

1 (B) the aggregate capability of all entities
2 of concern to indigenously produce AI hardware
3 items relative to the total demand for AI hard-
4 ware of all entities of concern who purchase AI
5 hardware; and

6 (C) the aggregate estimated amount of AI
7 hardware located within all countries of concern
8 or owned or controlled by an entity of concern.

9 (3) INCLUSION OF SPECIFIC METRICS.—Such
10 metrics shall include, but are not limited to, indi-
11 vidual chip capabilities, or where applicable aggre-
12 gated, in the following categories:

13 (A) Total processing power.

14 (B) Interconnect bandwidth.

15 (C) Memory capacity bandwidth.

16 (b) AUTHORITY TO UPDATE METRICS.—On and after
17 the date that is 24 months after the date on which the
18 first assessment under subsection (b) is submitted, the
19 Secretary may add, modify, or remove the metrics estab-
20 lished under subsection (a), subject to the following:

21 (1) The Secretary shall provide written notice
22 to the appropriate congressional committees not less
23 than 90 days before any such addition, modification,
24 or removal takes effect, including a detailed jus-
25 tification for each proposed change and an assess-

1 ment of how such change would affect the assess-
2 ment and report required under subsection (b).

3 (2) No modification or removal of a metric
4 under this subsection shall take effect if, within the
5 90-day notice period under paragraph (1), either the
6 Committee on Foreign Affairs of the House of Rep-
7 resentatives or the Committee on Banking, Housing,
8 and Urban Affairs of the Senate submits to the Sec-
9 retary a written objection stating that the proposed
10 change would undermine the purposes of this sec-
11 tion.

12 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion may be construed to—

14 (1) require or authorize the Secretary to im-
15 pose, modify, decontrol, or reduce any export con-
16 trol, licensing requirement, or other restriction on
17 the export, reexport, transfer (in-country), or remote
18 access of AI hardware or software; or

19 (2) direct the approval or denial of any license
20 for the export, reexport, transfer (in-country), or
21 provision of remote access to AI hardware or soft-
22 ware.

23 (d) DEFINITIONS.—In this section:

24 (1) AI HARDWARE.—The term “AI hardware”
25 means—

1 (A) any integrated circuit, computer, elec-
2 tronic assembly, or other item classified under
3 Export Control Classification Numbers 3A090,
4 4A090, or any related Export Control Classi-
5 fication Number designated with a “.z” suffix
6 under the Commerce Control List (supplement
7 number 1 to part 774 of title 15, Code of Fed-
8 eral Regulations (or a successor regulation));
9 and

10 (B) any other item designated by the Sec-
11 retary, by regulation, as AI hardware for the
12 purposes of this section.

13 (2) AGGREGATE ESTIMATED AMOUNT OF AI
14 HARDWARE.—The term “aggregate estimated
15 amount of AI hardware” means the total quantity of
16 AI hardware, as measured using the metrics estab-
17 lished by the Secretary under subsection (a).

18 (3) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term “appropriate congressional com-
20 mittees” means—

21 (A) the Committee on Foreign Affairs of
22 the House of Representatives;

23 (B) the Permanent Select Committee on
24 Intelligence of the House of Representatives;

1 (C) the Committee on Banking, Housing,
2 and Urban Affairs of the Senate; and

3 (D) the Select Committee on Intelligence
4 of the Senate.

5 (4) COUNTRY OF CONCERN.—The term “coun-
6 try of concern” means—

7 (A) the People’s Republic of China, includ-
8 ing the Hong Kong and Macau Special Admin-
9 istrative Regions;

10 (B) the Republic of Cuba;

11 (C) the Islamic Republic of Iran;

12 (D) the Democratic People’s Republic of
13 Korea;

14 (E) the Russian Federation; and

15 (F) any other foreign country—

16 (i) listed in the Country Group D:5
17 under Supplement No. 1 to part 740 of the
18 Export Administration Regulations, as
19 published on January 1, 2026;

20 (ii) designated by the Secretary of
21 State as a country of concern for purposes
22 of this section; and

23 (iii) notice of such designation has
24 been published in the Federal Register.

1 (5) DIRECTOR.—The term “Director” means
2 the Director of National Intelligence.

3 (6) ENTITY OF CONCERN.—The term “entity of
4 concern” means any entity—

5 (A) organized under the laws of any coun-
6 try of concern;

7 (B) having its principal place of business
8 in any country of concern;

9 (C) of which more than 10 percent of the
10 ultimate beneficial ownership is held, directly or
11 indirectly, by one or more persons or entities
12 that are organized under the laws of, have their
13 principal place of business in, or are nationals
14 of any country of concern; or

15 (D) that is owned or controlled by, or acts
16 on behalf of, the government of any country of
17 concern.

18 (7) INDIGENOUS PRODUCTION.—The term “in-
19 digenous production”, with respect to AI hard-
20 ware—

21 (A) means AI hardware that is—

22 (i) physically fabricated within the
23 territory of the People’s Republic of China;
24 and

1 (ii) designed by any entity of concern;

2 and

3 (B) excludes AI hardware that is designed
4 by any entity of concern but fabricated outside
5 of any country of concern for purposes of this
6 section.

7 (8) REMOTE ACCESS.—The term “remote ac-
8 cess” means access on a purposeful, knowing, reck-
9 less, or negligent basis to an item subject to the ju-
10 risdiction of the United States under this section by
11 a foreign person through a network connection, in-
12 cluding the internet or a cloud computing service,
13 from a location other than where the item is phys-
14 ically located if the Secretary determines that the
15 use of the item could pose a serious risk to the na-
16 tional security or foreign policy of the United States.

17 (9) SECRETARY.—The term “Secretary” means
18 the Secretary of Commerce.

