (B).

16 (B) To transfer the MOP or related munitions
17 described in paragraph (1) to Israeli custody if the
18 President determines and certifies to Congress
19 that—

20 (i) Iran—

21 (I) is in noncompliance with the NPT
22 Safeguards Agreement;

23 (II) has modified its implementation
24 of the NPT Safeguards Agreement (includ-
25 ing modified Code 3.1); or

1 (III) as determined by the President,
2 has reduced access of inspectors of the
3 IAEA in such a manner so as to be preju-
4 dicial to the IAEA's ability to provide con-
5 fidence as to the non-diversion of declared
6 nuclear material and absence of undeclared
7 nuclear activities;

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

10 (iii) Israel has no other means to achieve
11 a mutual national security objective of destroy-
12 ing Iran's underground nuclear infrastructure
13 or facilities; and

14 (iv) a dual key control system is in place
15 requiring approval by the President, acting
16 through the Secretary of Defense (which may
17 not be further delegated) for deployment of the
18 MOP or related munitions described in para-
19 graph (1) prior to Israeli deployment of such
20 munitions.

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

24 (4) To conduct joint research and development
25 with Israel to—

1 (A) enhance United States ordnance; and
2 (B) develop Israeli capability for ordnance
3 to destroy underground infrastructure, includ-
4 ing Hezbollah rocket storage and manufac-
5 turing facilities and underground Iranian nu-
6 clear facilities.

7 (d) NPT SAFEGUARDS AGREEMENT DEFINED.—In
8 this section, the term “NPT Safeguards Agreement”
9 means the Agreement between Iran and the International
10 Atomic Energy Agency for the Application of Safeguards
11 in Connection with the Treaty on the Non-Proliferation
12 of Nuclear Weapons, which entered into force on May 15,
13 1974.

14 **SEC. 6. RULE OF CONSTRUCTION.**

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

○