

119TH CONGRESS
1ST SESSION

S. 3519

To amend the Export Control Reform Act of 2018 to provide for control of remote access to items, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 17, 2025

Mr. McCORMICK (for himself, Mr. WYDEN, Mr. COTTON, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Export Control Reform Act of 2018 to provide for control of remote access to 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Remote Access Secu-
5 rity Act”.

6 **SEC. 2. CONTROL OF REMOTE ACCESS OF ITEMS UNDER**
7 **THE EXPORT CONTROL REFORM ACT OF 2018.**

8 (a) DEFINITION OF REMOTE ACCESS.—Section 1742
9 of the Export Control Reform Act of 2018 (50 U.S.C.
10 4801) is amended by adding at the end the following:

1 “(15) REMOTE ACCESS.—

2 “(A) IN GENERAL.—The term ‘remote ac-
3 cess’ means access to an item subject to the ju-
4 risdiction of the United States and included on
5 the Commerce Control List set forth in Supple-
6 ment No. 1 to part 774 of the Export Adminis-
7 tration Regulations, by a foreign person of con-
8 cern through a cloud infrastructure service from
9 a location outside the United States and other
10 than where the item is physically located, if the
11 Secretary determines that the use of the item
12 has demonstrated a serious risk to the national
13 security or foreign policy of the United States
14 through the use of software, such as by—

15 “(i) training an artificial intelligence
16 dual-use model that—

17 “(I) substantially lowers the bar-
18 rier of entry for experts or nonexperts
19 to design, synthesize, acquire, or use
20 chemical, biological, radiological, or
21 nuclear weapons or other weapons of
22 mass destruction;

23 “(II) conducts offensive cyber op-
24 erations through automated vulner-
25 ability discovery and exploitation

1 against a wide range of potential tar-
2 gets of cyber attacks (not including
3 for defensive purposes such vulner-
4 ability reporting or mitigation); or

5 “(III) evades human control or
6 oversight of automated systems
7 through means of deception or obfus-
8 cation;

9 “(ii) accessing capabilities primarily
10 designed for offensive cyberspace oper-
11 ations (not including accessing such capa-
12 bilities for network defense activities); or

13 “(iii) conducting surveillance pri-
14 marily designed to undermine human
15 rights, such as by using spyware (as de-
16 fined in section 1102A of the National Se-
17 curity Act of 1947 (50 U.S.C. 3232a(a))),
18 location tracking technology, or biometric
19 identification technology primarily designed
20 for such surveillance.

21 “(B) CLOUD INFRASTRUCTURE SERVICE
22 DEFINED.—For purposes of subparagraph (A),
23 the term ‘cloud infrastructure service’ has the
24 meaning given the term ‘Infrastructure as a
25 Service’ by the National Institute of Standards

1 and Technology in Special Publication 800–145
2 (or any successor publication).

3 “(16) FOREIGN PERSON OF CONCERN.—The
4 term ‘foreign person of concern’ means—

5 “(A) the government of—

6 “(i) a country specified in section
7 4872(f)(2) of title 10, United States Code;
8 or

9 “(ii) any region within such a country,
10 including the Macau Special Administra-
11 tive Region and the Hong Kong Special
12 Administrative Region of the People’s Re-
13 public of China;

14 “(B) an entity located or headquartered in,
15 or the ultimate parent company of which is
16 headquartered in, such a country or region; or

17 “(C) a person subject to the jurisdiction of
18 a government described in subparagraph (A).”.

19 (b) STATEMENT OF POLICY.—Section 1752 of the
20 Export Control Reform Act of 2018 (50 U.S.C. 4811) is
21 amended—

22 (1) in paragraph (1)—

23 (A) in subparagraph (A), by inserting “,
24 and provision of remote access to,” after “ex-
25 port of”; and

1 (B) in subparagraph (B), by inserting “,
2 and provision of remote access to,” after “ex-
3 port of”; and

4 (2) in paragraph (2)—

5 (A) in the matter preceding subparagraph
6 (A), by inserting “, and provision of remote ac-
7 cess to,” after “transfer of”; and

8 (B) in subparagraph (A), in the matter
9 preceding clause (i), by inserting “, or provision
10 of remote access to,” after “release of”.

11 (c) AUTHORITY OF PRESIDENT.—Section 1753 of the
12 Export Control Reform Act of 2018 (50 U.S.C. 4812) is
13 amended—

14 (1) in subsection (a)—

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

17 (B) in paragraph (2)(F), by striking the
18 period at the end and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(3) the provision of remote access to items
21 subject to the jurisdiction of the United States to
22 foreign persons of concern.”;

23 (2) in subsection (b)—

24 (A) in paragraph (6), by striking “and” at
25 the end;

1 (B) in paragraph (7), by striking the pe-
 2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(8) regulate the provision of remote access to
 5 items described in subsection (a)(3).”; and

6 (3) in subsection (c)—

7 (A) by inserting “, or provision of remote
 8 access to,” after “in-country transfer of”;

9 (B) by striking “subsections (b)(1) or
 10 (b)(2)” and inserting “paragraphs (1), (2), and
 11 (8) of subsection (b), as applicable,”; and

12 (C) by striking “or in-country transfer oc-
 13 curs” and inserting “in-country transfer, or
 14 provision of remote access occurs”.

15 (d) ADDITIONAL AUTHORITIES.—Section 1754 of the
 16 Export Control Reform Act of 2018 (50 U.S.C. 4813) is
 17 amended—

18 (1) in subsection (a)—

19 (A) in paragraph (3), by inserting “, and
 20 provision of remote access to,” after “transfers
 21 of”;

22 (B) in paragraph (4), by inserting “, and
 23 provision of remote access to,” after “transfers
 24 of”;

1 (C) in paragraph (5), in the matter pre-
2 ceding subparagraph (A), by inserting “, and
3 provision of remote access to,” after “transfers
4 of”;

5 (D) in paragraph (6), by striking “United
6 States export control” and inserting “United
7 States control”;

8 (E) in paragraph (7), by striking “export
9 controls” and inserting “controls”;

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

13 (G) in paragraph (11), by adding at the
14 end before the semicolon the following: “or re-
15 mote access”; and

16 (H) in paragraph (15), by striking “to ex-
17 port” and inserting “for export, reexport, in-
18 country transfer, or provision of remote ac-
19 cess”;

20 (2) in subsection (b), by inserting “, or provi-
21 sion of remote access to,” after “transfer of”; and

22 (3) in subsection (d)(1)(A), by inserting “, or
23 provision of remote access to,” after “in country-
24 transfer of”.

1 (e) ADMINISTRATION OF CONTROLS.—Section 1755
2 of the Export Control Reform Act of 2018 (50 U.S.C.
3 4814) is amended—

4 (1) in subsection (b)(2)—

5 (A) in subparagraph (C), by inserting “,
6 and provision of remote access to,” after “in-
7 country transfers of”; and

8 (B) in subparagraph (E), by inserting “,
9 and remote access to,” after “in-country trans-
10 fers of”; and

11 (2) in subsection (c), by striking “export con-
12 trols” and inserting “controls”.

13 (f) LICENSING.—Section 1756 of the Export Control
14 Reform Act of 2018 (50 U.S.C. 4815) is amended—

15 (1) in subsection (a), in the matter preceding
16 paragraph (1), by inserting “, and provision of re-
17 mote access to,” after “in-country transfer of”; and

18 (2) in subsection (b), by inserting “, or provide
19 remote access to,” after “in-country transfer”.

20 (g) COMPLIANCE ASSISTANCE.—Section 1757 of the
21 Export Control Reform Act of 2018 (50 U.S.C. 4816) is
22 amended—

23 (1) in subsection (a), by inserting “, or provi-
24 sion of remote access to,” after “in-country transfer
25 of”; and

1 (2) in subsection (c)(2), by striking “export
2 controls” and inserting “controls”.

3 (h) PENALTIES.—Section 1760 of the Export Control
4 Reform Act of 2018 (50 U.S.C. 4819) is amended—

5 (1) in subsection (a)(2)(F)—

6 (A) in clause (ii), by striking “any export
7 control document or any report” and inserting
8 “any document or report”; and

9 (B) in clause (iii), by inserting “, or provi-
10 sion of remote access to,” after “in-country
11 transfer of”;

12 (2) in subsection (c)(1)(C), by striking “or in-
13 country transfer” and inserting “in-country transfer,
14 or remotely access”; and

15 (3) in subsection (e)(1)(A)—

16 (A) in clause (i), by inserting “, or re-
17 motely access or provide remote access to,”
18 after “United States”; and

19 (B) in clause (ii), by striking “or in-coun-
20 try transfer” and inserting “in-country trans-
21 fer, or remotely access, or provide remote access
22 to,”.

23 (i) ENFORCEMENT.—Section 1761 of the Export
24 Control Reform Act of 2018 (50 U.S.C. 4820) is amend-
25 ed—

1 (1) in subsection (a)(5), by striking “or in-
 2 country transferred” and inserting “in-country
 3 transferred, or remotely accessed”; and

4 (2) in subsection (h)(1)(B), by inserting “, or
 5 provide remote access to,” after “in-country trans-
 6 fer”.

7 (j) ANNUAL REPORT.—Section 1765(a)(1) of the Ex-
 8 port Control Reform Act of 2018 (50 U.S.C. 4824(a)(1))
 9 is amended by inserting “, and provision of remote access
 10 to,” after “in-country transfers of”.

11 (k) EFFECT ON OTHER ACTS.—Section 1767 of the
 12 Export Control Reform Act of 2018 (50 U.S.C. 4825) is
 13 amended—

14 (1) in subsection (a), by inserting “, or remote
 15 access to,” after “reexport of”; and

16 (2) in subsection (b)(2)—

17 (A) in subparagraph (A), by inserting “,
 18 and remote access by and provision of remote
 19 access to such persons to,” after “persons of”;
 20 and

21 (B) in subparagraph (C), by striking “or
 22 in-country transferred” and inserting “in-coun-
 23 try transferred, or remotely accessed”.

24 (l) TERMINATION.—The authority under part I of the
 25 Export Control Reform Act of 2018, as amended by this

1 section, to impose controls on remote access to items ter-
2 minates on the date that is 10 years after the date of the
3 enactment of this Act.

4 **SEC. 3. CONSULTATIONS WITH CONGRESS.**

5 The Secretary of Commerce shall ensure Congress is
6 kept fully and currently informed of any anticipated pro-
7 mulgation of regulations to control remote access to items
8 under the Export Control Reform Act of 2018, as amend-
9 ed by section 2, including ensuring that Congress is in-
10 formed, in a classified setting as necessary, on—

11 (1) the national security or foreign policy risk
12 that would be addressed by the regulations;

13 (2) how the method of the regulations addresses
14 that risk; and

15 (3) how the regulations may impact the econ-
16 omy of the United States, including the impact on
17 the competitiveness of United States industry in
18 cloud services and related industries as a result of
19 the regulations.

20 **SEC. 4. REPORT AND RECOMMENDATIONS.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of the enactment of this Act, the Secretary of Com-
23 merce shall submit to Congress and make available to the
24 public a report assessing and making recommendations
25 with respect to—

1 (1) the implementation of this Act and the
2 amendments made by this Act;

3 (2) maximizing the level of privacy, and mini-
4 mizing compliance costs, for entities seeking licenses
5 relating to remote access to items under the Export
6 Control Reform Act of 2018, as amended by section
7 2;

8 (3) improving the speed at which and consist-
9 ency with which applications for such licenses are re-
10 viewed;

11 (4) identifying relevant national security and
12 foreign policy concerns related to remote access to
13 items in the interest of improving certainty for
14 United States businesses;

15 (5) increasing cooperation with international
16 partners with respect to remote access to items;

17 (6) ensuring export controls relating to remote
18 access to items are consistent, clear, and up to date;
19 and

20 (7) recommending amendments to the Export
21 Control Reform Act of 2018 to strengthen the provi-
22 sions of that Act relating to remote access.

23 (b) CONSULTATIONS.—In developing the report re-
24 quired by subsection (a), the Secretary shall seek input

- 1 from the public, including holding a public roundtable with
- 2 industry participants.

