

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 8170**  
**OFFERED BY MR. BAUMGARTNER OF**  
**WASHINGTON**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Multilateral Alignment  
3 of Technology Controls on Hardware Act” or the  
4 “MATCH Act”.

**5 SEC. 2. SENSE OF CONGRESS.**

6       It is the sense of Congress that—

7           (1) advanced computing applications like artifi-  
8           cial intelligence are transforming military affairs and  
9           the balance of power;

10          (2) the United States and its allies have an ad-  
11          vantage in the foundational technologies that under-  
12          pin advanced computing applications, including ad-  
13          vanced-node integrated circuits and production, and  
14          the equipment and software required to design and  
15          produce advanced-node integrated circuits;

16          (3) robust semiconductor technology controls  
17          have been a bipartisan priority across multiple ad-

1 ministrations, reflecting a shared recognition that  
2 protecting America's semiconductor advantage is es-  
3 sential to national security;

4 (4) the United States should continue to update  
5 its export controls so that country of concern entities  
6 that are engaged in efforts to produce advanced-  
7 node integrated circuits and are especially crucial for  
8 the Military-Civil Fusion efforts of countries of con-  
9 cern, are not using United States and allied tech-  
10 nologies to undermine their national security;

11 (5) companies located in adversary countries  
12 that produce semiconductor manufacturing equip-  
13 ment are critical to adversaries' efforts to develop  
14 advanced-node integrated circuit production capabili-  
15 ties and overcome export controls, and should not be  
16 permitted to utilize or benefit from United States' or  
17 allied technology or components; and

18 (6) the United States Government should work  
19 closely with allies and partners of the United States  
20 to align export controls on semiconductor manufac-  
21 turing equipment and components to prevent gaps in  
22 controls, reduce the risk of circumvention, and en-  
23 sure a level global playing field.

1 **SEC. 3. REPORT AND APPLICATION OF CONTROLS.**

2 (a) IDENTIFYING CHOKEPOINTS.—Not later than 90  
3 days after the date of the enactment of this Act, and annu-  
4 ally thereafter for three years, the covered agency heads  
5 shall jointly conduct a review to identify all key chokepoint  
6 semiconductor manufacturing equipment and all key semi-  
7 conductor manufacturing facilities.

8 (b) REVIEW CONTENTS.—The covered agency heads,  
9 in carrying out subsection (a), shall, at minimum, as-  
10 sess—

11 (1) how covered agency heads shall determine if  
12 no country of concern produces semiconductor man-  
13 ufacturing equipment in high volume and with capa-  
14 bilities comparable to those of the product sold by  
15 the global market leader;

16 (2) what, if any, semiconductor manufacturing  
17 equipment and components therefor meet the cri-  
18 teria outlined in paragraph (1), such as whether  
19 deep ultraviolet immersion photolithography ma-  
20 chines, through silicon via deposition and etch tools,  
21 cryogenic etch equipment, hybrid or thermo-com-  
22 pression bonding equipment, deep ultraviolet light  
23 sources, and cobalt deposition equipment, regardless  
24 of overlay or other performance characteristics, are  
25 key chokepoint semiconductor manufacturing equip-  
26 ment;

1           (3) how covered agency heads shall determine  
2           which entities within a country of concern are en-  
3           gaged in the production of advanced-node integrated  
4           circuits; and

5           (4) what entities within a country of concern  
6           are key semiconductor manufacturing facilities that  
7           are engaged in the production of advanced-node inte-  
8           grated circuits, and whether Huawei, Hua Hong, or  
9           any subsidiary, affiliate, or successor thereof qualify  
10          as a key semiconductor manufacturing facility.

11          (c) PUBLIC INPUT.—The covered agency heads shall  
12          provide a mechanism for the public and industry to con-  
13          fidentially share information in carrying out this section.

14          (d) REPORT.—The covered agency heads shall submit  
15          to the appropriate congressional committees a report, that  
16          may include a classified annex, that includes—

17               (1) the methodology used for determining  
18               whether a country of concern produces an applicable  
19               item in high volume and with capabilities com-  
20               parable to those of the product sold by the global  
21               market leader, including the underlying analysis sup-  
22               porting that methodology;

23               (2) the list of key chokepoint semiconductor  
24               manufacturing equipment and key semiconductor

1 manufacturing facilities, and the underlying analysis  
2 supporting each specific finding; and

3 (3) if any items listed in subsection (b)(1) or  
4 any entities listed in subsection (b)(2) are not deter-  
5 mined to be key chokepoint semiconductor manufac-  
6 turing equipment and key semiconductor manufac-  
7 turing facilities, respectively, the methodology for  
8 that determination and its underlying analysis, as  
9 well as a certification that the United States Gov-  
10 ernment has no information indicating that the  
11 items listed in subsection (b) do qualify as key  
12 chokepoint semiconductor manufacturing equipment  
13 or key semiconductor manufacturing facilities, re-  
14 spectively.

15 (e) DIPLOMATIC ENGAGEMENT.—

16 (1) IN GENERAL.—The covered agency heads  
17 shall prioritize and upon the date of the enactment  
18 of this Act engage diplomatically to seek for the gov-  
19 ernments of allied supplier countries to adopt—

20 (A) countrywide controls on key chokepoint  
21 semiconductor manufacturing equipment sub-  
22 ject to the allied supplier country's jurisdiction,  
23 or other controls and licensing policies having  
24 the same practical effect; and

1 (B) export controls for the export, re-ex-  
2 port, or in-country transfer of all applicable  
3 items to any key semiconductor manufacturing  
4 facility with a licensing policy of denial, and a  
5 licensing requirement for the servicing of all ap-  
6 plicable items at any key semiconductor manu-  
7 facturing facilities.

8 (2) REPORT ON DIPLOMATIC EFFORTS.—Not  
9 later than 120 days after the date of the enactment  
10 of this Act, the covered agency heads shall submit  
11 to the appropriate congressional committees a report  
12 that—

13 (A) summarizes the diplomatic efforts to  
14 secure the adoption by allied supplier countries  
15 of the controls described in paragraph (1);

16 (B) describes the status of negotiations  
17 and any agreements reached;

18 (C) outlines any steps allied supplier coun-  
19 tries have agreed to take to jointly control the  
20 chokepoints and facilities of concern described  
21 in paragraph (1);

22 (D) outlines and assesses any additional  
23 incentives needed to encourage adoption of  
24 these controls; and

25 (E) identifies—

1 (i) allied supplier countries that have  
2 not adopted the controls described in para-  
3 graph (1)(A);

4 (ii) allied supplier countries that have  
5 not adopted the controls described in para-  
6 graph (1)(B); and

7 (iii) measures that the United States  
8 has taken or plans to take to implement  
9 the controls described in paragraph (1).

10 (f) EXHAUSTION OF DIPLOMATIC RECOURSE AND  
11 APPLICATION OF CONTROLS.—

12 (1) APPLICATION OF CONTROLS.—Not later  
13 than 180 days after the date of the enactment of  
14 this Act, and annually thereafter, the Secretary shall  
15 publish regulations that—

16 (A) ensure all United States countrywide  
17 controls include all United States-origin key  
18 chokepoint semiconductor manufacturing equip-  
19 ment; and

20 (B) ensure all key semiconductor manufac-  
21 turing facilities in countries of concern are sub-  
22 ject to comprehensive United States restric-  
23 tions.

24 (2) EXHAUSTION OF DIPLOMATIC RECOURSE.—

25 By not later than the date that is 180 days after the

1 date of the enactment of this Act, the covered agen-  
2 cy heads shall jointly either—

3 (A) certify to the appropriate congressional  
4 committees that all allied supplier countries  
5 have implemented—

6 (i) countrywide controls over all key  
7 chokepoint semiconductor manufacturing  
8 equipment subject to the allied supplier  
9 country's jurisdiction, or other controls  
10 and licensing policies having the same  
11 practical effect; and

12 (ii) license requirements for all appli-  
13 cable items, with a licensing policy of de-  
14 nial, or other controls and licensing policies  
15 having the same practical effect; or

16 (B) provide a list to the appropriate con-  
17 gressional committees of any allied supplier  
18 countries that have not implemented all controls  
19 described in subparagraph (A)(i) or (ii).

20 (3) EXTENSION OF CONTROLS.—Unless the  
21 covered agency heads provide the certification in  
22 paragraph (2)(A), the Secretary shall impose United  
23 States controls on or establish United States juris-  
24 diction over and issue regulations that, directly or  
25 indirectly, such as by restricting the end-uses of es-

1       sential components of such equipment that are al-  
2       ready subject to United States jurisdiction, clari-  
3       fying applications of section 764.2 or General Prohi-  
4       bition 10 of section 736.2 of the Export Administra-  
5       tion Regulations, or other methods—

6               (A) apply countrywide controls to all key  
7       chokepoint semiconductor manufacturing equip-  
8       ment and components therefor exported or re-  
9       exported from countries identified by the cov-  
10      ered agency heads under paragraph (2)(B) and  
11      countries of concern, whether by establishing  
12      jurisdiction over such items and applying con-  
13      trols directly, or indirectly, such as by restrict-  
14      ing the end-uses of essential components of  
15      such equipment that are already subject to  
16      United States jurisdiction, removing existing li-  
17      cense exemptions for key chokepoint semicon-  
18      ductor manufacturing equipment and compo-  
19      nents for allied supplier countries in the Export  
20      Administration Regulations, clarifying the ap-  
21      plication of section 764.2 or General Prohibi-  
22      tion 10 of section 736.2 of the Export Adminis-  
23      tration Regulations, or other methods;

24               (B) require a license for all servicing of  
25      any applicable item located in any key semicon-

1           ductor manufacturing facility, including by  
2           clarifying the application of section 764.2 or  
3           General Prohibition 10 of section 736.2 of the  
4           Export Administration Regulations; and

5           (C) establish jurisdiction over, and apply  
6           end-user or end-use controls prohibiting, the ex-  
7           port or re-export from countries identified by  
8           the covered agency heads under paragraph  
9           (2)(B) and countries of concern of all applicable  
10          items to any key semiconductor manufacturing  
11          facility.

12          (g) NATIONAL SECURITY WAIVER.—The Secretary  
13          may grant a one-time waiver to extend the 180-day dead-  
14          line under subsection (f)(2) by not more than 60 days,  
15          if the Secretary, with concurrence of the Secretary of  
16          State, the Secretary of Defense, and the Secretary of En-  
17          ergy, jointly—

18               (1) determine and certify to the appropriate  
19               congressional committees that—

20                       (A) the extension is in the national secu-  
21                       rity interest of the United States, despite the  
22                       risk that countries of concern may take advan-  
23                       tage of the delay to further stockpile key  
24                       chokepoint semiconductor manufacturing equip-  
25                       ment; and

1 (B) the governments of an allied supplier  
2 country or countries are taking concrete,  
3 verifiable steps, pursuant to their domestic laws  
4 and regulations and as expeditiously as pos-  
5 sible, to adopt and implement controls that are  
6 fully-aligned with, or more stringent than, the  
7 controls that would otherwise be imposed under  
8 subsection (f)(3); and

9 (2) submit to the appropriate congressional  
10 committees a report describing—

11 (A) the details justifying the national secu-  
12 rity interest determination and progress that is  
13 intended to be achieved by the extension; and

14 (B) the concrete and verifiable interim  
15 steps the covered agency heads have taken to  
16 prevent stockpiling of key chokepoint semicon-  
17 ductor manufacturing equipment by countries  
18 of concern.

19 (h) WAIVER PROHIBITION.—The Secretary may not  
20 exercise the waiver authority under subsection (g) in a  
21 manner that would result in or allow allied supplier coun-  
22 tries' controls or licensing policies to not have the same  
23 practical effect as United States controls or in a manner  
24 that would harm the technology leadership of United

1 States companies in relation to companies from allied sup-  
2 plier countries.

3 (i) REPORT.—Not later than 180 days after the date  
4 of the enactment of this Act, and annually thereafter, the  
5 covered agency heads shall submit to the appropriate con-  
6 gressional committees a report that includes—

7 (1) a list of all key chokepoint semiconductor  
8 manufacturing equipment;

9 (2) a list of all key semiconductor manufac-  
10 turing facilities and all entities that own or operate  
11 any key semiconductor manufacturing facility;

12 (3) the scope of the controls described in sub-  
13 section (b)(1) imposed by the United States and al-  
14 lied supplier countries for all key chokepoint semi-  
15 conductor manufacturing equipment identified pur-  
16 suant to paragraph (1);

17 (4) a summary of diplomatic engagements and  
18 export control actions undertaken in the 12-months  
19 period prior to the submission of the report to close  
20 any gap in the controls described in subsection  
21 (b)(1) among allied supplier countries;

22 (5) a certification that the export of all key  
23 chokepoint semiconductor manufacturing equipment  
24 to a country of concern, and the export, reexport, or  
25 in-country transfer of all applicable items to any key

1 semiconductor manufacturing facility, requires a  
2 United States or allied license and applications for  
3 such licenses will be reviewed under a policy of de-  
4 nial; and

5 (6) a certification that the servicing of all appli-  
6 cable items to any key semiconductor manufacturing  
7 facility requires a United States or allied license and  
8 applications for such licenses are reviewed under the  
9 same standard.

10 (j) COMPLIANCE ASSISTANCE WITH EXTENSION OF  
11 CONTROLS.—At the time of imposing controls pursuant  
12 to subparagraph (f)(3), the Under Secretary for Industry  
13 and Security shall also send is-informed letters to the prin-  
14 cipal executive officers of companies that produce key  
15 chokepoint semiconductor manufacturing equipment and  
16 components in allied supplier countries and in countries  
17 of concern describing the controls issued pursuant to sub-  
18 section (f)(3), the legal obligations imposed by the controls  
19 described, and the penalties described in section 1760 of  
20 the Export Control Reform Act of 2018 (50 U.S.C. 4819)  
21 for potential violation of the controls.

22 (k) TERMINATION AND REIMPOSITION OF CONTROLS  
23 UPON ALLIED ACTION.—

24 (1) TERMINATION OR MODIFICATION.—If the  
25 covered agency heads determine that an allied sup-

1 plier country has implemented all the controls in  
2 (f)(2)(A)(i) and (ii), the covered agency heads may,  
3 upon notifying the appropriate congressional com-  
4 mittees of such determination, terminate or modify  
5 any control imposed under subsection (f)(3) for  
6 items exported from that allied supplier country.

7 (2) REIMPOSITION.—If, after terminating or  
8 modifying a control under paragraph (1), the cov-  
9 ered agency heads determine that the allied supplier  
10 country has materially weakened, including through  
11 licensing administration policies or practices, sus-  
12 pended, or revoked the control or respective licensing  
13 policy of denial or presumption of denial that justi-  
14 fied the termination or modification under para-  
15 graph (1), the covered agency heads shall, not later  
16 than 60 days after making such determination—

17 (A) notify the appropriate congressional  
18 committees of such determination; and

19 (B) reimpose the United States control  
20 under subsection (f)(2) that was terminated or  
21 modified under paragraph (1).

22 (l) ADMINISTRATIVE PROCEDURE ACT RULEMAKING  
23 AND JUDICIAL REVIEW.—The provisions of section 1762  
24 of the Export Control Reform Act of 2018 (50 U.S.C.  
25 4821) shall apply to this section in the same manner and

1 to the same extent as such provisions apply to the Export  
2 Control Reform Act of 2018.

3 **SEC. 4. RULE OF CONSTRUCTION.**

4 Nothing in this Act may be construed to direct the  
5 covered agency heads to enact unilateral controls or licens-  
6 ing policies in which any allied supplier country's controls  
7 or licensing policies do not have the same practical effect  
8 as United States controls.

9 **SEC. 5. SUNSET.**

10 (a) EXPIRATION.—This Act shall cease to have effect  
11 beginning on the date that is five years after the date of  
12 the enactment of this Act.

13 (b) CONTINUATION OF PRIOR OBLIGATIONS.—The  
14 expiration of this Act under subsection (a) shall not affect  
15 any action, proceeding, or obligation that was commenced  
16 or incurred prior to such expiration.

17 **SEC. 6. DEFINITIONS.**

18 In this Act:

19 (1) ADVANCED-NODE INTEGRATED CIRCUITS.—  
20 The term “advanced-node integrated circuits” has  
21 the meaning given that term in section 772.1 of the  
22 Export Administration Regulations (as in effect on  
23 January 1, 2026).

24 (2) ALLIED SUPPLIER COUNTRY.—The term  
25 “allied supplier country” means any country that—

1 (A) is not a country of concern; and

2 (B) is engaged in the production of key  
3 chokepoint semiconductor manufacturing equip-  
4 ment.

5 (3) APPLICABLE ITEM.—The term “applicable  
6 item” means any item that is or can be made sub-  
7 ject to the Export Administration Regulations, in-  
8 cluding—

9 (A) a foreign-produced item that is the di-  
10 rect product of, or produced by plants or major  
11 components that are themselves the direct prod-  
12 uct of software or technology subject to the Ex-  
13 port Administration Regulations; (B) a foreign-  
14 produced item with more than zero percent de-  
15 minimis controlled United States-origin content;  
16 and

17 (B) a foreign-produced item that contain  
18 United States-origin or foreign-produced inte-  
19 grated circuits that are presumptively designed  
20 or produced, directly or indirectly, with tech-  
21 nology, software, or equipment that is subject  
22 to the Export Administration Regulations.

23 (4) APPROPRIATE CONGRESSIONAL COMMIT-  
24 TEES.—The term “appropriate congressional com-  
25 mittees” means—

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

3 (B) the Committee on Foreign Affairs of  
4 the House of Representatives.

5 (5) 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 Islamic Republic of Iran;

11 (C) the Democratic People’s Republic of  
12 Korea;

13 (D) the Russian Federation; and

14 (E) any other foreign country listed in the  
15 Country Group D:5 under Supplement No. 1 to  
16 part 740 of the Export Administration Regula-  
17 tions, as published on January 1, 2026, that is  
18 designated by the Secretary of State as a coun-  
19 try of concern for purposes of this section and  
20 for which notice of such designation has been  
21 published in the Federal Register.

22 (6) COUNTRYWIDE CONTROLS.—The term  
23 “countrywide controls” means licensing require-  
24 ments and a policy of denial for the export, reexport,  
25 or in-country transfer, and licensing requirements

1 for servicing, of all specified items to any destination  
2 within any country of concern, excluding exports  
3 where the destination is a fabrication facility that  
4 existed as of the date of the enactment of this Act  
5 and remains owned and operated by a company  
6 headquartered, and having an ultimate parent  
7 headquartered, outside of any country of concern.

8 (7) COVERED AGENCY HEADS.—The term “cov-  
9 ered agency heads” means the Under Secretary of  
10 Commerce for Industry and Security and the Sec-  
11 retary of State, in coordination with the Secretary of  
12 Energy and the Secretary of Defense, or their des-  
13 ignees.

14 (8) KEY SEMICONDUCTOR MANUFACTURING FA-  
15 CILITY.—The term “key semiconductor manufac-  
16 turing facility” means any facility—

17 (A) which is—

- 18 (i) located in a country of concern;  
19 (ii) engaged in the production of ad-  
20 vanced-node integrated circuits; and  
21 (iii) not a fabrication facility that—  
22 (I) existed as of the date of the  
23 enactment of this Act; and  
24 (II) remains owned and operated  
25 by a company which is headquartered

1                   and has an ultimate parent  
2                   headquartered outside of any country  
3                   of concern; or

4                   (B) which is owned or controlled by, under  
5                   common ownership or control with, or manufac-  
6                   turing at the direction of—

7                   (i) any entity described in section  
8                   5949(j)(3)(A) or (B) of the James M.  
9                   Inhofe National Defense Authorization Act  
10                  for Fiscal Year 2023 and that is restricted  
11                  by U.S. export controls as of January 1,  
12                  2026, including end-user or end-use con-  
13                  trols described in the interim final rule, ti-  
14                  tled “Implementation of Additional Due  
15                  Diligence Measures for Advanced Com-  
16                  puting Integrated Circuits; Amendments  
17                  and Clarifications; and Extension of Com-  
18                  ment Period” (90 Fed. Reg. 5298); or

19                  (ii) any producer, manufacturer, or  
20                  developer of semiconductor manufacturing  
21                  equipment that is headquartered in, or has  
22                  an ultimate parent headquartered in, a  
23                  country of concern.

24                  (9) **KEY CHOKEPOINT SEMICONDUCTOR MANU-**  
25                  **FACTURING EQUIPMENT.**—The term “key

1       chokepoint semiconductor manufacturing equip-  
2       ment” —

3               (A) means semiconductor manufacturing  
4       equipment or a component therefor that—

5                   (i) is an applicable item; and

6                   (ii) the covered agency heads deter-  
7       mine no country of concern produces in  
8       high volume and with capabilities com-  
9       parable to those of the product sold by the  
10      global market leader; and

11               (B) includes, at a minimum—

12                   (i) all semiconductor manufacturing  
13      equipment, materials, and software that as  
14      of the date of the enactment of this Act re-  
15      quire a license from the United States or  
16      any allied supplier country for export, re-  
17      export, or in-country transfer to any des-  
18      tination in a country of concern, with a li-  
19      censing policy of denial or a presumption  
20      of denial;

21                   (ii) all semiconductor manufacturing  
22      equipment or components specified in Ex-  
23      port Control Classification Number 3B001,  
24      3B002, or equipment meeting the param-  
25      eters of Export Control Classification

1                   Number 3B993.f.1 (excluding the param-  
2                   eters described in 3B993.f.1.b.2), as in ef-  
3                   fect on January 1, 2026.

4                   (10) EXPORT; IN-COUNTRY TRANSFER; REEX-  
5                   PORT; EXPORT ADMINISTRATION REGULATIONS.—  
6                   The terms “export”, “in-country transfer”, “reex-  
7                   port”, and “Export Administration Regulations”  
8                   have the meanings given such terms in section 1742  
9                   of the Export Control Reform Act of 2018 (50  
10                  U.S.C. 4801).

11                  (11) SECRETARY.—Except as otherwise pro-  
12                  vided, the term “Secretary” means the Secretary of  
13                  Commerce, in coordination with Secretary of State,  
14                  Secretary of Defense, and Secretary of Energy.

15                  (12) SERVICING.—The term “servicing” means  
16                  any servicing of equipment or components, whether  
17                  in-person or remote, including installation, calibra-  
18                  tion, repair, overhauling, refurbishing, testing, diag-  
19                  nosing, updating software or firmware, training,  
20                  field services, application support engineering,  
21                  customization, technical assistance, process adjust-  
22                  ments, troubleshooting, and transfer of industry best  
23                  practices for maintenance.

