

116TH CONGRESS  
1ST SESSION

# H. R. 2123

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

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## 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

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## 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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