

114TH CONGRESS
2D SESSION

H. R. 5387

To authorize actions to advance the United States-India relationship, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2016

Mr. ENGEL (for himself and Mr. CROWLEY) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize actions to advance the United States-India
relationship, 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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Special Global Partnership with India Act of 2016”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings.
- Sec. 3. Definition.

Sec. 4. Statement of policy.

TITLE I—ACTIONS TO ADVANCE THE SPECIAL GLOBAL
PARTNERSHIP WITH INDIA

Sec. 101. Actions to advance the Special Global Partnership.

Sec. 102. Enhanced defense cooperation between the United States and India.

Sec. 103. Eligibility of India for the strategic trade authorization exception to certain export control licensing requirements.

Sec. 104. Assistance to promote and support the economic, environmental, and other sectors of India.

TITLE II—SENSE OF CONGRESS AND OTHER PROVISIONS

Sec. 201. Membership of India in Asia-Pacific Economic Cooperation.

Sec. 202. Sense of Congress on high-standard bilateral investment treaty.

Sec. 203. Sense of Congress on Civilian Nuclear Cooperation Initiative.

Sec. 204. Report on totalization agreement with India.

1 SEC. 2. FINDINGS.

2 Congress makes the following findings:

3 (1) The peoples of the United States and India
4 have a long history of friendship and the interests
5 of the peoples of the United States, India, and the
6 rest of the world will benefit from a stronger United
7 States-India partnership.

8 (2) President Clinton's historic visit to India in
9 March 2000 and Indian Prime Minister Atal Bihari
10 Vajpayee's reciprocal visit to the United States in
11 September 2000 served as a key platform for the
12 growth of the United States-India partnership.

13 (3) Leaders in both countries belonging to both
14 major political parties have prioritized the United
15 States-India relationship including United States
16 Presidents George W. Bush and Barack Obama and

1 Indian Prime Ministers Manmohan Singh and
2 Narendra Modi.

3 (4) The November 2001 agreement establishing
4 a strategic partnership between India and the
5 United States was an inflection point in the United
6 States-India relationship. The January 2004 forma-
7 tion of the Next Steps in the Strategic Partnership
8 with India (NSSP) maintained forward momentum
9 in the United States-India relationship and ex-
10 panded cooperation in civilian nuclear activities,
11 space programs, and high-technology trade.

12 (5) The agreement to conclude the path-break-
13 ing Civilian Nuclear Cooperation Initiative (CNCI)
14 was a key outcome of the NSSP and served as noti-
15 fication of the end of a cold war era in the United
16 States-India relationship.

17 (6) The rise of a democratic India as an Indo-
18 Pacific power is in the national security, political,
19 and economic interest of the United States.

20 (7) United States-India security cooperation
21 has helped promote India's role as a security pro-
22 vider in the Indian Ocean region with direct benefit
23 to the United States and other countries, such as
24 Yemen, where in April 2015 the Government of

1 India assisted in evacuating United States citizens
2 from the country.

3 (8) India has become an instrumental partner
4 in delivering humanitarian and disaster relief in the
5 Asia-Pacific region, including following the 2004 In-
6 dian Ocean Tsunami, and in the aftermath of the
7 April 2015 earthquake in Nepal, where the Indian
8 Air Force used United States-origin C-130 and C-
9 17 aircraft to evacuate Indian, American, and third-
10 country nationals and send relief supplies.

11 (9) Since 2002, the United States and India
12 have held a series of increasingly complex combined
13 bilateral exercises involving all military services.
14 Such engagement has been a key aspect of United
15 States-India relations in recent years—India now
16 conducts more exercises and personnel exchanges
17 with the United States than with any other country.

18 (10) The June 2015 renewal of a ten-year de-
19 fense framework agreement meant to expand bilat-
20 eral security cooperation demonstrates the continued
21 growth of the defense cooperation between India and
22 the United States.

23 (11) As a result of the Defense Technology and
24 Trade Initiative, established in 2012, United States
25 and Indian businesses have partnered on the code-

1 velopment of defense equipment, establishing a base
2 from which to launch codevelopment and coproduc-
3 tion efforts in the future and expand India’s defense
4 industrial base.

5 (12) Two-way trade between India and the
6 United States continues to expand, supporting thou-
7 sands of United States jobs, and has in only a dec-
8 ade nearly tripled from \$36 billion in 2005 to over
9 \$107 billion in 2015.

10 (13) The Asia-Pacific Economic Cooperation
11 (APEC) regional economic forum supports sustain-
12 able economic growth and prosperity in the Asia-Pa-
13 cific region. India’s geography provides an avenue
14 for continued trade and investment partnerships
15 with APEC member states.

16 (14) India became an APEC observer in No-
17 vember 2011 at the invitation of the United States,
18 and India’s achieving full membership furthers re-
19 gional economic integration and is in the interest of
20 the United States.

21 (15) India’s “Look East, Act East” strategy to
22 expand economic engagement with East and South-
23 east Asia demonstrates its effort to pursue external
24 oriented, market-driven economic policies and aligns

1 very closely with the United States strategy to rebal-
2 ance its Asia Pacific Strategy.

3 (16) India is the world's seventh largest econ-
4 omy in nominal terms and the third largest economy
5 based on purchasing-power parity.

6 (17) A significant number of Indian nationals
7 contribute, according to some estimates, upwards of
8 \$1,000,000,000 into the Social Security system of
9 the United States.

10 (18) The United States and India have made
11 tremendous strides in science and technology col-
12 laboration, including in the Moon and Mars explo-
13 ration, high-energy physics, and in joint efforts to
14 develop a High Intensity Superconducting proton ac-
15 celerator.

16 **SEC. 3. DEFINITION.**

17 In this Act, the term “appropriate congressional com-
18 mittees” means—

19 (1) the Committee on Appropriations and the
20 Committee on Foreign Affairs of the House of Rep-
21 resentatives; and

22 (2) the Committee on Appropriations and the
23 Committee on Foreign Relations of the Senate.

1 **SEC. 4. STATEMENT OF POLICY.**

2 Congress declares that India is a Special Global Part-
3 ner of the United States.

4 **TITLE I—ACTIONS TO ADVANCE**
5 **THE SPECIAL GLOBAL PART-**
6 **nership WITH INDIA**

7 **SEC. 101. ACTIONS TO ADVANCE THE SPECIAL GLOBAL**
8 **PARTNERSHIP.**

9 (a) IN GENERAL.—The President shall seek to take
10 the actions described in subsection (b) with respect to ad-
11 vancing the United States-India relationship.

12 (b) ACTIONS DESCRIBED.—The actions referred to in
13 subsection (a) are the following:

14 (1) Institutionalize an annual strategic and
15 commercial dialogue with India to be held at the
16 ministerial level.

17 (2) Institutionalize an annual defense policy
18 dialogue to coordinate with the Ministry of Defense
19 for the Government of India on—

20 (A) combined military planning for mis-
21 sions such as humanitarian assistance and dis-
22 aster relief, maritime domain awareness, and
23 other missions deemed to be in the national se-
24 curity interests of both countries;

25 (B) defense procurement planning to in-
26 clude humanitarian assistance and disaster re-

1 lief, border maintenance and control, and mari-
2 time domain awareness; and

3 (C) promoting better alignment among In-
4 dia's export control and procurement regimes
5 with those of the United States and the multi-
6 lateral control regimes.

7 (3) Expand cooperation with the Government of
8 India in the defense, intelligence, civilian sectors, in-
9 cluding with respect to high-technology goods, space
10 exploration, climate change, agriculture, innovation,
11 entrepreneurship, human rights, women's empower-
12 ment, sport, medicine, infrastructure, high-energy
13 physics, environmental and earth sciences, and re-
14 newable energy. For high-technology goods, such co-
15 operation may include export control-related trade in
16 homeland, cyber, and counterterror security tech-
17 nologies, high technology manufacturing equipment,
18 including machine tools, defense trade, and fostering
19 collaboration in biotechnology, pharmaceuticals,
20 medical devices, and health-related information tech-
21 nology.

22 (4) Encourage further development of advanced
23 technology programs between the United States and
24 India consistent with United States policy.

1 (5) Cooperate with the Government of India to
2 develop mutually agreeable mechanisms to verify the
3 security of defense articles and defense services and
4 related technology, such as appropriate cyber secu-
5 rity and end use monitoring arrangements consistent
6 with United States export control laws and policy.

7 (6) Strengthen the effectiveness of the Defense
8 Technology and Trade Initiative and the durability
9 of the Department of Defense’s “India Rapid Reac-
10 tion Cell”.

11 (7) Approve and facilitate the transfer of ad-
12 vanced technology in the context of, and in order to
13 satisfy, combined military planning with the Indian
14 military for missions such as humanitarian assist-
15 ance and disaster relief, border management and se-
16 curity, and maritime domain awareness, consistent
17 with United States conventional arms transfer policy
18 and national security interests.

19 (8) Promote policies that will encourage the ef-
20 ficient review and authorization of defense sales and
21 exports to India.

22 (9) Encourage greater government-to-govern-
23 ment and commercial military transactions between
24 the United States and India.

1 (10) Promote additional foreign policy consulta-
2 tions between the United States and the Government
3 of India, with a special emphasis on matters relating
4 the Indian Ocean and Asia Pacific region and other
5 areas.

6 (11) Enhance scientific cooperation between
7 India and the United States.

8 (c) ADDITIONAL AUTHORITIES.—In carrying out the
9 actions described in subsection (b), the President is au-
10 thorized, subject to existing requirements of law and any
11 applicable agreements or understandings between the
12 United States and India, to share and exchange with India
13 research, technology, intelligence, information, equipment,
14 and personnel, including through sales, leases, or ex-
15 changes in kind, that the President determines will ad-
16 vance the national security interests of the United States.

17 (d) COOPERATIVE RESEARCH PILOT PROGRAMS.—
18 The Secretary of Defense, acting through the Director of
19 the Advanced Research Projects Agency is authorized to
20 enter into cooperative research pilot programs with India
21 to enhance India’s capabilities in the following:

- 22 (1) Border, maritime, and aviation security.
23 (2) Explosives detection.
24 (3) Humanitarian and disaster management.
25 (4) Counterterrorism.

1 **SEC. 102. ENHANCED DEFENSE COOPERATION BETWEEN**
2 **THE UNITED STATES AND INDIA.**

3 (a) **IN GENERAL.**—The President may, for the period
4 described in subsection (c), include India as a country list-
5 ed in the provisions of law described in subsection (b) for
6 the purposes of applying and administering such provi-
7 sions of law, if the President notifies the appropriate con-
8 gressional committees in writing at least 30 days before
9 so including India as such country for such purposes.

10 (b) **PROVISIONS OF LAW.**—The provisions of law de-
11 scribed in this subsection are—

12 (1) subsections (b)(2), (d)(2)(B), (d)(3)(A)(i),
13 and (d)(5) of section 3 of the Arms Export Control
14 Act (22 U.S.C. 2753);

15 (2) subsections (e)(2)(A), (h)(1)(A), and (h)(2)
16 of section 21 of such Act (22 U.S.C. 2761);

17 (3) subsections (b)(1), (b)(2), (b)(6), (c), and
18 (d)(2)(A) of section 36 of such Act (22 U.S.C.
19 2776);

20 (4) section 62(c)(1) of such Act (22 U.S.C.
21 2796a(c)(1)); and

22 (5) section 63(a)(2) of such Act (22 U.S.C.
23 2796b(a)(2)).

24 (c) **PERIOD OF APPLICATION.**—India may be in-
25 cluded in the list of countries described in subsection (b)
26 for a period of not more than 5 years. Such period may

1 be renewed for one or more subsequent periods of not
2 more than 5 years if the President determines, with re-
3 spect to each such renewal, that it is in the national inter-
4 est of the United States to renew such period and notifies
5 the appropriate congressional committees of such deter-
6 mination before the period to be renewed expires.

7 **SEC. 103. ELIGIBILITY OF INDIA FOR THE STRATEGIC**
8 **TRADE AUTHORIZATION EXCEPTION TO CER-**
9 **TAIN EXPORT CONTROL LICENSING RE-**
10 **QUIREMENTS.**

11 (a) IN GENERAL.—The President shall include India
12 on the list of countries eligible for the strategic trade au-
13 thorization exception under section 740.20(c)(1) of title
14 15, Code of Federal Regulations, to the requirement for
15 a license for the export, re-export, or in-country transfer
16 of an item subject to controls under the Export Adminis-
17 tration Regulations if the President submits to the appro-
18 priate congressional committees a certification described
19 in subsection (b).

20 (b) CERTIFICATION DESCRIBED.—A certification de-
21 scribed in this subsection is a certification by the Presi-
22 dent that the Government of India meets the requirements
23 necessary to become a party to the Missile Technology
24 Control Regime, the Australia Group, the Nuclear Sup-
25 pliers Group, and the Wassenaar Arrangement.

1 **SEC. 104. ASSISTANCE TO PROMOTE AND SUPPORT THE**
2 **ECONOMIC, ENVIRONMENTAL, AND OTHER**
3 **SECTORS OF INDIA.**

4 (a) **IN GENERAL.**—The President is authorized to
5 provide assistance to India to support the activities de-
6 scribed in subsection (b).

7 (b) **ACTIVITIES SUPPORTED.**—The activities de-
8 scribed in this subsection are activities to—

9 (1) promote economic growth, including
10 through regional economic integration, innovation
11 and entrepreneurship, including through support for
12 technology hubs and the Government of India’s dig-
13 ital and skill India initiatives, and technical and vo-
14 cational education;

15 (2) support greater access to clean water and
16 sanitation, including through support for the Gov-
17 ernment of India’s Swachh Bharat campaigns, and
18 improved access to public health services, including
19 support for cooperative cancer research, prevention,
20 control, and management and strengthened engage-
21 ment between the Centers for Disease Control and
22 Prevention and India’s National Centre for Disease
23 Control;

24 (3) promote infrastructure development, includ-
25 ing through the establishment of an Infrastructure
26 Collaboration Platform that would enhance partici-

1 pation of United States businesses in infrastructure
2 projects in India, including in the establishment of
3 “smart cities”;

4 (4) promote efficient urban energy infrastruc-
5 ture, the scaling of renewable energy integration into
6 India’s power grid, and support for the Government
7 of India’s efforts to upgrade its alternative energy
8 institutes and to develop new energy innovation cen-
9 ters;

10 (5) support India’s efforts to transition to a
11 low-carbon and climate-resilient energy economy, in-
12 cluding financing to facilitate expanded cooperation
13 and enhance United States private sector investment
14 in Indian clean energy and other infrastructure
15 projects;

16 (6) further international military education and
17 training opportunities for Indian military personnel
18 consistent with United States policy;

19 (7) scale innovation in technologies for the ben-
20 efit of the peoples of the United States and India
21 and to harness innovation to solve global develop-
22 ment challenges;

23 (8) further educational exchange with a focus
24 on vocational education, increase the number of
25 United States students who study in India, and pro-

1 mote the Global Initiative of Academic Networks to
2 further academic exchanges with India, including
3 technical support to the Indian Institutes of Tech-
4 nology (IITs) and other educational institutions, to
5 strengthen research and entrepreneurship capabili-
6 ties;

7 (9) expand joint development initiatives in third
8 countries in a range of sectors, including agricul-
9 tural productivity, election monitoring, clean energy,
10 health, women’s empowerment, and disaster pre-
11 paredness;

12 (10) support the Government of India’s efforts
13 to improve access to formal banking for India’s poor,
14 including through India’s Jan Dhan initiative; and

15 (11) support collaboration in hydrology and
16 water studies and monsoon modeling.

17 **TITLE II—SENSE OF CONGRESS**
18 **AND OTHER PROVISIONS**

19 **SEC. 201. MEMBERSHIP OF INDIA IN ASIA-PACIFIC ECO-**
20 **NOMIC COOPERATION.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that India’s entry into the Asia-Pacific Economic
23 Cooperation (APEC) regional economic forum would ad-
24 vance the United States goal of increasing economic inte-
25 gration across Asia, further a constructive economic dia-

1 logue with India, and serve as a catalyst for India to abide
2 by international trade norms and continue its process of
3 economic liberalization.

4 (b) SECRETARY OF STATE ACTIONS.—The Secretary
5 of State shall seek to—

6 (1) work with the Government of India in order
7 to ensure that India meets the necessary criteria for
8 entry into APEC and develop a strategy to obtain
9 membership status for India in APEC, including
10 participation in related meetings, working groups,
11 activities, and mechanisms; and

12 (2) actively engage with and urge APEC mem-
13 ber states to support such membership status for
14 India.

15 **SEC. 202. SENSE OF CONGRESS ON HIGH-STANDARD BILAT-**
16 **ERAL INVESTMENT TREATY.**

17 It is the sense of Congress that—

18 (1) strengthening the trade relationship be-
19 tween the United States and India will have a mean-
20 ingful impact upon the people of the United States
21 and India; and

22 (2) in order to further strengthen and deepen
23 the trade relationship, the United States and the
24 Government of India should commence as soon as

1 possible negotiations to finalize a high-standard bi-
2 lateral investment treaty.

3 **SEC. 203. SENSE OF CONGRESS ON CIVILIAN NUCLEAR CO-**
4 **OPERATION INITIATIVE.**

5 It is the sense of Congress that—

6 (1) the Government of India should fully imple-
7 ment the Civilian Nuclear Cooperation Initiative
8 (CNCI); and

9 (2) full implementation of the CNCI will lead to
10 new economic opportunities in both India and the
11 United States and expand India’s ability to provide
12 clean energy to its growing population.

13 **SEC. 204. REPORT ON TOTALIZATION AGREEMENT WITH**
14 **INDIA.**

15 (a) REPORT REQUIRED.—Not later than 180 days
16 after the date of the enactment of this Act, the Secretary
17 of State, in coordination with the Commissioner of the So-
18 cial Security Administration, shall submit to the appro-
19 priate congressional committees a report that—

20 (1) specifies the statutory and regulatory re-
21 quirements for entry into an agreement with India
22 for the purpose of coordinating coverage under each
23 country’s social security program (commonly re-
24 ferred to as a “totalization agreement”); and

1 (2) evaluates the extent to which the social se-
2 curity program of India meets or does not meet
3 these and other applicable requirements for such an
4 agreement.

5 (b) FORM.—The report required by subsection (a)
6 shall be submitted in unclassified form, but may contain
7 a classified annex if necessary.

○