

AMENDMENT TO H.R. 5300
OFFERED BY MR. LAWLER OF NEW YORK

At the appropriate place, insert the following:

1 **SEC. ____.** **CONTROL OF REMOTE ACCESS OF ITEMS UNDER**
2 **THE EXPORT CONTROL REFORM ACT OF 2018.**

3 (a) **IN GENERAL.**—The Export Control Reform Act
4 of 2018 is amended as follows:

5 (1) In section 1742 (50 U.S.C. 4801), by add-
6 ing at the end the following:

7 “(15) **REMOTE ACCESS.**—The term ‘remote ac-
8 cess’ means access on a purposeful, knowing, reck-
9 less, or negligent basis to an item subject to the ju-
10 risdiction of the United States under this Act by a
11 foreign person through a network connection, includ-
12 ing the internet or a cloud computing service, from
13 a location other than where the item is physically lo-
14 cated if the Secretary determines that the use of the
15 item could pose a serious risk to the national secu-
16 rity or foreign policy of the United States. Nothing
17 in this paragraph may be construed to lower the req-
18 uisite mens rea required to be proven for criminal li-
19 ability under section 1760.”.

20 (2) In section 1752 (50 U.S.C. 4811)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (A), by inserting
3 “or remote access of such items” after
4 “export of items”; and

5 (ii) in subparagraph (B), by inserting
6 “or remote access of such items” after
7 “export of items”; and

8 (B) in paragraph (2)—

9 (i) in the matter preceding subpara-
10 graph (A), by striking “and in-country
11 transfer of items” and inserting “in-coun-
12 try transfer, and remote access of items”;
13 and

14 (ii) in subparagraph (A), by inserting
15 “or remote access” after “the release”.

16 (3) In section 1753 (50 U.S.C. 4812)—

17 (A) in subsection (a)—

18 (i) in paragraph (1), by striking
19 “and” at the end;

20 (ii) in paragraph (2)(F), by striking
21 the period at the end and inserting “;
22 and”; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(3) the remote access of items subject to the
2 jurisdiction of the United States by a foreign per-
3 son.”;

4 (B) in subsection (b)—

5 (i) in paragraph (6), by striking
6 “and” at the end;

7 (ii) in paragraph (7), by striking the
8 period at the end and inserting “; and”;
9 and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(8) regulate the remote access of items de-
13 scribed in subsection (a)(3).”; and

14 (C) in subsection (c)—

15 (i) by striking “or in-country trans-
16 fer” each place it appears and inserting
17 “in-country transfer, or remote access”;
18 and

19 (ii) by striking “subsections (b)(1) or
20 (b)(2)” and inserting “subsections (b)(1),
21 (b)(2), or (b)(8)”.

22 (4) In section 1754 (50 U.S.C. 4813)—

23 (A) in subsection (a)—

1 (i) in paragraph (3), by striking “and
2 in-country transfers” and inserting “in-
3 country transfers, and remote access”;

4 (ii) in paragraph (4), by striking “and
5 in-country transfers” and inserting “in-
6 country transfers, and remote access”;

7 (iii) in paragraph (5), by striking
8 “and in-country transfers” and inserting
9 “in-country transfers, and remote access”;

10 (iv) in paragraph (6), by striking
11 “United States export control” and insert-
12 ing “United States control”;

13 (v) in paragraph (7), by striking “ex-
14 port controls” and inserting “controls”;

15 (vi) in paragraph (10), by striking “or
16 in-country transferred” and inserting “in-
17 country transferred or accessed remotely”;

18 (vii) in paragraph (11), by adding at
19 the end before the semicolon the following:
20 “or remote access”; and

21 (viii) in paragraph (15), by adding at
22 the end before “; and” the following: “or
23 remotely access (including the provision
24 thereof)”;

1 (B) in subsection (b), by striking “or in-
2 country transfer” and inserting “in-country
3 transfer, or remote access”; and

4 (C) in subsection (d)(1)(A), by striking “or
5 in-country transfer” and inserting “in-country
6 transfer, or remote access (including the provi-
7 sion thereof)”.

8 (5) In section 1755 (50 U.S.C. 4814)—

9 (A) in subsection (b)(2)—

10 (i) in subparagraph (C), by striking
11 “and in-country transfers” and inserting
12 “in-country transfers, and remote access
13 (including the provision thereof)”; and

14 (ii) in subparagraph (E), by striking
15 “and in-country transfers” and inserting
16 “in-country transfers, and remote access
17 (including the provision thereof)”; and

18 (B) in subsection (c), by striking “export
19 controls” and inserting “controls”.

20 (6) In section 1756 (50 U.S.C. 4815)—

21 (A) in subsection (a), in the matter pre-
22 ceding paragraph (1), by striking “and in-coun-
23 try transfer” and inserting “in-country trans-
24 fer, and remote access”; and

1 (B) in subsection (b), by striking “or in-
2 country transfer” and inserting “in-country
3 transfer, or provide remote access to”.

4 (7) In section 1757 (50 U.S.C. 4816)—

5 (A) in subsection (a), by striking “or in-
6 country transfer” and inserting “in-country
7 transfer, or remote access”; and

8 (B) in subsection (c)(2), by striking “ex-
9 port controls” and inserting “controls”.

10 (8) In section 1760 (50 U.S.C. 4819)—

11 (A) in subsection (a)(2)(F)—

12 (i) in clause (ii), by striking “any ex-
13 port control document or any report” and
14 inserting “any document or report”; and

15 (ii) in clause (iii), by striking “or in-
16 country transfer” and inserting “in-coun-
17 try transfer, or remote access”;

18 (B) in subsection (c)(1)(C), by striking “or
19 in-country transfer” and inserting “in-country
20 transfer, or remotely access (including the pro-
21 vision thereof)”; and

22 (C) in subsection (e)(1)(A)—

23 (i) in clause (i), by striking “or in-
24 country transfer outside the United States
25 any item” and inserting “in-country trans-

1 fer outside the United States any item or
2 remotely access any item (or provide such
3 access)”; and

4 (ii) in clause (ii), by striking “or in-
5 country transfer” and inserting “in-coun-
6 try transfer of items, or provide remote ac-
7 cess to items”.

8 (9) In section 1761 (50 U.S.C. 4820)—

9 (A) in subsection (a)(5), by striking “or in-
10 country transferred” and inserting “in-country
11 transferred, or remotely accessed”; and

12 (B) in subsection (h)(1)(B), by striking
13 “or in-country transfer” and inserting “in-coun-
14 try transfer of items, or provide remote access
15 to items”.

16 (10) In section 1767(b)(2)(A) (50 U.S.C.
17 4825(b)(2)(A)), by striking “and in-country trans-
18 fer” and inserting “in-country transfer, or remote
19 access”.

20 (b) CONSULTATION WITH CONGRESS.—

21 (1) IN GENERAL.—The Secretary of Commerce
22 shall ensure that the appropriate congressional com-
23 mittees are kept fully and currently informed of any
24 anticipated promulgation of regulations to control
25 the remote access of items under the Export Control

1 Reform Act of 2018, as amended by subsection (a),
2 including ensuring such committees are informed, in
3 a classified setting as necessary, on—

4 (A) the national security risk that would
5 be addressed by the regulations;

6 (B) how the method of the regulations ad-
7 dresses the national security risk; and

8 (C) how the regulations may impact the
9 economy of the United States.

10 (2) RULE OF CONSTRUCTION.—Nothing in this
11 section may be construed to require the approval of
12 the appropriate congressional committees as a condi-
13 tion precedent to the exercise of an authority under
14 the Export Control Reform Act of 2018, as amended
15 by subsection (a).

16 (3) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES DEFINED.—In this subsection, the term “ap-
18 propriate congressional committees” means—

19 (A) the Committee on Foreign Affairs of
20 the House of Representatives; and

21 (B) the Committee on Banking, Housing,
22 and Urban Affairs of the Senate.

