

114TH CONGRESS  
2D SESSION

# S. 2901

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

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IN THE SENATE OF THE UNITED STATES

MAY 9, 2016

Mr. WARNER (for himself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## 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 “Advancing U.S.-India  
5 Defense Cooperation 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 and

18 (3) the President’s commitment to enhancing  
19 defense and security cooperation with India should  
20 be considered a priority with respect to advancing  
21 United States interests in the South Asia and great-  
22 er Indo-Pacific regions.

23 (c) REQUIRED ACTIONS.—The President should take  
24 action to—

1           (1) formalize India’s status as a major partner  
2 of the United States;

3           (2) designate an official with experience in de-  
4 fense acquisition and technology to reinforce and en-  
5 sure, through interagency policy coordination, the  
6 success of the Framework for the U.S.-India De-  
7 fense Relationship;

8           (3) approve and facilitate the transfer of ad-  
9 vanced technology in the context of, and in order to  
10 satisfy, combined military planning with the Indian  
11 military for missions such as humanitarian assist-  
12 ance and disaster relief, counter piracy, and mari-  
13 time domain awareness;

14           (4) strengthen the effectiveness of the DTTI  
15 and the durability of the Department of Defense’s  
16 “India Rapid Reaction Cell”;

17           (5) resolve issues impeding United States-India  
18 defense trade, security cooperation, and co-produc-  
19 tion and co-development opportunities;

20           (6) collaborate with the Government of India to  
21 develop mutually agreeable mechanisms to verify the  
22 security of defense technology information and  
23 equipment, such as tailored cyber security and end  
24 use monitoring arrangements;

1           (7) promote policies that will encourage the effi-  
2           cient review and authorization of defense sales and  
3           exports to India, including the treatment of military  
4           sales and export authorizations to India in a manner  
5           similar to that of the closest defense partners of the  
6           United States;

7           (8) pursue greater government-to-government  
8           and commercial military transactions between the  
9           United States and India; and

10          (9) support the development and alignment of  
11          India's export control and procurement regimes with  
12          those of the United States and multilateral control  
13          regimes.

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

18          (e) **ASSESSMENT REQUIRED.**—

19                (1) **IN GENERAL.**—The President shall, on an  
20                annual basis, carry out an assessment of the extent  
21                to which India possesses capabilities to execute mili-  
22                tary operations of mutual interest between the  
23                United States and India.

24                (2) **USE OF ASSESSMENT.**—The President shall  
25                ensure that the assessment described in paragraph

1 (1) is used to inform the review by the United  
2 States of applications to export defense articles, de-  
3 fense services, or technical data under the Arms Ex-  
4 port Control Act (22 U.S.C. 2751 et seq.).

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

8 (f) FOREIGN MILITARY SALES AND EXPORT STATUS  
9 UNDER ARMS EXPORT CONTROL ACT.—The Arms Ex-  
10 port Control Act (22 U.S.C. 2751 et seq.) is amended—

11 (1) in sections 3(d)(2)(B), 3(d)(3)(A)(i),  
12 3(d)(5), 36(b)(1), 36(b)(2), 36(b)(6), 36(c)(2)(A),  
13 36(c)(5), 36(d)(2)(A), 62(c)(1), and 63(a)(2), by in-  
14 sserting “India,” before “or New Zealand” each place  
15 it appears;

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

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

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