

AMENDMENT TO RULES COMM. PRINT 119–8
OFFERED BY MS. TOKUDA OF HAWAII

At the end of subtitle B of title XVII, add the following:

1 SEC. 17__ . CONGRESSIONAL APPROVAL REQUIREMENT FOR
2 ADVANCED AI CHIP EXPORTS TO CHINA.

3 (a) IN GENERAL.—No person may export, reexport,
4 or transfer an advanced AI semiconductor to the People’s
5 Republic of China unless—

6 (1) the Secretary of Commerce has approved
7 such export, reexport, or transfer pursuant to sub-
8 section (b); and

9 (2) Congress has enacted a joint resolution ap-
10 proving such export, reexport, or transfer pursuant
11 to subsection (c).

12 (b) EXECUTIVE BRANCH APPROVAL PROCESS.—

13 (1) INTERAGENCY REVIEW.—Before approving
14 any export, reexport, or transfer under subsection
15 (a)(1), the Secretary of Commerce shall conduct an
16 interagency review involving the Secretary of De-
17 fense, the Secretary of Energy, the Secretary of
18 State, and the Director of National Intelligence in
19 coordination with the appropriate elements of the in-

1 intelligence community (as such term is defined in sec-
2 tion 3 of the National Security Act of 1947).

3 (2) FACTORS FOR CONSIDERATION.—In con-
4 ducting the review under paragraph (1), the Secre-
5 taries shall consider—

6 (A) the potential impact on United States
7 national security;

8 (B) the potential impact on United States
9 technological leadership;

10 (C) the risk of enabling military applica-
11 tions by the People's Republic of China;

12 (D) the risk of enabling the perpetration of
13 human rights abuses in the People's Republic of
14 China;

15 (E) the availability of comparable tech-
16 nology at a comparable volume from other
17 sources; and

18 (F) the economic impact on United States
19 companies and workers.

20 (3) DETERMINATION.—The Secretary of Com-
21 merce may approve an export, reexport, or transfer
22 under this subsection only if the Secretary deter-
23 mines, in coordination with the other Secretaries de-
24 scribed in paragraph (1), that such action is in the

1 national security and foreign policy interests of the
2 United States.

3 (c) CONGRESSIONAL APPROVAL PROCESS.—

4 (1) SUBMISSION TO CONGRESS.—Not later than
5 30 days after making a determination under sub-
6 section (b)(3), the Secretary of Commerce shall sub-
7 mit to Congress a report describing—

8 (A) the specific advanced AI semiconductor
9 that is the subject of the determination;

10 (B) the intended recipient in the People's
11 Republic of China of such semiconductor;

12 (C) the intended use of such semicon-
13 ductor;

14 (D) the analysis conducted under sub-
15 section (b)(2); and

16 (E) the basis for the determination under
17 subsection (b)(3).

18 (2) JOINT RESOLUTION REQUIRED.—An export,
19 reexport, or transfer may proceed under subsection
20 (a) only if Congress enacts a joint resolution specifi-
21 cally approving such action.

22 (d) EXCEPTIONS.—The requirements of this section
23 shall not apply to—

1 (1) exports, reexports, or transfers for humani-
2 tarian purposes, as determined by the Secretary of
3 Commerce;

4 (2) exports, reexports, or transfers necessary
5 for the operation of United States diplomatic or con-
6 sular facilities in the People's Republic of China; or

7 (3) exports, reexports, or transfers of advanced
8 AI semiconductors that were lawfully exported to the
9 People's Republic of China before the effective date
10 of this Act and are being returned for repair or re-
11 placement.

12 (e) DEFINITIONS.—In this section:

13 (1) The term “advanced AI semiconductor”
14 means a semiconductor that exceeds any of the fol-
15 lowing thresholds:

16 (A) A total processing performance of
17 2,400 or a performance density of 1.6 or more.

18 (B) A DRAM bandwidth exceeding 4,100
19 GB/s.

20 (C) An interconnect bandwidth exceeding
21 1,100 GB/s.

22 (D) A sum of DRAM bandwidth and inter-
23 connect bandwidth exceeding 5,100 GB/s.

24 (2) The term “People's Republic of China”
25 means—

1 (A) the territory of the People's Republic
2 of China, including Hong Kong and Macau; or

3 (B) any entity that is owned or controlled
4 by, or acting on behalf of, the Government of
5 the People's Republic of China or the Chinese
6 Communist Party.

7 (3) The term "person" means any individual,
8 corporation, partnership, association, or other legal
9 entity, wherever located.

10 (f) SUNSET.—This section shall cease to be effective
11 beginning on the date that is three years after the date
12 of the enactment of this Act.

