

118TH CONGRESS
2D SESSION

H. R. 9762

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 HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2024

Mr. MENENDEZ introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “DHS International
5 Cyber Partner Act of 2024”.

1 **SEC. 2. INTERNATIONAL ASSIGNMENT AND ASSISTANCE.**

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

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

6 “(a) INTERNATIONAL ASSIGNMENT.—

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

16 “(2) CONCURRENCE ON ACTIVITIES.—The ac-
17 tivities of personnel of the Department who are as-
18 signed under this subsection shall be—

19 “(A) performed with the concurrence of
20 the chief of mission to the foreign country to
21 which such personnel are assigned; and

22 “(B) consistent with the duties and powers
23 of the Secretary of State and the chief of mis-
24 sion for a foreign country under section 103 of
25 the Omnibus Diplomatic Security and
26 Antiterrorism Act of 1986 (22 U.S.C. 4802)

1 and section 207 of the Foreign Service Act of
2 1980 (22 U.S.C. 3927), respectively.

3 “(b) INTERNATIONAL SUPPORT.—

4 “(1) IN GENERAL.—If the Secretary makes a
5 determination described in paragraph (2), the Sec-
6 retary, with the concurrence of the Secretary of
7 State, may provide equipment, services, technical as-
8 sistance, or expertise on cybersecurity, infrastructure
9 security, or resilience to a foreign government, an
10 international organization, or an international entity,
11 with or without reimbursement, including, as appro-
12 priate, the following:

13 “(A) Cybersecurity and infrastructure se-
14 curity advice, training, capacity development,
15 education, best practices, incident response,
16 threat hunting, and other similar capabilities.

17 “(B) Sharing and exchanging cybersecurity
18 and infrastructure security information, includ-
19 ing research and development, threat indicators,
20 risk assessments, strategies, and security rec-
21 ommendations.

22 “(C) Cybersecurity and infrastructure se-
23 curity test and evaluation support and services.

1 “(D) Cybersecurity and infrastructure se-
2 curity research and development support and
3 services.

4 “(E) Any other assistance that the Sec-
5 retary prescribes.

6 “(2) DETERMINATION.—A determination de-
7 scribed in this paragraph is a determination by the
8 Secretary that providing equipment, services, tech-
9 nical assistance, or expertise under paragraph (1)
10 would satisfy the following:

11 “(A) Further the homeland security inter-
12 ests of the United States.

13 “(B) Enhance the ability of a foreign gov-
14 ernment, an international organization, or an
15 international entity to work cooperatively with
16 the United States to advance the homeland se-
17 curity interests of the United States.

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

20 “(A) may not include offensive security ca-
21 pabilities; and

22 “(B) shall be limited to enabling defensive
23 cybersecurity and infrastructure security activi-
24 ties by the receiving entity, such as cybersecu-

1 rity tools or explosive detection and mitigation
2 equipment.

3 “(4) REIMBURSEMENT OF EXPENSES.—If the
4 Secretary determines that collection of payment is
5 appropriate, the Secretary is authorized to collect
6 payment from the receiving entity for the cost of
7 equipment, services, technical assistance, or exper-
8 tise provided under paragraph (1) and any accom-
9 panying shipping costs.

10 “(5) RECEIPTS CREDITED AS OFFSETTING COL-
11 LECTIONS.—Notwithstanding section 3302 of title
12 31, United States Code, any amount collected under
13 paragraph (4) shall—

14 “(A) be credited as offsetting collections to
15 the account that finances the equipment, serv-
16 ices, technical assistance, or expertise for which
17 the payment is received; and

18 “(B) remain available until expended for
19 the purpose of providing for the security inter-
20 ests of the homeland.

21 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion may be construed to affect, augment, or diminish the
23 authority of the Secretary of State.

24 “(d) CONGRESSIONAL REPORTING AND NOTIFICA-
25 TION.—

1 “(1) REPORT ON ASSISTANCE.—Not later than
2 one year after the date of the enactment of this sec-
3 tion and annually thereafter, the Secretary shall pro-
4 vide to the Committee on Homeland Security and
5 Governmental Affairs of the Senate and the Com-
6 mittee on Homeland Security of the House of Rep-
7 resentatives a report that includes, for each instance
8 in which equipment, services, technical assistance, or
9 expertise is provided under subsection (b), the fol-
10 lowing:

11 “(A) An identification of the foreign gov-
12 ernment, international organization, or inter-
13 national entity provided the assistance.

14 “(B) The reason for providing the assist-
15 ance.

16 “(C) A description of the equipment, serv-
17 ices, technical assistance, or expertise provided.

18 “(D) A determination regarding whether
19 the equipment, services, technical assistance, or
20 expertise was provided on a reimbursable or
21 nonreimbursable basis, and the rational for why
22 the assistance was provided with or without re-
23 imbursement.

24 “(2) COPIES OF AGREEMENTS.—Not later than
25 30 days after the effective date of a contract, memo-

1 randum, or agreement with a foreign government,
2 international organization, or international entity to
3 provide assistance pursuant to subsection (b), the
4 Secretary shall provide to the Committee on Home-
5 land Security and Governmental Affairs of the Sen-
6 ate and the Committee on Homeland Security of the
7 House of Representatives a copy of the contract,
8 memorandum, or agreement.

9 “(3) NOTICE ON ASSIGNMENTS.—Not later
10 than 30 days after assigning personnel to a duty
11 station located outside the United States in accord-
12 ance with subsection (a)(1), the Secretary shall no-
13 tify the Committee on Homeland Security and Gov-
14 ernmental Affairs of the Senate and the Committee
15 on Homeland Security of the House of Representa-
16 tives regarding the assignment.”.

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

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

22 (c) CISA ACTIVITIES.—

23 (1) DIRECTOR.—Section 2202(c) of the Home-
24 land Security Act of 2002 (6 U.S.C. 652(c)) is
25 amended—

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

3 (B) by redesignating paragraph (14) as
4 paragraph (15); and

5 (C) by inserting after paragraph (13) the
6 following:

7 “(14) provide support for the cybersecurity and
8 physical security of critical infrastructure of inter-
9 national partners and allies in furtherance of the
10 homeland security interests of the United States,
11 which may include, consistent with section 104, as-
12 signing personnel to a duty station that is located
13 outside the United States and providing equipment,
14 services, technical assistance, or expertise, if the Di-
15 rector determines that such assignment will not neg-
16 atively impact the Department’s ability to perform
17 its cybersecurity and infrastructure security missions
18 domestically; and”.

19 (2) FOREIGN LOCATIONS.—Section 2202(g)(1)
20 of the Homeland Security Act of 2002 (6 U.S.C.
21 652(g)(1)) is amended by inserting “, as well as at
22 appropriate locations outside the United States” be-
23 fore the period at the end.

1 (d) NO ADDITIONAL FUNDS.—No additional funds
2 are authorized to be appropriated for the purpose of car-
3 rying out this Act.

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