

**AMENDMENT TO RULES COMM. PRINT 119-8**  
**OFFERED BY MR. MOOLENAAR OF MICHIGAN**

At the end of title XVII, add the following:

1 **Subtitle C—Export Controls for Ad-**  
2 **vanced Artificial Intelligence**  
3 **Chips**

4 **SEC. 1731. SHORT TITLE.**

5 This subtitle may be cited as the “Guaranteeing Ac-  
6 cess and Innovation for National Artificial Intelligence Act  
7 of 2025” or the “GAIN AI Act of 2025”.

8 **SEC. 1732. SENSE OF CONGRESS.**

9 It is the sense of Congress that—

10 (1) artificial intelligence is a transformative  
11 technology and United States policy should ensure  
12 that United States persons, including small busi-  
13 nesses, startups, and universities, are in the best po-  
14 sition to innovate and harness the potential of artifi-  
15 cial intelligence;

16 (2) the demand for advanced artificial intel-  
17 ligence chips far exceeds the supply, and United  
18 States persons are forced to wait many months, if  
19 not longer, to acquire the latest chips;

1           (3) at the same time, United States chip devel-  
2           opers are selling advanced artificial intelligence chips  
3           to entities in countries that are subject to a United  
4           States arms embargo or countries that have a close  
5           relationship with such countries, so that United  
6           States persons are unable to acquire such chips;

7           (4) the production of such chips for sale to enti-  
8           ties in countries described in paragraph (3) is taking  
9           up production capacity that would otherwise be used  
10          to fabricate chips for United States persons; and

11          (5) it should be the policy of the United States  
12          and the Department of Commerce—

13                (A) to deny licenses for the export of the  
14                most powerful artificial intelligence chips, in-  
15                cluding such chips with a total processing power  
16                of 4,800 or above; and

17                (B) to restrict the export of less advanced  
18                artificial intelligence chips to foreign entities in  
19                countries of concern so long as United States  
20                entities are waiting and unable to acquire those  
21                same chips.

1 **SEC. 1733. PROHIBITION ON PRIORITIZING COUNTRIES OF**  
2 **CONCERN OVER UNITED STATES PERSONS**  
3 **FOR EXPORTS OF ADVANCED INTEGRATED**  
4 **CIRCUITS.**

5 Part I of the Export Control Reform Act of 2018 (50  
6 U.S.C. 4811 et seq.) is amended by inserting after section  
7 1758 the following:

8 **“SEC. 1758A. CONTROL OF EXPORTS OF ADVANCED INTE-**  
9 **GRATED CIRCUITS.**

10 **“(a) LICENSE REQUIREMENT.—**

11 **“(1) IN GENERAL.—**Except as provided by  
12 paragraph (2), the Under Secretary of Commerce  
13 for Industry and Security shall require a license for  
14 the export, reexport, or in-country transfer of an ad-  
15 vanced integrated circuit or a product containing  
16 such a circuit.

17 **“(2) AUTHORITY TO EXEMPT CERTAIN COUN-**  
18 **TRIES.—**

19 **“(A) IN GENERAL.—**The requirement for a  
20 license under paragraph (1) does not apply with  
21 respect to the export, reexport, or in-country  
22 transfer of an advanced integrated circuit or a  
23 product containing such a circuit to or in a  
24 country that is listed in Country Group A:4,  
25 A:5, or A:6 in Supplement No. 1 to part 740  
26 of the Export Administration Regulations.

1           “(B) RULE OF CONSTRUCTION.—Nothing  
2           in this paragraph may be construed to exempt  
3           or reduce any other requirement for a license  
4           under the Export Administration Regulations  
5           or any other provision of law.

6           “(b) CERTIFICATION OF PRIORITY FOR UNITED  
7 STATES CUSTOMERS FOR CERTAIN ADVANCED INTE-  
8 GRATED CIRCUITS.—

9           “(1) CERTIFICATION REQUIREMENT.—The  
10          Under Secretary shall require a person submitting  
11          an application for a license to export, reexport, or  
12          in-country transfer an advanced integrated circuit or  
13          a product containing such a circuit to or in a coun-  
14          try subject to a comprehensive United States arms  
15          embargo or a country of concern to certify in the ap-  
16          plication that—

17                 “(A) United States persons had a right-of-  
18                 first-refusal for the circuit or product, which  
19                 means the person submitting the application—

20                         “(i) upon reaching the decision to  
21                         enter into a transaction for the sale of  
22                         such a circuit or product to a person in a  
23                         country subject to a comprehensive United  
24                         States arms embargo or a country of con-

1 cern, provided, in a manner accessible to  
2 United States persons, a notice of—

3 “(I) intent to sell the circuit or  
4 product to the person in that country;  
5 and

6 “(II) the terms of the trans-  
7 action, including the price and quan-  
8 tity of the circuit or product involved  
9 in the transaction;

10 “(ii) allowed not less than 15 business  
11 days for United States persons to request  
12 to purchase the full quantity or a lesser  
13 quantity of the circuit or product on the  
14 terms (other than quantity) specified under  
15 clause (i); and

16 “(iii) provided preference to United  
17 States persons that requested to purchase  
18 the circuit or product over the person in  
19 the country described in clause (i); and

20 “(B) the person submitting the applica-  
21 tion—

22 “(i) has no current backlog of re-  
23 quests from United States persons for the  
24 circuit or product or a comparable circuit  
25 or product;

1           “(ii) cannot foresee the export, reex-  
2           port, or in-country transfer of the circuit  
3           or product resulting in such a backlog or  
4           a reduction in the capacity of production  
5           lines for the production of the circuit or  
6           product for United States persons; and

7           “(iii) is not providing advantageous  
8           pricing or terms for the circuit or product  
9           to foreign persons that the person is not  
10          providing to United States persons.

11          “(2) DENIAL OF APPLICATIONS WITHOUT CER-  
12          TIFICATION.—If a certification described in para-  
13          graph (1) is not submitted with an application for  
14          a license described in that paragraph, the Under  
15          Secretary shall deny the application.

16          “(3) IMPLEMENTATION.—Not later than 90  
17          days after the date of the enactment of this section,  
18          the Under Secretary shall prescribe regulations pro-  
19          viding guidance for complying with the certification  
20          requirement under paragraph (1), which shall in-  
21          clude—

22                 “(A) a description of the acceptable for-  
23                 mats for the notice required by paragraph  
24                 (1)(A)(i);

1           “(B) establishment of a portal that al-  
2           lows—

3                   “(i) persons applying for a license  
4                   under this section to submit details regard-  
5                   ing intended sales of advanced integrated  
6                   circuits and products containing such cir-  
7                   cuits; and

8                   “(ii) United States persons to view  
9                   those details and submit requests to pur-  
10                  chase such circuits or products pursuant to  
11                  paragraph (1)(A)(ii);

12                  “(C) procedures for handling multiple re-  
13                  quests for an intended sale of such a circuit or  
14                  product, which shall allow for combining re-  
15                  quests for lesser quantities of the circuit or  
16                  product to match the full quantity offered for  
17                  sale;

18                  “(D) recordkeeping requirements;

19                  “(E) penalties for misrepresentation and  
20                  concealment of material facts; and

21                  “(F) metrics and procedures by which to  
22                  determine whether—

23                           “(i) the export, reexport, or in-country  
24                           transfer of a circuit or product would cre-  
25                           ate—

1                   “(I) a backlog of requests de-  
2                   scribed in paragraph (1)(B)(i); or

3                   “(II) a reduction in capacity de-  
4                   scribed in paragraph (1)(B)(ii); and

5                   “(ii) the person selling the circuit or  
6                   product is providing advantageous pricing  
7                   or terms described in paragraph (1)(B)(iii)  
8                   to foreign persons.

9                   “(c) DEFINITIONS.—

10                   “(1) ADVANCED INTEGRATED CIRCUIT.—In this  
11                   section, the term ‘advanced integrated circuit’  
12                   means—

13                   “(A) an integrated circuit, computer, or  
14                   other product classified under Export Control  
15                   Classification Number 3A090, 4A090, related .z  
16                   Export Control Classification Numbers, or  
17                   other functionally equivalent or substantially  
18                   similar items; or

19                   “(B) an integrated circuit or a computer,  
20                   electronic assembly, or component containing  
21                   an integrated circuit that has one or more dig-  
22                   ital processing units with—

23                   “(i) a total processing performance of  
24                   4,800 or more;



1                   “(ii) a total processing performance of  
2                   2,400 or more and a performance density  
3                   of 1.6 or more;

4                   “(iii) a total processing performance  
5                   of 1,600 or more and a performance den-  
6                   sity of 3.2 or more; or

7                   “(iv) a total DRAM bandwidth of  
8                   1,400 gigabytes per second or more, inter-  
9                   connect bandwidth of 1,100 gigabytes per  
10                  second or more, or a sum of DRAM band-  
11                  width and interconnect bandwidth of 1,700  
12                  gigabytes per second or more.

13                  “(2) COMMERCE CONTROL LIST.—In this sec-  
14                  tion, the term ‘Commerce Control List’ means the  
15                  list set forth in Supplement No. 1 to part 774 of the  
16                  Export Administration Regulations.

17                  “(3) COUNTRY OF CONCERN.—In this section,  
18                  the term ‘country of concern’ means a country that  
19                  the Director of National Intelligence assesses is  
20                  hosting, or has the intention of hosting, a military  
21                  or intelligence facility associated with a country sub-  
22                  ject to a comprehensive United States arms embar-  
23                  go.

24                  “(4) PERFORMANCE DENSITY; TOTAL PROC-  
25                  ESSING PERFORMANCE.—In this section, the terms

1       ‘performance density’ and ‘total processing perform-  
2       ance’ have the meanings given those terms in, and  
3       are calculated as provided for under, Export Control  
4       Classification Number 3A090 in the Commerce Con-  
5       trol List.

6       “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
7       tion may be construed to limit, waive, or otherwise reduce  
8       any requirement for a license or control under the Export  
9       Administration Regulations or any other provision of  
10      law.”.

