

118TH CONGRESS  
2D SESSION

# S. 4793

To improve defense cooperation between the United States and the Republic of India.

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IN THE SENATE OF THE UNITED STATES

JULY 25, 2024

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To improve defense cooperation between the United States and the Republic of India.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “United States-India Defense Cooperation Act of 2024”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Statement of policy.
- Sec. 3. Sense of Congress.
- Sec. 4. Defined term.
- Sec. 5. Enhanced defense cooperation.
- Sec. 6. Memorandum of understanding.
- Sec. 7. Expedited excess defense articles transfer program.

Sec. 8. International Military Education and Training cooperation with India.  
Sec. 9. Supporting stability and conflict prevention in South Asia.

1 **SEC. 2. STATEMENT OF POLICY.**

2 (a) IN GENERAL.—It is the policy of the United  
3 States—

4 (1) to support the Republic of India in its re-  
5 sponse to growing threats to its internationally rec-  
6 ognized land and maritime borders;

7 (2) to provide necessary security assistance to  
8 the Republic of India to deter actions by foreign ac-  
9 tors that violate the Republic of India’s land and  
10 maritime borders, as recognized by the United  
11 States Government; and

12 (3) to cooperate with the Republic of India with  
13 respect to defense, civil space, technology, medicine,  
14 and economic investments.

15 (b) EXCEPTION FOR SANCTIONABLE TRANSACTIONS  
16 UNDER SECTION 231 OF THE COUNTERING AMERICA’S  
17 ADVERSARIES THROUGH SANCTIONS ACT.—Section 231  
18 of the Countering America’s Adversaries Through Sanc-  
19 tions Act (Public Law 115–44; 22 U.S.C. 9525) is amend-  
20 ed by adding at the end the following:

21 “(g) EXCEPTION.—Sanctions imposed pursuant to  
22 subsection (a) shall not apply with respect to a foreign  
23 person or an agency or instrumentality of a foreign state

1 for transactions concerning capabilities currently in use by  
2 the armed forces of the Republic of India.”.

3 **SEC. 3. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) expeditious consideration of certifications of  
6 letters of offer to sell defense articles, defense serv-  
7 ices, design and construction services, and major de-  
8 fense equipment to the Republic of India under sec-  
9 tion 36(b) of the Arms Export Control Act (22  
10 U.S.C. 2776(b)) is fully consistent with United  
11 States national security and foreign policy interests;  
12 and

13 (2) it is in the interest of peace and stability for  
14 the Republic of India to have the capabilities needed  
15 to deter threats against its sovereignty.

16 **SEC. 4. DEFINED TERM.**

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

19 (1) the Committee on Armed Services of the  
20 Senate; and

21 (2) the Committee on Armed Services of the  
22 House of Representatives.

23 **SEC. 5. ENHANCED DEFENSE COOPERATION.**

24 (a) IN GENERAL.—During the 3-year period begin-  
25 ning on the date of the enactment of this Act, the Republic

1 of India shall be treated as if it were a country listed in  
2 the provisions of law described in subsection (b) for pur-  
3 poses of applying and administering such provisions of  
4 law.

5 (b) ARMS EXPORT CONTROL ACT.—The provisions  
6 of law described in this subsection are—

7 (1) paragraphs (3)(A)(i) and (5) of section 3(d)  
8 of the Arms Export Control Act (22 U.S.C.  
9 2753(d));

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

12 (3) subsections (b)(1), (b)(2), (b)(6), (c), and  
13 (d)(2)(A) of section 36 of such Act (22 U.S.C.  
14 2776); and

15 (4) sections 62(c)(1) and 63(a)(2) of such Act  
16 (22 U.S.C. 2796a(c)(1) and 2796b(a)(2)).

17 **SEC. 6. MEMORANDUM OF UNDERSTANDING.**

18 Subject to the availability of appropriations, the Sec-  
19 retary of State is authorized to enter into a memorandum  
20 of understanding with the Republic of India to increase  
21 military cooperation, including joint military exercises,  
22 personnel exchanges, support for international peace-  
23 keeping missions, and enhanced strategic dialogue.

1 **SEC. 7. EXPEDITED EXCESS DEFENSE ARTICLES TRANSFER**  
2 **PROGRAM.**

3 (a) IN GENERAL.—During each of the fiscal years  
4 2025 through 2027, the delivery of excess defense articles  
5 to the Republic of India shall be given the same priority  
6 as the priority given to other countries and regions under  
7 section 516(c)(2) of the Foreign Assistance Act of 1961  
8 (22 U.S.C. 2321j(c)(2)).

9 (b) REPORT.—Not later than October 31 of each of  
10 the fiscal years referred to in subsection (a), the Secretary  
11 of Defense, with the concurrence of the Secretary of State,  
12 shall submit a report to the appropriate congressional  
13 committees that describes—

- 14 (1) the Republic of India’s defense needs; and  
15 (2) how the United States intends to address  
16 such needs through transfers of excess defense  
17 equipment to the Republic of India during such fis-  
18 cal year.

19 **SEC. 8. INTERNATIONAL MILITARY EDUCATION AND TRAIN-**  
20 **ING COOPERATION WITH INDIA.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to the Department of State  
23 \$2,000,000 for each of the fiscal years 2025 through  
24 2027, which shall be used to provide the international mili-  
25 tary education and training assistance for the Republic of  
26 India described in subsection (b).

1 (b) ASSISTANCE DESCRIBED.—The assistance de-  
2 scribed in this subsection is—

3 (1) training future military leaders of the Re-  
4 public of India;

5 (2) fostering a better understanding of the  
6 United States among leaders of the Republic of  
7 India;

8 (3) improving the rapport between the Armed  
9 Forces of the United States and the Armed Forces  
10 of the Republic of India to build lasting partner-  
11 ships;

12 (4) enhancing interoperability and capabilities  
13 for joint operations involving the United States and  
14 the Republic of India; and

15 (5) focusing on professional military education,  
16 civilian control of the military, and protection of  
17 human rights in the Republic of India.

18 **SEC. 9. SUPPORTING STABILITY AND CONFLICT PREVEN-**  
19 **TION IN SOUTH ASIA.**

20 (a) REPORT REQUIRED.—Not later than 90 days  
21 after the date of the enactment of this Act, and annually  
22 thereafter not later than 30 days before the beginning of  
23 each fiscal year, the Secretary of State, in consultation  
24 with the heads of other relevant Federal agencies, shall  
25 submit a report to the appropriate congressional commit-

1 tees regarding offensive uses of force against the Republic  
2 of India.

3 (b) ELEMENTS.—The report required under sub-  
4 section (a) shall include—

5 (1) a list of all instances in which the Islamic  
6 Republic of Pakistan has used offensive force, in-  
7 cluding the use of proxies, against the Republic of  
8 India;

9 (2) a list of all instances in which the Islamic  
10 Republic of Pakistan has provided safe haven to ter-  
11 rorist groups; and

12 (3) a determination and description of any as-  
13 sistance the Islamic Republic of Pakistan has pro-  
14 vided to militants in the union territory of Jammu  
15 and Kashmir.

16 (c) FORM OF REPORT.—The report required under  
17 subsection (a) shall be submitted in an unclassified form,  
18 but may include a classified annex.

19 (d) EFFECT OF DETERMINATION.—If the Secretary  
20 of State determines in the report required under sub-  
21 section (a) that the Islamic Republic of Pakistan is pro-  
22 viding assistance to militants in Jammu and Kashmir or  
23 is taking other offensive uses of force against the Republic  
24 of India, no security assistance under this Act or under  
25 any other Act may be provided to the Government of the

1 Islamic Republic of Pakistan until after the submission  
2 of a subsequent report required under subsection (a).

3 (e) WAIVER.—The Secretary of State may waive the  
4 limitation under subsection (a) for a specific transfer of  
5 defense articles or equipment, or for the provision of a  
6 specific training or other assistance, if the Secretary—

7 (1) certifies to the appropriate congressional  
8 committees that a transfer or provision of assistance  
9 is needed by the Government of the Islamic Republic  
10 of Pakistan—

11 (A) to dismantle supplier networks relating  
12 to the acquisition of nuclear weapons-related  
13 materials, such as providing relevant informa-  
14 tion from or direct access to Pakistani nationals  
15 associated with such networks;

16 (B) to combat terrorist groups that have  
17 conducted attacks against the United States or  
18 coalition forces in Afghanistan, or against the  
19 territory or people of neighboring countries; or

20 (C) to prevent al Qaeda, the Taliban, the  
21 Islamic State, and associated terrorist groups  
22 and offshoots, such as Lashkar-e-Taiba and  
23 Jaish-e-Mohammed, from operating in the terri-  
24 tory of Pakistan, including carrying out cross-  
25 border attacks into neighboring countries, clos-



1           ing terrorist camps in the Federally Adminis-  
2           tered Tribal Areas, dismantling terrorist bases  
3           of operations in other parts of the country, in-  
4           cluding Quetta and Muridke, and taking action  
5           when provided with intelligence about high-level  
6           terrorist targets; and

7           (2) not less than 30 days before such waiver  
8           takes effect, submits a report to the appropriate con-  
9           gressional committees that justifies such waiver.

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