

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.**

**S. 1862**

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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. PETERS

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. PURPOSE.**

7 The purposes of this Act are to—

8 (1) authorize the Secretary of Homeland Secu-  
9 rity to assign personnel to foreign locations to sup-

1 port the missions of the Department of Homeland  
2 Security; and

3 (2) provide assistance and expertise to foreign  
4 governments, international organizations, and inter-  
5 national entities on cybersecurity and infrastructure  
6 security.

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

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

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

12 “(a) INTERNATIONAL ASSIGNMENT.—

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

22 “(2) CONCURRENCE ON ACTIVITIES.—The ac-  
23 tivities of personnel of the Department who are as-  
24 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) INTERNATIONAL SUPPORT.—

12           “(1) IN GENERAL.—If the Secretary makes a  
13           determination described in paragraph (2), the Sec-  
14           retary, with the concurrence of the Secretary of  
15           State, may provide equipment, services, technical as-  
16           sistance, or expertise on cybersecurity, infrastructure  
17           security, and resilience to a foreign government, an  
18           international organization, or an international entity,  
19           with or without reimbursement, including, as appro-  
20           priate—

21           “(A) cybersecurity and infrastructure secu-  
22           rity advice, training, capacity development, edu-  
23           cation, best practices, incident response, threat  
24           hunting, and other similar capabilities;

1           “(B) sharing and exchanging cybersecurity  
2           and infrastructure security information, includ-  
3           ing research and development, threat indicators,  
4           risk assessments, strategies, and security rec-  
5           ommendations;

6           “(C) cybersecurity and infrastructure secu-  
7           rity test and evaluation support and services;

8           “(D) cybersecurity and infrastructure secu-  
9           rity research and development support and  
10          services; and

11          “(E) any other assistance that the Sec-  
12          retary prescribes.

13          “(2) DETERMINATION.—A determination de-  
14          scribed in this paragraph is a determination by the  
15          Secretary that providing equipment, services, tech-  
16          nical assistance, or expertise under paragraph (1)  
17          would—

18                 “(A) further the homeland security inter-  
19                 ests of the United States; and

20                 “(B) enhance the ability of a foreign gov-  
21                 ernment, an international organization, or an  
22                 international entity to work cooperatively with  
23                 the United States to advance the homeland se-  
24                 curity interests of the United States.

1           “(3) LIMITATIONS.—Any equipment provided  
2 under paragraph (1)—

3           “(A) may not include offensive security ca-  
4 pabilities; and

5           “(B) shall be limited to enabling defensive  
6 cybersecurity and infrastructure security activi-  
7 ties by the receiving entity, such as cybersecu-  
8 rity tools or explosive detection and mitigation  
9 equipment.

10          “(4) REIMBURSEMENT OF EXPENSES.—If the  
11 Secretary determines that collection of payment is  
12 appropriate, the Secretary is authorized to collect  
13 payment from the receiving entity for the cost of  
14 equipment, services, technical assistance, and exper-  
15 tise provided under paragraph (1) and any accom-  
16 panying shipping costs.

17          “(5) RECEIPTS CREDITED AS OFFSETTING COL-  
18 LECTIONS.—Notwithstanding section 3302 of title  
19 31, United States Code, any amount collected under  
20 paragraph (4)—

21           “(A) shall be credited as offsetting collec-  
22 tions to the account that finances the equip-  
23 ment, services, technical assistance, or expertise  
24 for which the 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           “(c) RULE OF CONSTRUCTION.—This section shall  
5 not be construed to affect, augment, or diminish the au-  
6 thority of the Secretary of State.

7           “(d) CONGRESSIONAL REPORTING AND NOTIFICA-  
8 TION.—

9           “(1) REPORT ON ASSISTANCE.—Not later than  
10          1 year after the date of enactment of the DHS  
11          International Cyber Partner Act of 2023, and every  
12          year thereafter, the Secretary shall provide to the  
13          Committee on Homeland Security and Governmental  
14          Affairs of the Senate and the Committee on Home-  
15          land Security of the House of Representatives a re-  
16          port that includes, for each instance in which assist-  
17          ance is provided under subsection (b)—

18                 “(A) the foreign government, international  
19                 organization, or international entity provided  
20                 the assistance;

21                 “(B) the reason for providing the assist-  
22                 ance;

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

1           “(D) whether the equipment, services,  
2           technical assistance, or expertise was provided  
3           on a reimbursable or nonreimbursable basis,  
4           and the rationale for why the assistance was pro-  
5           vided with or without reimbursement.

6           “(2) COPIES OF AGREEMENTS.—Not later than  
7           30 days after the effective date, under the authority  
8           under subsection (b), of a contract, memorandum, or  
9           agreement with a foreign government, international  
10          organization, or international entity to provide as-  
11          sistance, the Secretary shall provide to the Com-  
12          mittee on Homeland Security and Governmental Af-  
13          fairs of the Senate and the Committee on Homeland  
14          Security of the House of Representatives a copy of  
15          the contract, memorandum, or agreement.

16          “(3) NOTICE ON ASSIGNMENTS.—Not later  
17          than 30 days after assigning personnel to a duty  
18          station located outside the United States in accord-  
19          ance with subsection (a)(1), the Secretary shall no-  
20          tify the Committee on Homeland Security and Gov-  
21          ernmental Affairs of the Senate and the Committee  
22          on Homeland Security of the House of Representa-  
23          tives regarding the assignment.”.

24          (b) CONFORMING AMENDMENT.—The table of con-  
25          tents in section 1(b) of the Homeland Security Act of

1 2002 (Public Law 107–196; 116 Stat. 2135) is amended  
2 by inserting after the item relating to section 103 the fol-  
3 lowing:

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

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

5 (a) DIRECTOR.—Section 2202(c) of the Homeland  
6 Security Act of 2002 (6 U.S.C. 652(c)) is amended—

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

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

11 (3) by inserting after paragraph (13) the fol-  
12 lowing:

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

21 (b) 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 (c) 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 **SEC. 5. LIMITATIONS.**

16 Under the authority provided under this Act, or an  
17 amendment made by this Act, the Secretary of Homeland  
18 Security may not—

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

21 (2) conduct surveillance of a citizen of the  
22 United States; or

23 (3) interfere with an election in the United  
24 States.