

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. ___
OFFERED BY M. _____

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Remote Access Secu-
3 rity Act”.

4 SEC. 2. CONTROL OF REMOTE ACCESS OF ITEMS UNDER
5 THE EXPORT CONTROL REFORM ACT OF 2018.

6 The Export Control Reform Act of 2018 is amended
7 as follows:

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

10 “(15) REMOTE ACCESS.—The term ‘remote ac-
11 cess’ means access on a purposeful, knowing, reck-
12 less, or negligent basis to an item subject to the ju-
13 risdiction of the United States under this Act by a
14 foreign person through a network connection, includ-
15 ing the internet or a cloud computing service, from
16 a location other than where the item is physically lo-
17 cated if the Secretary determines that the use of the
18 item could pose a serious risk to the national secu-

1 rity or foreign policy of the United States. Nothing
2 in this paragraph may be construed to lower the req-
3 uisite mens rea required to be proven for criminal li-
4 ability under section 1760.”.

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

6 (A) in paragraph (1)—

7 (i) in subparagraph (A), by inserting
8 “or remote access of such items” after
9 “export of items”; and

10 (ii) in subparagraph (B), by inserting
11 “or remote access of such items” after
12 “export of items”; and

13 (B) in paragraph (2)—

14 (i) in the matter preceding subpara-
15 graph (A), by striking “and in-country
16 transfer of items” and inserting “in-coun-
17 try transfer, and remote access of items”;
18 and

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

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

22 (A) in subsection (a)—

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

1 (ii) in paragraph (2)(F), by striking
2 the period at the end and inserting “;
3 and”; and

4 (iii) by adding at the end the fol-
5 lowing:

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

9 (B) in subsection (b)—

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

12 (ii) in paragraph (7), by striking the
13 period at the end and inserting “; and”;
14 and

15 (iii) by adding at the end the fol-
16 lowing:

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

19 (C) in subsection (c)—

20 (i) by striking “or in-country trans-
21 fer” each place it appears and inserting
22 “in-country transfer, or remote access”;
23 and

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

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

5 (A) in subsection (a)—

6 (i) in paragraph (3), by striking “and
7 in-country transfers” and inserting “in-
8 country transfers, and remote access”;

9 (ii) in paragraph (4), by striking “and
10 in-country transfers” and inserting “in-
11 country transfers, and remote access”;

12 (iii) in paragraph (5), by striking
13 “and in-country transfers” and inserting
14 “in-country transfers, and remote access”;

15 (iv) in paragraph (6), by striking
16 “United States export control” and insert-
17 ing “United States control”;

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

20 (vi) in paragraph (10), by striking “or
21 in-country transferred” and inserting “in-
22 country transferred or accessed remotely”;

23 (vii) in paragraph (11), by adding at
24 the end before the semicolon the following:

25 “or remote access”; and

1 (viii) in paragraph (15), by adding at
2 the end before “; and” the following: “or
3 remotely access (including the provision
4 thereof)”;

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

8 (C) in subsection (d)(1)(A), by striking “or
9 in-country transfer” and inserting “in-country
10 transfer, or remote access (including the provi-
11 sion thereof)”.

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

13 (A) in subsection (b)(2)—

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

18 (ii) in subparagraph (E), by striking
19 “and in-country transfers” and inserting
20 “in-country transfers, and remote access
21 (including the provision thereof)”;

22 (B) in subsection (e), by striking “export
23 controls” and inserting “controls”.

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

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

5 (B) in subsection (b), by striking “or in-
6 country transfer” and inserting “in-country
7 transfer, or provide remote access to”.

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

9 (A) in subsection (a), by striking “or in-
10 country transfer” and inserting “in-country
11 transfer, or remote access”; and

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

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

15 (A) in subsection (a)(2)(F)—

16 (i) in clause (ii), by striking “any ex-
17 port control document or any report” and
18 inserting “any document or report”; and

19 (ii) in clause (iii), by striking “or in-
20 country transfer” and inserting “in-coun-
21 try transfer, or remote access”;

22 (B) in subsection (c)(1)(C), by striking “or
23 in-country transfer” and inserting “in-country
24 transfer, or remotely access (including the pro-
25 vision thereof)”; and

1 (C) in subsection (e)(1)(A)—

2 (i) in clause (i), by striking “or in-
3 country transfer outside the United States
4 any item” and inserting “in-country trans-
5 fer outside the United States any item or
6 remotely access any item (or provide such
7 access)”; and

8 (ii) in clause (ii), by striking “or in-
9 country transfer” and inserting “in-coun-
10 try transfer of items, or provide remote ac-
11 cess to items”.

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

13 (A) in subsection (a)(5), by striking “or in-
14 country transferred” and inserting “in-country
15 transferred, or remotely accessed”; and

16 (B) in subsection (h)(1)(B), by striking
17 “or in-country transfer” and inserting “in-coun-
18 try transfer of items, or provide remote access
19 to items”.

20 (10) In section 1767(b)(2)(A) (50 U.S.C.
21 4825(b)(2)(A)), by striking “and in-country trans-
22 fer” and inserting “in-country transfer, or remote
23 access”.

1 **SEC. 3. CONSULTATION WITH CONGRESS.**

2 (a) IN GENERAL.—The Secretary of Commerce shall
3 ensure that the appropriate congressional committees are
4 kept fully and currently informed of any anticipated pro-
5 mulgation of regulations to control the remote access of
6 items under the Export Control Reform Act of 2018, as
7 amended by section 2, including ensuring such committees
8 are informed, in a classified setting as necessary, on—

9 (1) the national security risk that would be ad-
10 dressed by the regulations;

11 (2) how the method of the regulations addresses
12 the national security risk; and

13 (3) how the regulations may impact the econ-
14 omy of the United States.

15 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion may be construed to require the approval of the ap-
17 propriate congressional committees as a condition prece-
18 dent to the exercise of an authority under the Export Con-
19 trol Reform Act of 2018, as amended by section 2.

20 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
21 FINED.—In this section, the term “appropriate congres-
22 sional committees” means—

23 (1) the Committee on Foreign Affairs of the
24 House of Representatives; and

- 1 (2) the Committee on Banking, Housing, and
- 2 Urban Affairs of the Senate.

