

AMENDMENT TO
RULES COMMITTEE PRINT 119-33
OFFERED BY MR. GOTTHEIMER OF NEW JERSEY

Add at the end of subtitle B of title XVII the following:

1 **SEC. 17___ . EXCEPTIONS FOR NOTIFICATIONS TO THE**
2 **UNITED STATES GOVERNMENT RELATING TO**
3 **SPECIFIED FOREIGN ENTITIES.**

4 (a) COMMUNICATIONS.—Section 2702(b) of title 18,
5 United States Code, is amended—

6 (1) in paragraph (8), by striking “; or” and in-
7 serting a semicolon;

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

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

11 “(10) to the Secretary of Commerce, or an offi-
12 cer, employee, or agent of the United States Govern-
13 ment designated by the Secretary of Commerce, if—

14 “(A) the disclosure is made for the purpose
15 of providing a verification, notification, referral,
16 report, or other information required to comply
17 with regulations issued pursuant to the Export

1 Control Reform Act of 2018 (50 U.S.C. 4801
2 et seq.);

3 “(B) the provider, in good faith, believes
4 that the communication relates to use of a cov-
5 ered cloud product by a specified foreign entity,
6 or by an entity acting on behalf of, at the direc-
7 tion of, or for the benefit of a specified foreign
8 entity; and

9 “(C) the disclosure is limited to the con-
10 tents reasonably necessary to make or substan-
11 tiate the verification, notification, referral, re-
12 port, or other information described in subpara-
13 graph (A).”.

14 (b) CUSTOMER RECORDS.—Section 2702(e) of title
15 18, United States Code, is amended—

16 (1) in paragraph (6), by striking “; or” and in-
17 serting a semicolon;

18 (2) in paragraph (7), by striking the period at
19 the end and inserting “; or”; and

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

21 “(8) to the Secretary of Commerce, or an offi-
22 cer, employee, or agent of the United States Govern-
23 ment designated by the Secretary of Commerce, if—

24 “(A) the disclosure is made for the purpose
25 of providing a verification, notification, referral,

1 report, or other information required or author-
2 ized under the Act that enacted this paragraph,
3 or to comply with regulations issued pursuant
4 to the Export Control Reform Act of 2018 (50
5 U.S.C. 4801 et seq.);

6 “(B) the provider, in good faith, believes
7 that the record or other information relates to
8 use of a covered cloud product by a specified
9 foreign entity, or by an entity acting on behalf
10 of, at the direction of, or for the benefit of a
11 specified foreign entity; and

12 “(C) the disclosure is limited to the record
13 or other information reasonably necessary to
14 make or substantiate the verification, notifica-
15 tion, referral, report, or other information de-
16 scribed in subparagraph (A).”.

17 (c) DEFINITIONS.—Section 2711 of title 18, United
18 States Code, is amended—

19 (1) in paragraph (3)(C), by striking “and” at
20 the end;

21 (2) in paragraph (4), by striking the period at
22 the end and inserting “; and”; and

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

24 “(5) the term ‘AI model’ means an artificial in-
25 telligence model that is trained on broad data, gen-

1 erally uses self-supervision, contains at least
2 1,000,000,000 parameters, and is applicable across
3 a wide range of contexts;

4 “(6) the term ‘covered cloud product’ means—

5 “(A) an infrastructure as a service product
6 used to develop or deploy an advanced AI model
7 using a covered integrated circuit; or

8 “(B) a platform as a service or software as
9 a service product that provides a customer with
10 computational resources, access, or functionality
11 substantially equivalent to those available
12 through an infrastructure as a service product
13 described in subparagraph (A), regardless of
14 how the product is marketed, packaged, or
15 characterized;

16 “(7) the term ‘covered integrated circuit’—

17 “(A) means, subject subparagraph (B)—

18 “(i) an integrated circuit, computer,
19 or other product—

20 “(I) classified under Export Con-
21 trol Classification Number 3A090 or
22 4A090 or related Export Control
23 Classification Numbers; or

24 “(II) that is functionally equiva-
25 lent or substantially similar to a cir-

1 cuit, computer, or product described
2 in subclause (I), including certain
3 similar products listed under Export
4 Control Classification Number
5 5A002.z; or

6 “(ii) an integrated circuit that has 1
7 or more digital processing units with—

8 “(I) a total processing perform-
9 ance of 4,800 or more;

10 “(II) a total processing perform-
11 ance of 2,400 or more and a perform-
12 ance density of 1.6 or more;

13 “(III) a total processing perform-
14 ance of 1,600 or more and a perform-
15 ance density of 3.2 or more; or

16 “(IV) a total DRAM bandwidth
17 of 1,400 gigabytes per second or
18 more, interconnect bandwidth of
19 1,100 gigabytes per second or more,
20 or a sum of DRAM bandwidth and
21 interconnect bandwidth of 1,700
22 gigabytes per second or more;

23 “(B) has the meaning given such term in
24 subparagraph (A), as modified by the Secretary

1 of Commerce beginning 24 months after the
2 date of enactment of this paragraph;

3 “(C) includes a product containing such a
4 covered integrated circuit;

5 “(D) does not include a covered integrated
6 circuit or a product containing such a covered
7 integrated circuit that is not designed or mar-
8 keted for use in data centers; and

9 “(8) the term ‘specified foreign entity’ has the
10 meaning given that term in section 7701(a)(51)(B)
11 of the Internal Revenue Code of 1986.”.

