

116TH CONGRESS
1ST SESSION

H. R. 2123

To provide for United States actions to advance the United States-India strategic relationship.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2019

Mr. WILSON of South Carolina (for himself, Mr. SHERMAN, Mr. HOLDING, Ms. GABBARD, Mr. YOHO, and Mr. BERA) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To provide for United States actions to advance the United States-India strategic relationship.

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-India
5 Enhanced Cooperation Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The turmoil in the world poses a serious
9 threat to United States national security interests
10 and requires cooperation with allies and friendly na-

1 tions that are willing to work with the United States
2 in pursuit of shared objectives.

3 (2) The June 7, 2016, paragraph 17 of the
4 India-United States Joint Statement entitled “The
5 United States and India: Enduring Global Partners
6 in the 21st Century”, notes that the United States-
7 India defense relationship can be an anchor of sta-
8 bility, and given the increasingly strengthened co-
9 operation in defense, the United States recognized
10 India as a Major Defense Partner.

11 (3) As such, the United States committed to
12 continue to work toward facilitating technology shar-
13 ing with and transfer of advanced strategic military
14 capability to India on a level commensurate with
15 that of its closest allies and partners. The leaders of
16 the two countries reached an understanding under
17 which India would receive license-free access to a
18 wide range of dual-use technologies in conjunction
19 with steps that India has committed to take to ad-
20 vance its export control objectives.

21 (4) As such, in support of India’s initiative to
22 develop a domestic defense industrial capability and
23 to support integration into the global supply chain,
24 the United States committed to continuing to facili-
25 tate the export of goods and technologies, consistent

1 with United States law, for projects, programs and
2 joint ventures in support of official United States-
3 India defense and security cooperation.

4 (5) Section 1292 of the National Defense Au-
5 thorization Act for Fiscal Year 2017 (22 U.S.C.
6 2751 note), relating to enhancing defense and secu-
7 rity cooperation with India, requests that the Sec-
8 retary of Defense and Secretary of State jointly take
9 such actions as may be necessary to recognize In-
10 dia's status as a major defense partner of the
11 United States, consistent with the June 7, 2016,
12 India-United States Joint Statement.

13 (6) On July 30, 2018, Secretary of Commerce
14 Wilbur Ross announced that India, because of its
15 status as a major defense partner, would be moved
16 to the Department of Commerce's Strategic Trade
17 Authorization Tier 1 license designation list which
18 enables greater availability for exports and reexports
19 to, and transfers within, India for articles under the
20 Export Administration Regulations. In its final rule
21 issued on August 3, 2018, the Department of Com-
22 merce's Bureau of Industry and Security stated that
23 the rule, which enabled India to be moved to the
24 Tier 1 list, "befits India's status as a Major Defense
25 Partner".

1 (7) The Asia Reassurance Initiative Act of
2 2018 (Public Law 115–409) recognizes the “vital
3 role of the strategic partnership between the United
4 States and India”, and finds that the designation of
5 India as a major defense partner “elevates defense
6 trade and technology cooperation between the
7 United States and India to a level commensurate
8 with the closest allies and partners of the United
9 States”.

10 **SEC. 3. STATEMENT OF POLICY.**

11 It is the policy of the United States to—

12 (1) approve and facilitate the transfer of ad-
13 vanced technology and strategic capability, con-
14 sistent with United States conventional arms trans-
15 fer policy, to support combined military planning
16 with India for missions such as humanitarian assist-
17 ance and disaster relief, counter piracy, freedom of
18 navigation, and maritime domain awareness mis-
19 sions, and to promote weapons systems interoper-
20 ability;

21 (2) reassure India that the United States recog-
22 nizes the importance of security of supply for major
23 defense capabilities acquired from the United States
24 and its industries, and as such will endeavor, con-

1 sistent with United States law, to not disrupt such
2 supply;

3 (3) collaborate with the Government of India in
4 developing mutually agreeable mechanisms to verify
5 the security of defense articles, defense services, and
6 related technology, such as appropriate cyber secu-
7 rity and end-use monitoring arrangements, con-
8 sistent with United States export control laws and
9 policy;

10 (4) promote policies that will encourage the effi-
11 cient review and authorization of defense sales and
12 export to India; and

13 (5) continue to enhance defense and security
14 cooperation with India in order to advance United
15 States interests in the South Asia and greater Indo-
16 Asia-Pacific regions.

17 **SEC. 4. UNITED STATES ACTIONS TO ADVANCE THE UNITED**
18 **STATES-INDIA STRATEGIC RELATIONSHIP.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that the United States should take the following ac-
21 tions to advance the United States-India strategic rela-
22 tionship:

23 (1) Seek to enhance the capabilities of the
24 United States and India to address emerging com-

1 mon threats, increase security cooperation, and ex-
2 pand joint military exercises.

3 (2) Encourage and facilitate the role as priority
4 partners in the South Asia and greater Indo-Asia-
5 Pacific regions.

6 (3) Support the mutual interest in maritime se-
7 curity and maritime domain awareness, as well as
8 enhanced military cooperation in joint exercises,
9 training, and humanitarian assistance and disaster
10 relief.

11 (4) Conduct a joint assessment, led by the Sec-
12 retary of State in partnership with the Secretary of
13 Defense, of the extent to which India possesses ca-
14 pabilities to support and carry out military oper-
15 ations of mutual interest to the United States and
16 India, including an assessment of the defense export
17 control regulations and policies that need appro-
18 priate modification, in recognition of India's capa-
19 bilities and its status as a major defense partner.

20 (b) REPORT.—Subparagraph (B) of section
21 1292(a)(2) of the National Defense Authorization Act for
22 Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2559;
23 22 U.S.C. 2751 note) is amended—

24 (1) in clause (iv), by striking “and” after the
25 semicolon at the end;

1 (2) in clause (v), by striking the period at the
2 end and inserting “; and”; and

3 (3) by adding at the end the following new
4 clause:

5 “(vi) a description in the progress
6 made in implementing existing agreements
7 between the United States and India, in-
8 cluding the Communications Compatibility
9 and Security Agreement (COMCASA)
10 signed at the U.S.-India 2+2 Ministerial
11 Dialogue in September 2018, the Defense
12 Technology and Trade Initiative (DTTI),
13 and the Memorandum of Intent between
14 the U.S. Defense Innovation Unit (DIU)
15 and the Indian Defence Innovation Organi-
16 zation—Innovation for Defence Excellence
17 (DIO-iDEX).”.

18 (c) FOREIGN MILITARY SALES AND EXPORT STATUS
19 UNDER ARMS EXPORT CONTROL ACT.—The Arms Ex-
20 port Control Act (22 U.S.C. 2751 et seq.) is amended—

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

24 (2) in sections 3(d)(2)(B), 3(d)(3)(A)(i),
25 3(d)(5), 21(e)(2)(A), 36(b)(1), 36(b)(2), 36(b)(6),

1 36(c)(2)(A), 36(c)(5), 36(d)(2)(A), 62(c)(1), and
2 63(a)(2), by inserting “India,” before “or New Zea-
3 land” each place it appears; and
4 (3) in sections 21(h)(1)(A) and 21(h)(2), by in-
5 serting “India,” before “or Israel” each place it ap-
6 pears.

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