

118TH CONGRESS
2^D SESSION

H. R. 8152

AN ACT

To amend the Export Control Reform Act of 2018 to provide for control of remote access of items, 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 “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 amend-
7 ed—

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 to an item that is subject to the
12 jurisdiction of the United States (without regard to
13 the physical location of the item) and included on
14 the Commerce Control List set forth in Supplement
15 No. 1 to part 774 of the Export Administration
16 Regulations, by a foreign person through a network
17 connection, including the internet or a cloud com-
18 puting service, from a location other than where the
19 item is physically located, to use the functions of the
20 item if the use of those functions may pose a serious
21 risk to the national security or foreign policy of the
22 United States, such as by—

23 “(A) training an artificial intelligence
24 model that could—

25 “(i) substantially lower the barrier of
26 entry for experts or non-experts to design,

1 synthesize, acquire, or use chemical, bio-
2 logical, radiological, or nuclear weapons or
3 weapons of mass destruction;

4 “(ii) enable offensive cyber operations
5 through automated vulnerability discovery
6 and exploitation against a wide range of
7 potential targets of cyber attacks; or

8 “(iii) permit the evasion of human
9 control or oversight of automated systems
10 through means of deception or obfuscation;

11 or

12 “(B) accessing a quantum computer that
13 could enable offensive cyber operations or other
14 risks to national security; or

15 “(C) accessing hacking tools.”;

16 (2) in section 1752 (50 U.S.C. 4811)—

17 (A) in paragraph (1)—

18 (i) in subparagraph (A), by inserting
19 “or remote access” after “export”; and

20 (ii) in subparagraph (B), by inserting
21 “or remote access” after “export”; and

22 (B) in paragraph (2)—

23 (i) in the matter preceding subpara-
24 graph (A), by striking “and in-country
25 transfer of items” and inserting “in-coun-

1 try transfer, and remote access of items”;

2 and

3 (ii) in subparagraph (A)—

4 (I) in the matter preceding clause

5 (i), by striking “release” and inserting

6 “release or remote access”;

7 (II) in clause (iv), by striking “;

8 or” and inserting a semicolon;

9 (III) in clause (v), by striking the

10 period at the end and inserting “; or”;

11 and

12 (IV) by adding at the end the fol-

13 lowing:

14 “(vi) offensive cyber operations.”;

15 (3) in section 1753 (50 U.S.C. 4812)—

16 (A) in subsection (a)—

17 (i) in paragraph (1), by striking

18 “and” at the end;

19 (ii) in paragraph (2)(F), by striking

20 the period at the end and inserting “;

21 and”; and

22 (iii) by adding at the end the fol-

23 lowing:

24 “(3) the remote access to—

1 “(A) items subject to the jurisdiction of
2 the United States (without regard to the phys-
3 ical location of the items) that are determined
4 by the President to warrant controls with re-
5 spect to access by foreign persons or countries
6 of concern; and

7 “(B) the functions of such items.”;

8 (B) in subsection (b)—

9 (i) by redesignating paragraphs (3)
10 through (7) as paragraphs (4) through (8),
11 respectively; and

12 (ii) by inserting after paragraph (2)
13 the following:

14 “(3) regulate the remote access by foreign per-
15 sons of items as described in subsection (a)(3);”;
16 and

17 (C) in subsection (c)—

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

22 (ii) by striking “subsections (b)(1) or
23 (b)(2)” and inserting “subsections (b)(1),
24 (b)(2), or (b)(3)”;

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

1 (A) in subsection (a)—

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

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

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

11 (iv) in paragraph (10), by striking “or
12 in-country transferred” and inserting “in-
13 country transferred, or remotely accessed”;

14 (v) in paragraph (11), by adding at
15 the end before the semicolon the following:
16 “or remote access”; and

17 (vi) in paragraph (15), by adding at
18 the end before “; and” the following: “or
19 remotely access (including the provision
20 thereof)”;

21 (B) in subsection (b), by striking “or in-
22 country transfer” and inserting “in-country
23 transfer, or remote access”; and

24 (C) in subsection (d)(1), by amending sub-
25 paragraph (A) to read as follows:

1 “(A) the export, reexport, or in-country
2 transfer of, or remote access to, items described
3 in paragraph (2), or remote access to items de-
4 scribed in section 1742(15), including, in both
5 cases, items that are not subject to control
6 under this part; and”.

7 (5) in section 1755(b)(2) (50 U.S.C.
8 4814(b)(2))—

9 (A) in subparagraph (C), by striking “and
10 in-country transfers” and inserting “in-country
11 transfers, and remote access”; and

12 (B) in subparagraph (E), by striking “and
13 in-country transfers” and inserting “in-country
14 transfers, and remote access”; and

15 (6) in section 1756 (50 U.S.C. 4815)—

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

20 (B) in subsection (b), by striking “or in-
21 country transfer” and inserting “in-country
22 transfer, or remote access”;

23 (7) in section 1757(a) (50 U.S.C. 4816(a)), by
24 striking “or in-country transfer” and inserting “in-
25 country transfer, or remote access”; and

1 (8) in section 1760 (50 U.S.C. 4819)—

2 (A) in subsection (a)(2)(F)(iii), by striking
3 “or in-country transfer” and inserting “in-coun-
4 try transfer, or remote access”;

5 (B) in subsection (e)(1)(C), by striking “or
6 in-country transfer” and inserting “in-country
7 transfer, or remotely access (including the pro-
8 vision thereof)”; and

9 (C) in subsection (e)(1)(A)—

10 (i) in clause (i), by striking “or in-
11 country transfer outside the United States
12 any item” and inserting “in-country trans-
13 fer outside the United States any item, or
14 remotely access any item”; and

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

18 (9) in section 1761 (50 U.S.C. 4820)—

19 (A) in subsection (a)(5), by striking “or in-
20 country transferred” and inserting “in-country
21 transferred, or remotely accessed”;

22 (B) in subsection (d)(2), by striking “ex-
23 port” each place it appears and inserting “ex-
24 port control”; and

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

4 (10) in section 1767 (50 U.S.C. 4825)—

5 (A) in subsection (a), by striking “or reex-
6 port” and inserting “reexport, or remote ac-
7 cess”; and

8 (B) in subsection (b)(2)—

9 (i) in subparagraph (A), by striking
10 “and in-country transfer” and inserting
11 “in-country transfer, and remote access”;
12 and

13 (ii) in subparagraph (C), by striking
14 “or in-country transferred” and inserting
15 “in-country transferred, or remotely
16 accessed”.

Passed the House of Representatives September 9,
2024.

Attest:

Clerk.

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