

118TH CONGRESS
1ST SESSION

H. R. 5374

To provide for export approvals for high-performance computers to India.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2023

Mr. MEEKS (for himself and Mr. BARR) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To provide for export approvals for high-performance computers to 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.**

4 This Act may be cited as the “Technology Exports
5 to India Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) In 2016, the United States designated India
9 a U.S. Major Defense Partner, providing it access to
10 a wide range of military and dual-use items regu-
11 lated by the Department of Commerce.

1 (2) For items controlled for national security
2 reasons by the Department of Commerce, India is
3 subject to a general policy of approval for licenses
4 for civil or military end uses in India or for the Gov-
5 ernment of India so long as the items are not for
6 nuclear, missile or chemical or biological activities.

7 (3) However, currently the export of high-per-
8 formance computers meeting certain specifications to
9 India requires authorization of the United States
10 Government under section 1211 of the National De-
11 fense Authorization Act for Fiscal Year 1998 (50
12 U.S.C. App. 2404 note).

13 (4) Under Department of Commerce regula-
14 tions, the restricted high-performance computers in-
15 clude such commodities as digital computers, elec-
16 tronic assemblies, and related equipment controlled
17 under Export Control Classification (ECCN) 4A003.

18 (5) Destination countries listed as “Computer
19 Tier 3” eligible countries in section 740.7(d) of title
20 15 of the Code of Federal Regulations, such as
21 India, cannot receive such commodities, software, or
22 technology without a Department of Commerce li-
23 cense, with limited exceptions for deemed exports.

1 (6) The Bureau of Industry and Security of the
2 Department of Commerce has issued only a few li-
3 censes for exports of such commodities to India.

4 (7) The President does not currently have the
5 authority to remove or delete India from the ex-
6 cluded “Computer Tier 3” eligible countries list.

7 (8) In January 2023, the United States and
8 India announced the elevation of a strategic partner-
9 ship with an initiative on critical and emerging tech-
10 nology (iCET).

11 (9) As part of this initiative, the United States
12 and India emphasized a commitment to resolving
13 issues related to regulatory barriers to jointly
14 strengthen our innovation landscape, increase de-
15 fense cooperation and develop resilient supply
16 chains.

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

18 It is the sense of Congress that—

19 (1) greater technological and defense coopera-
20 tion with India is critical to tackling shared geo-
21 political and security challenges;

22 (2) it is important to reduce regulatory barriers
23 to technological cooperation with India in ways that
24 enhance our national security and advance strategic
25 priorities;

1 (3) providing the President with the flexibility
2 to export high-performance computers to India
3 would bolster United States-India technological co-
4 operation and demonstrate Congress’s commitment
5 to India as a strategic partner; and

6 (4) removing India from the “Computer Tier
7 3” eligible countries list in section 740.7(d) of title
8 15 of the Code of Federal Regulations would help to
9 strengthen the bilateral relationship.

10 **SEC. 4. EXPORT APPROVALS FOR HIGH-PERFORMANCE**
11 **COMPUTERS TO INDIA.**

12 Section 1211(e)(3) of the National Defense Author-
13 ization Act for Fiscal Year 1998 (50 U.S.C. App. 2404
14 note) is amended—

15 (1) by striking “A country” and inserting the
16 following:

17 “(A) IN GENERAL.—A country”;

18 (2) by striking “(A) the country” and inserting
19 the following:

20 “(i) the country”;

21 (3) by striking “(B) the country” and inserting
22 the following:

23 “(ii) the country”; and

24 (4) by adding at the end the following:

1 “(B) EXCEPTION.—Notwithstanding sub-
2 paragraph (A), a country may be removed from
3 the list of covered countries under subsection
4 (b) if the Department of Defense, the Depart-
5 ment of State, and the Department of Com-
6 merce recognize the status of the country as a
7 ‘Major Defense Partner’ pursuant to section
8 1258(b) of the National Defense Authorization
9 Act for Fiscal Year 2018 (22 U.S.C. 2751
10 note).”.

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