

114TH CONGRESS
2D SESSION

H. R. 4825

To enhance defense and security cooperation with India, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2016

Mr. HOLDING introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To enhance defense and security cooperation with India, 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 “U.S.-India Defense
5 Technology and Partnership Act”.

6 **SEC. 2. ENHANCING DEFENSE AND SECURITY COOPERA-**
7 **TION WITH INDIA.**

8 (a) FINDINGS.—Congress finds the following:

1 (1) The United States and India face mutual
2 security threats and a robust defense partnership is
3 in the interest of both countries.

4 (2) The relationship between the United States
5 and India has developed over the past decade to be-
6 come a multifaceted, major strategic partnership
7 rooted in shared democratic values and the pro-
8 motion of mutual prosperity, greater economic co-
9 operation, regional peace, security, and stability.

10 (3) In 2012, the Department of Defense began
11 an initiative to increase senior-level oversight and
12 engagement on defense cooperation between the
13 United States and India, which is referred to as the
14 U.S.-India Defense Technology and Trade Initiative
15 (DTTI).

16 (4) On June 3, 2015, the Government of the
17 United States and the Government of India entered
18 into an executive agreement entitled “Framework
19 for the U.S.-India Defense Relationship”, which re-
20 newed and updated the previous defense framework
21 agreement between the United States and India, ex-
22 ecuted on June 28, 2005.

23 (5) Consistent with the Framework for the
24 U.S.-India Defense Relationship and the goals of the
25 DTTI, it is in the interest of United States national

1 security to improve defense cooperation and the
2 alignment of systems with India, achieve greater
3 interaction between the armed forces of both coun-
4 tries, increase the flow of technology and investment,
5 develop capabilities and partnerships in co-develop-
6 ment and co-production, and strengthen two-way de-
7 fense trade.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that—

10 (1) the United States-India defense partnership
11 is vital to regional and international stability and se-
12 curity;

13 (2) the interest of United States national secu-
14 rity can be improved by further advancing the goals
15 of the Framework for the U.S.-India Defense Rela-
16 tionship and the effective operation of the DTTI;

17 (3) the President should take action to—

18 (A) formalize India’s status as a major
19 partner of the United States;

20 (B) designate an official with experience in
21 defense acquisition and technology to reinforce
22 and ensure, through interagency policy coordi-
23 nation, the success of the Framework for the
24 U.S.-India Defense Relationship;

1 (C) approve and facilitate the transfer of
2 advanced technology in the context of, and in
3 order to satisfy, combined military planning
4 with the Indian military for missions such as
5 humanitarian assistance and disaster relief,
6 counter piracy, and maritime domain aware-
7 ness;

8 (D) strengthen the effectiveness of the
9 DTTI and the durability of the Department of
10 Defense’s “India Rapid Reaction Cell”;

11 (E) resolve issues impeding United States-
12 India defense trade, security cooperation, and
13 co-production and co-development opportunities;

14 (F) collaborate with the Government of
15 India to develop mutually agreeable mechanisms
16 to verify the security of defense technology in-
17 formation and equipment, such as tailored
18 cyber security and end use monitoring arrange-
19 ments;

20 (G) promote policies that will encourage
21 the efficient review and authorization of defense
22 sales and exports to India, including the treat-
23 ment of military sales and export authorizations
24 to India in a manner similar to that of the
25 United States closest defense partners;

1 (H) pursue greater government-to-govern-
2 ment and commercial military transactions be-
3 tween the United States and India; and

4 (I) support the development and alignment
5 of India's export control and procurement re-
6 gimes with those of the United States and mul-
7 tilateral control regimes; and

8 (4) the President's commitment to enhancing
9 defense and security cooperation with India should
10 be considered a priority with respect to advancing
11 United States interests in the South Asia and great-
12 er Indo-Pacific regions.

13 (c) MILITARY CONTINGENCY PLANS.—The President
14 is encouraged to coordinate with India on an annual basis
15 to develop military contingency plans for addressing
16 threats to mutual security interests of both countries.

17 (d) ASSESSMENT REQUIRED.—

18 (1) IN GENERAL.—The President shall, on an
19 annual basis, carry out an assessment of the extent
20 to which India possesses strategic operational capa-
21 bilities to execute military operations of mutual in-
22 terest between the United States and India.

23 (2) USE OF ASSESSMENT.—The President shall
24 ensure that the assessment described in paragraph
25 (1) is used to inform the review by the United

1 States of applications to sell or export defense arti-
2 cles, defense services, or technical data under the
3 Arms Export Control Act (22 U.S.C. 2751 et seq.).

4 (3) FORM.—The assessment described in para-
5 graph (1) shall, to the maximum extent practicable,
6 be in classified form.

7 (4) DEFINITION.—In this subsection, the term
8 “strategic operational capabilities” means the ability
9 to execute military operations of mutual security in-
10 terest while sustaining minimal damages and casual-
11 ties, through the use of military means, possessed in
12 sufficient quantity, including weapons, command,
13 control, communication, intelligence, surveillance,
14 and reconnaissance capabilities.

15 (e) FOREIGN MILITARY SALES AND EXPORT STATUS
16 UNDER ARMS EXPORT CONTROL ACT.—The Arms Ex-
17 port Control Act (22 U.S.C. 2751 et seq.) is amended—

18 (1) in sections 3(d)(2)(B), 3(d)(3)(A)(i),
19 3(d)(5), 36(b)(1), 36(b)(2), 36(b)(6), 36(c)(2)(A),
20 36(c)(5), 36(d)(2)(A), 62(c)(1), and 63(a)(2), by in-
21 serting “India,” before “or New Zealand” each place
22 it appears;

23 (2) in section 3(b)(2), by inserting “the Govern-
24 ment of India,” before “or the Government of New
25 Zealand”; and

1 (3) in sections 21(h)(1)(A) and 21(h)(2), by in-
2 serting “India,” before “or Israel” each place it ap-
3 pears.

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