

Calendar No. 671

118TH CONGRESS
2D SESSION**S. 1862****[Report No. 118–268]**

To amend the Homeland Security Act of 2002 to provide explicit authority for the Secretary of Homeland Security and the Director of the Cybersecurity and Infrastructure Security Agency to work with international partners on cybersecurity, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2023

Mr. PETERS (for himself and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 9, 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend the Homeland Security Act of 2002 to provide explicit authority for the Secretary of Homeland Security and the Director of the Cybersecurity and Infrastructure Security Agency to work with international partners on cybersecurity, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “DHS International
3 Cyber Partner Act of 2023”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to authorize the Secretary
6 of Homeland Security to assign personnel to foreign loca-
7 tions to support the missions of the Department of Home-
8 land Security.

9 **SEC. 3. INTERNATIONAL ASSIGNMENT.**

10 (a) IN GENERAL.—Title I of the Homeland Security
11 Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding
12 at the end the following:

13 **“SEC. 104. INTERNATIONAL ASSIGNMENT.**

14 **“(a) INTERNATIONAL ASSIGNMENT.—**

15 **“(1) IN GENERAL.—**The Secretary, with the
16 concurrence of the Secretary of State, may assign
17 personnel of the Department to a duty station that
18 is located outside the United States at which the
19 Secretary determines representation of the Depart-
20 ment is necessary to accomplish the cybersecurity
21 and infrastructure security missions of the Depart-
22 ment and to carry out duties and activities as as-
23 signed by the Secretary.

24 **“(2) CONCURRENCE ON ACTIVITIES.—**The ac-
25 tivities of personnel of the Department who are as-
26 signed under this subsection shall be—

1 “(A) performed with the concurrence of
 2 the chief of mission to the foreign country to
 3 which such personnel are assigned; and

4 “(B) consistent with the duties and powers
 5 of the Secretary of State and the chief of mis-
 6 sion for a foreign country under section 103 of
 7 the Omnibus Diplomatic Security and
 8 Antiterrorism Act of 1986 (22 U.S.C. 4802)
 9 and section 207 of the Foreign Service Act of
 10 1980 (22 U.S.C. 3927), respectively.

11 “(b) RULE OF CONSTRUCTION.—This section shall
 12 not be construed to affect, augment, or diminish the au-
 13 thority of the Secretary of State or any other officer of
 14 the Federal Government.”.

15 (b) CONFORMING AMENDMENT.—The table of con-
 16 tents in section 1(b) of the Homeland Security Act of
 17 2002 (Public Law 107–196; 116 Stat. 2135) is amended
 18 by inserting after the item relating to section 103 the fol-
 19 lowing:

“Sec. 104. International assignment.”.

20 **SEC. 4. CISA ACTIVITIES.**

21 (a) FOREIGN LOCATIONS.—Section 2202(g)(1) of the
 22 Homeland Security Act of 2002 (6 U.S.C. 652(g)(1)) is
 23 amended by inserting “, including locations outside the
 24 United States” before the period at the end.

1 (b) ~~CYBER PLANNING.~~—Section 2216 of the Home-
 2 land Security Act of 2002 (6 U.S.C. 665b) is amended—

3 (1) in subsection (a), in the first sentence, by
 4 inserting “, including international partners, as ap-
 5 propriate” after “for public and private sector enti-
 6 ties”; and

7 (2) in subsection (c)(2)—

8 (A) in subparagraph (E), by striking
 9 “and” at the end;

10 (B) in subparagraph (F), by striking the
 11 period at the end and inserting “; and”; and

12 (C) by adding at the end the following

13 “(G) for planning with international part-
 14 ners, the Department of State.”.

15 (c) ~~CYBERSENTRY.~~—Section 2220C of the Homeland
 16 Security Act of 2002 (6 U.S.C. 665i) is amended—

17 (1) by redesignating subsections (d), (e), (f),
 18 and (g) as subsections (e), (f), (g), and (h), respec-
 19 tively; and

20 (2) by inserting after subsection (e) the fol-
 21 lowing:

22 “(d) ~~INTERNATIONAL.~~—

23 “(1) ~~IN GENERAL.~~—The Director may, subject
 24 to approval by the Secretary and pursuant to section
 25 104 and subsection (b) of this section, enter into

1 agreements or arrangements with foreign govern-
2 ments and foreign owners and operators of critical
3 infrastructure that, in the determination of the Di-
4 rector, in consultation with the Secretary and the
5 Secretary of State, would further the homeland secu-
6 rity interests of the United States and enhance the
7 ability of a foreign government or foreign owner or
8 operator of critical infrastructure to work coopera-
9 tively with the United States to advance the home-
10 land security interests of the United States.

11 “(2) REIMBURSEMENT OF EXPENSES.—The Di-
12 rector is authorized to collect payment from the re-
13 ceiving entity for the cost of services, technical as-
14 sistance, or expertise provided under this subsection
15 and any accompanying shipping costs.

16 “(3) RECEIPTS CREDITED AS OFFSETTING COL-
17 LECTIONS.—Notwithstanding section 3302 of title
18 31, United States Code, any amount collected under
19 this subsection—

20 “(A) shall be credited as offsetting collec-
21 tions to the account that finances the services,
22 technical assistance, or expertise for which the
23 payment is received; and

1 ~~“(B) shall remain available until expended~~
 2 ~~for the purpose of providing for the security in-~~
 3 ~~terests of the homeland.”.~~

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “DHS International*
 6 *Cyber Partner Act of 2023”.*

7 **SEC. 2. PURPOSE.**

8 *The purposes of this Act are to—*

9 *(1) authorize the Secretary of Homeland Secu-*
 10 *urity to assign personnel to foreign locations to sup-*
 11 *port the missions of the Department of Homeland Se-*
 12 *curity; and*

13 *(2) provide assistance and expertise to foreign*
 14 *governments, international organizations, and inter-*
 15 *national entities on cybersecurity and infrastructure*
 16 *security.*

17 **SEC. 3. INTERNATIONAL ASSIGNMENT AND ASSISTANCE.**

18 *(a) IN GENERAL.—Title I of the Homeland Security*
 19 *Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding*
 20 *at the end the following:*

21 **“SEC. 104. INTERNATIONAL ASSIGNMENT AND ASSISTANCE.**

22 ~~“(a) INTERNATIONAL ASSIGNMENT.—~~

23 ~~“(1) IN GENERAL.—The Secretary, with the con-~~
 24 ~~currence of the Secretary of State, may assign per-~~
 25 ~~sonnel of the Department to a duty station that is lo-~~

1 *cated outside the United States at which the Secretary*
 2 *determines representation of the Department is nec-*
 3 *essary to accomplish the cybersecurity and infrastruc-*
 4 *ture security missions of the Department and to carry*
 5 *out duties and activities as assigned by the Secretary.*

6 “(2) *CONCURRENCE ON ACTIVITIES.*—*The activi-*
 7 *ties of personnel of the Department who are assigned*
 8 *under this subsection shall be—*

9 “(A) *performed with the concurrence of the*
 10 *chief of mission to the foreign country to which*
 11 *such personnel are assigned; and*

12 “(B) *consistent with the duties and powers*
 13 *of the Secretary of State and the chief of mission*
 14 *for a foreign country under section 103 of the*
 15 *Omnibus Diplomatic Security and Antiterrorism*
 16 *Act of 1986 (22 U.S.C. 4802) and section 207 of*
 17 *the Foreign Service Act of 1980 (22 U.S.C.*
 18 *3927), respectively.*

19 “(b) *INTERNATIONAL SUPPORT.*—

20 “(1) *IN GENERAL.*—*If the Secretary makes a de-*
 21 *termination described in paragraph (2), the Sec-*
 22 *retary, with the concurrence of the Secretary of State,*
 23 *may provide equipment, services, technical assistance,*
 24 *or expertise on cybersecurity, infrastructure security,*
 25 *and resilience to a foreign government, an inter-*

1 *national organization, or an international entity,*
2 *with or without reimbursement, including, as appro-*
3 *priate—*

4 *“(A) cybersecurity and infrastructure secu-*
5 *rity advice, training, capacity development, edu-*
6 *cation, best practices, incident response, threat*
7 *hunting, and other similar capabilities;*

8 *“(B) sharing and exchanging cybersecurity*
9 *and infrastructure security information, includ-*
10 *ing research and development, threat indicators,*
11 *risk assessments, strategies, and security rec-*
12 *ommendations;*

13 *“(C) cybersecurity and infrastructure secu-*
14 *rity test and evaluation support and services;*

15 *“(D) cybersecurity and infrastructure secu-*
16 *rity research and development support and serv-*
17 *ices; and*

18 *“(E) any other assistance that the Secretary*
19 *prescribes.*

20 *“(2) DETERMINATION.—A determination de-*
21 *scribed in this paragraph is a determination by the*
22 *Secretary that providing equipment, services, tech-*
23 *nical assistance, or expertise under paragraph (1)*
24 *would—*

1 “(A) *further the homeland security interests*
 2 *of the United States; and*

3 “(B) *enhance the ability of a foreign gov-*
 4 *ernment, an international organization, or an*
 5 *international entity to work cooperatively with*
 6 *the United States to advance the homeland secu-*
 7 *rity interests of the United States.*

8 “(3) *LIMITATIONS.—Any equipment provided*
 9 *under paragraph (1)—*

10 “(A) *may not include offensive security ca-*
 11 *pabilities; and*

12 “(B) *shall be limited to enabling defensive*
 13 *cybersecurity and infrastructure security activi-*
 14 *ties by the receiving entity, such as cybersecurity*
 15 *tools or explosive detection and mitigation equip-*
 16 *ment.*

17 “(4) *REIMBURSEMENT OF EXPENSES.—If the*
 18 *Secretary determines that collection of payment is ap-*
 19 *propriate, the Secretary is authorized to collect pay-*
 20 *ment from the receiving entity for the cost of equip-*
 21 *ment, services, technical assistance, and expertise pro-*
 22 *vided under paragraph (1) and any accompanying*
 23 *shipping costs.*

24 “(5) *RECEIPTS CREDITED AS OFFSETTING COL-*
 25 *LECTIONS.—Notwithstanding section 3302 of title 31,*

1 *United States Code, any amount collected under*
2 *paragraph (4)—*

3 “(A) shall be credited as offsetting collec-
4 *tions to the account that finances the equipment,*
5 *services, technical assistance, or expertise for*
6 *which the payment is received; and*

7 “(B) shall remain available until expended
8 *for the purpose of providing for the security in-*
9 *terests of the homeland.*

10 “(c) *RULE OF CONSTRUCTION.—This section shall not*
11 *be construed to affect, augment, or diminish the authority*
12 *of the Secretary of State.*

13 “(d) *CONGRESSIONAL REPORTING AND NOTIFICA-*
14 *TION.—*

15 “(1) *REPORT ON ASSISTANCE.—Not later than 1*
16 *year after the date of enactment of the DHS Inter-*
17 *national Cyber Partner Act of 2023, and every year*
18 *thereafter, the Secretary shall provide to the Com-*
19 *mittee on Homeland Security and Governmental Af-*
20 *airs of the Senate and the Committee on Homeland*
21 *Security of the House of Representatives a report that*
22 *includes, for each instance in which assistance is pro-*
23 *vided under subsection (b)—*

1 “(A) the foreign government, international
2 organization, or international entity provided
3 the assistance;

4 “(B) the reason for providing the assistance;

5 “(C) the equipment, services, technical as-
6 sistance, or expertise provided; and

7 “(D) whether the equipment, services, tech-
8 nical assistance, or expertise was provided on a
9 reimbursable or nonreimbursable basis, and the
10 rational for why the assistance was provided
11 with or without reimbursement.

12 “(2) COPIES OF AGREEMENTS.—Not later than
13 30 days after the effective date, under the authority
14 under subsection (b), of a contract, memorandum, or
15 agreement with a foreign government, international
16 organization, or international entity to provide as-
17 sistance, the Secretary shall provide to the Committee
18 on Homeland Security and Governmental Affairs of
19 the Senate and the Committee on Homeland Security
20 of the House of Representatives a copy of the contract,
21 memorandum, or agreement.

22 “(3) NOTICE ON ASSIGNMENTS.—Not later than
23 30 days after assigning personnel to a duty station
24 located outside the United States in accordance with
25 subsection (a)(1), the Secretary shall notify the Com-

1 *mittee on Homeland Security and Governmental Af-*
 2 *fairs of the Senate and the Committee on Homeland*
 3 *Security of the House of Representatives regarding*
 4 *the assignment.”.*

5 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 6 *in section 1(b) of the Homeland Security Act of 2002 (Pub-*
 7 *lic Law 107–196; 116 Stat. 2135) is amended by inserting*
 8 *after the item relating to section 103 the following:*

“Sec. 104. International assignment and assistance.”.

9 **SEC. 4. CISA ACTIVITIES.**

10 (a) *DIRECTOR.*—*Section 2202(c) of the Homeland Se-*
 11 *curity Act of 2002 (6 U.S.C. 652(c)) is amended—*

12 (1) *in paragraph (13), by striking “and” at the*
 13 *end;*

14 (2) *by redesignating paragraph (14) as para-*
 15 *graph (15); and*

16 (3) *by inserting after paragraph (13) the fol-*
 17 *lowing:*

18 *“(14) provide support for the cybersecurity and*
 19 *physical security of critical infrastructure of inter-*
 20 *national partners and allies in furtherance of the*
 21 *homeland security interests of the United States,*
 22 *which may include, consistent with section 104, as-*
 23 *signing personnel to a duty station that is located*
 24 *outside the United States and providing equipment,*
 25 *services, technical assistance, or expertise; and”.*

1 (b) *FOREIGN LOCATIONS*.—Section 2202(g)(1) of the
 2 *Homeland Security Act of 2002* (6 U.S.C. 652(g)(1)) is
 3 amended by inserting “, including locations outside the
 4 *United States*” before the period at the end.

5 (c) *CYBER PLANNING*.—Section 2216 of the *Homeland*
 6 *Security Act of 2002* (6 U.S.C. 665b) is amended—

7 (1) in subsection (a), in the first sentence, by in-
 8 serting “, including international partners, as appro-
 9 priate” after “for public and private sector entities”;
 10 and

11 (2) in subsection (c)(2)—

12 (A) in subparagraph (E), by striking “and”
 13 at the end;

14 (B) in subparagraph (F), by striking the
 15 period at the end and inserting “; and”; and

16 (C) by adding at the end the following

17 “(G) for planning with international part-
 18 ners, the Department of State.”.

19 **SEC. 5. LIMITATIONS.**

20 Under the authority provided under this Act, or an
 21 amendment made by this Act, the Secretary of Homeland
 22 Security may not—

23 (1) engage in any activity that would censor a
 24 citizen of the United States;

- 1 (2) *conduct surveillance of a citizen of the*
2 *United States; or*
- 3 (3) *interfere with an election in the United*
4 *States.*

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A BILL

To amend the Homeland Security Act of 2002 to provide explicit authority for the Secretary of Homeland Security and the Director of the Cybersecurity and Infrastructure Security Agency to work with international partners on cybersecurity, and for other purposes.

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Reported with an amendment