

116TH CONGRESS
2D SESSION

H. R. 8733

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

NOVEMBER 9, 2020

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 “United States-Israel
5 Common Defense Authorization Act”.

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 Joint Comprehensive Plan of Ac-
4 tion, Iran agreed to refrain from producing enriched
5 uranium containing more than 3.67 percent ura-
6 nium-235 for 15 years.

7 (3) On January 13, 2019, Ali Akbar Salehi,
8 head of the Atomic Energy Organization of Iran,
9 told the Fars News Agency, “If we want to come out
10 of the nuclear deal and produce, within four days we
11 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 **SEC. 3. SENSE OF CONGRESS.**

17 It is the sense of Congress that the United States
18 should—

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

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

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

3 (4) reaffirm the United States commitment to
4 deter Iranian nuclear development with a credible
5 military threat.

6 **SEC. 4. STUDY AND REPORT.**

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

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

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

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

7 (a) IN GENERAL.—Subject to the preliminary condi-
 8 tions described in subsection (b), the President is author-
 9 ized to take the actions described in subsection (c), upon
 10 the request of the Government of Israel, to ensure Israel
 11 is prepared for all contingencies if Iran seeks to develop
 12 a nuclear weapon.

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

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

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

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

22 (1) To provide for the construction of infra-
 23 structure in Israel to accommodate large ordnance
 24 systems that are designed to destroy underground
 25 nuclear infrastructure, including—

1 (A) construction of extended runways for
2 aircraft that carry the Massive Ordnance Pene-
3 trator (MOP);

4 (B) basing options for such aircraft; and

5 (C) munition storage facilities.

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

10 (B) To transfer the MOP or related munitions
11 described in paragraph (1) to Israeli custody if the
12 President determines and certifies to Congress
13 that—

14 (i) Iran—

15 (I) is in noncompliance with the NPT
16 Safeguards Agreement;

17 (II) has modified its implementation
18 of the NPT Safeguards Agreement (includ-
19 ing modified Code 3.1); or

20 (III) as determined by the President,
21 has reduced access of inspectors of the
22 Agency in such a manner so as to be prej-
23 udicial to the Agency's ability to provide
24 confidence as to the non-diversion of de-

1 clared nuclear material and absence of
2 undeclared nuclear activities;

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

5 (iii) Israel has no other means to achieve
6 a mutual national security objective of destroy-
7 ing Iran's underground nuclear infrastructure
8 or facilities; and

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

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

19 (4) To conduct joint research and development
20 with Israel to—

21 (A) enhance United States ordnance; and

22 (B) develop Israeli capability for ordnance
23 to destroy underground infrastructure, includ-
24 ing Hezbollah rocket storage and manufac-

1 turing facilities and underground Iranian nu-
2 clear facilities.

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

10 **SEC. 6. RULE OF CONSTRUCTION.**

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

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