

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 ensure effective
22 restrictions, prevent gaps in controls, reduce the risk
23 of circumvention, and ensure a level global playing
24 field.

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

2 (a) IDENTIFYING KEY CHOKEPOINT SEMICON-
3 DUCTOR MANUFACTURING EQUIPMENT AND FACILI-
4 TIES.—Not later than 90 days after the date of the enact-
5 ment of this Act, and annually thereafter for five years,
6 the covered agency heads shall jointly conduct a review
7 to identify all key chokepoint semiconductor manufac-
8 turing equipment and all key semiconductor manufac-
9 turing facilities that warrant export controls to safeguard
10 the national security of the United States and its partners
11 and allies.

12 (b) REVIEW CONTENTS.—The covered agency heads,
13 in carrying out subsection (a), shall, at minimum, as-
14 sess—

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

20 (2) what, if any, semiconductor manufacturing
21 equipment and components therefor meet the cri-
22 teria outlined in subsection (a) as key chokepoint
23 semiconductor manufacturing equipment, such as
24 electrostatic chucks, deep ultraviolet light sources,
25 and certain radio frequency power generators, im-
26 pedance matching networks, optics, and lasers;

1 (3) how covered agency heads shall determine
2 which entities within a country of concern, including
3 whether their subsidiaries and affiliates, are engaged
4 in the production of advanced-node integrated cir-
5 cuits and qualify as key semiconductor manufac-
6 turing facilities;

7 (4) what entities within a country of concern,
8 including whether their subsidiaries and affiliates,
9 are key semiconductor manufacturing facilities that
10 are engaged in the production of advanced-node inte-
11 grated circuits; and

12 (5) United States controls on key semicon-
13 ductor equipment and key semiconductor manufac-
14 turing facilities that allied supplier countries do not
15 similarly control.

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

19 (d) REPORT.—The covered agency heads shall submit
20 to the appropriate congressional committees a report, that
21 may include a classified annex, on the results of the review
22 required by subsection (b) that includes—

23 (1) 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 (2) 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.—Upon the date of the enact-
17 ment of this Act, the covered agency heads shall im-
18 mediately 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 presumption of
5 denial, and a licensing requirement for the serv-
6 icing of all applicable items at any key semicon-
7 ductor manufacturing 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 key chokepoint semiconductor manufacturing
21 equipment and key semiconductor manufac-
22 turing facilities in paragraph (1);

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

1 (E) identifies—

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

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

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

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

13 (1) APPLICATION OF CONTROLS.—Not later
14 than 240 days after the date of the enactment of
15 this Act, and annually thereafter, the Secretary shall
16 publish regulations that—

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

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

1 (2) EXHAUSTION OF DIPLOMATIC RECOURSE.—

2 By not later than the date that is 240 days after the
3 date of the enactment of this Act, the covered agen-
4 cy heads shall jointly either—

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

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

14 (ii) license requirements for all appli-
15 cable items, with a licensing policy of pre-
16 sumption of denial, or other controls and
17 licensing policies having the same practical
18 effect; or

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

23 (3) EXTENSION OF CONTROLS.—Unless the
24 covered agency heads provide the certification in
25 paragraph (2)(A), the Secretary shall impose United

1 States controls on or establish United States juris-
2 diction over and issue regulations that, directly or
3 indirectly, such as by restricting the end-uses of es-
4 sential components of such equipment that are al-
5 ready subject to United States jurisdiction, clari-
6 fying applications of section 764.2 or General Prohi-
7 bition 10 of section 736.2 of the Export Administra-
8 tion Regulations, or other methods—

9 (A) apply countrywide controls to all key
10 chokepoint semiconductor manufacturing equip-
11 ment exported or re-exported from countries
12 identified by the covered agency heads under
13 paragraph (2)(B) and countries of concern,
14 whether by establishing jurisdiction over such
15 items and applying controls directly, or indi-
16 rectly, such as by restricting the end-uses of es-
17 sential components of such equipment that are
18 already subject to United States jurisdiction,
19 removing existing license exemptions for key
20 chokepoint semiconductor manufacturing equip-
21 ment and components for allied supplier coun-
22 tries in the Export Administration Regulations,
23 clarifying the application of section 764.2 or
24 General Prohibition 10 of section 736.2 of the

1 Export Administration Regulations, or other
2 methods;

3 (B) require a license for all servicing of
4 any applicable item located in any key semicon-
5 ductor manufacturing facility, including by
6 clarifying the application of section 764.2 or
7 General Prohibition 10 of section 736.2 of the
8 Export Administration Regulations; and

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

16 (g) NATIONAL SECURITY WAIVER.—The Secretary
17 may grant a one-time waiver to extend the 240-day dead-
18 line under subsection (f)(2) by not more than 60 days,
19 if the Secretary, with concurrence of the Secretary of
20 State, the Secretary of Defense, and the Secretary of En-
21 ergy, jointly—

22 (1) determine and certify to the appropriate
23 congressional committees that—

24 (A) the extension is in the national secu-
25 rity interest of the United States, despite the

1 risk that countries of concern may take advan-
2 tage of the delay to further stockpile key
3 chokepoint semiconductor manufacturing equip-
4 ment; and

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

13 (2) submit to the appropriate congressional
14 committees a report describing—

15 (A) the details justifying the national secu-
16 rity interest determination and progress that is
17 intended to be achieved by the extension; and

18 (B) the concrete and verifiable interim
19 steps the covered agency heads have taken to
20 prevent stockpiling of key chokepoint semicon-
21 ductor manufacturing equipment by countries
22 of concern.

23 (h) WAIVER PROHIBITION.—The Secretary may not
24 exercise the waiver authority under subsection (g) in a
25 manner that would result in or allow allied supplier coun-

1 tries' controls or licensing policies to not have the same
2 practical effect as United States controls or in a manner
3 that would harm the technology leadership of United
4 States companies in relation to companies from allied sup-
5 plier countries.

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

10 (1) a list of all key chokepoint semiconductor
11 manufacturing equipment;

12 (2) a list of all key semiconductor manufac-
13 turing facilities and all entities that own or operate
14 any key semiconductor manufacturing facility;

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

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

1 (5) a certification that the export of all key
2 chokepoint semiconductor manufacturing equipment
3 to a country of concern, and the export, reexport, or
4 in-country transfer of all applicable items to any key
5 semiconductor manufacturing facility, requires a
6 United States or allied license and applications for
7 such licenses will be reviewed under a licensing pol-
8 icy of a presumption of denial; and

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

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

1 (k) TERMINATION AND REIMPOSITION OF CONTROLS
2 UPON ALLIED ACTION.—

3 (1) TERMINATION OR MODIFICATION.—If the
4 covered agency heads determine that an allied sup-
5 plier country has implemented all the controls in
6 (f)(2)(A)(i) and (ii), the covered agency heads may,
7 upon notifying the appropriate congressional com-
8 mittees of such determination, including with such
9 notification the evidence supporting the determina-
10 tion and details on the mechanisms for ensuring on-
11 going monitoring to ensure sufficient ability to exer-
12 cise the reimposition actions described in paragraph
13 (2), terminate or modify any United States control
14 imposed under subsection (f)(3) for items exported
15 from that allied supplier country.

16 (2) REIMPOSITION.—If, after terminating or
17 modifying a control under paragraph (1), the cov-
18 ered agency heads determine that the allied supplier
19 country has materially weakened, including through
20 licensing administration policies or practices, sus-
21 pended, or revoked the control or respective licensing
22 policy of presumption of denial that justified the ter-
23 mination or modification under paragraph (1), the
24 covered agency heads shall, not later than 60 days
25 after making such determination—

1 (A) notify the appropriate congressional
2 committees of such determination; and

3 (B) reimpose the United States control
4 under subsection (f)(2) that was terminated or
5 modified under paragraph (1).

6 (I) ADMINISTRATIVE PROCEDURE ACT RULEMAKING
7 AND JUDICIAL REVIEW.—The provisions of section 1762
8 of the Export Control Reform Act of 2018 (50 U.S.C.
9 4821) shall apply to this section in the same manner and
10 to the same extent as such provisions apply to the Export
11 Control Reform Act of 2018.

12 **SEC. 4. RULES OF CONSTRUCTION.**

13 Nothing in this Act may be construed to direct the
14 covered agency heads to enact unilateral controls or licens-
15 ing policies in which any allied supplier country's controls
16 or licensing policies do not have the same practical effect
17 as United States controls.

18 **SEC. 5. SUNSET.**

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

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

1 **SEC. 6. DEFINITIONS.**

2 In this Act:

3 (1) **ADVANCED-NODE INTEGRATED CIRCUITS.**—

4 The term “advanced-node integrated circuits” has
5 the meaning given that term in section 772.1 of the
6 Export Administration Regulations (as in effect on
7 January 1, 2026).

8 (2) **ALLIED SUPPLIER COUNTRY.**—The term
9 “allied supplier country” means any country that—

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

11 (B) is engaged in the production of key
12 chokepoint semiconductor manufacturing equip-
13 ment.

14 (3) **APPLICABLE ITEM.**—The term “applicable
15 item” means any item that is or can be made sub-
16 ject to the Export Administration Regulations, in-
17 cluding—

18 (A) a foreign-produced item that is the di-
19 rect product of, or produced by plants or major
20 components that are themselves the direct prod-
21 uct of software or technology subject to the Ex-
22 port Administration Regulations;

23 (B) a foreign-produced item with more
24 than zero percent de minimis controlled United
25 States-origin content; and

1 (C) a foreign-produced item that contain
2 United States-origin or foreign-produced inte-
3 grated circuits that are presumptively designed
4 or produced, directly or indirectly, with tech-
5 nology, software, or equipment that is subject
6 to the Export Administration Regulations.

7 (4) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Banking, Housing,
11 and Urban Affairs of the Senate; and

12 (B) the Committee on Foreign Affairs of
13 the House of Representatives.

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

16 (A) the People’s Republic of China, includ-
17 ing the Hong Kong and Macau Special Admin-
18 istrative Regions;

19 (B) the Islamic Republic of Iran;

20 (C) the Democratic People’s Republic of
21 Korea;

22 (D) the Russian Federation; and

23 (E) any other foreign country listed in the
24 Country Group D:5 under Supplement No. 1 to
25 part 740 of the Export Administration Regula-

1 tions, as published on January 1, 2026, that is
2 designated by the Secretary of State as a coun-
3 try of concern for purposes of this section and
4 for which notice of such designation has been
5 published in the Federal Register.

6 (6) COUNTRYWIDE CONTROLS.—The term
7 “countrywide controls” means licensing require-
8 ments and a policy of presumption of denial for the
9 export, reexport, or in-country transfer, and licens-
10 ing requirements for servicing, of all specified items
11 to any destination within any country of concern, ex-
12 cluding exports where the destination is a manufac-
13 turing facility that existed as of the date of the en-
14 actment of this Act and remains owned and operated
15 by a company headquartered, and having an ulti-
16 mate parent headquartered, outside of any country
17 of concern.

18 (7) COVERED AGENCY HEADS.—The term “cov-
19 ered agency heads” means the Under Secretary of
20 Commerce for Industry and Security and the Sec-
21 retary of State, in coordination with the Secretary of
22 Energy and the Secretary of Defense, or their des-
23 ignees.

1 (8) KEY SEMICONDUCTOR MANUFACTURING FA-
2 CILITY.—The term “key semiconductor manufac-
3 turing facility” means any facility—

4 (A) which is—

5 (i) located in a country of concern;

6 (ii) engaged in the production of ad-
7 vanced-node integrated circuits; and

8 (iii) not a manufacturing facility
9 that—

10 (I) existed as of the date of the
11 enactment of this Act; and

12 (II) remains owned and operated
13 by a company which is headquartered
14 and has an ultimate parent
15 headquartered outside of any country
16 of concern; or

17 (B) of any entity described in section
18 5949(j)(3)(A) or (B) of the James M. Inhofe
19 National Defense Authorization Act for Fiscal
20 Year 2023 that is restricted by end-user or end-
21 use U.S. controls as of January 1, 2026, in-
22 cluding end-user or end-use controls described
23 in the interim final rule, titled “Implementation
24 of Additional Due Diligence Measures for Ad-
25 vanced Computing Integrated Circuits; Amend-

1 ments and Clarifications; and Extension of
2 Comment Period” (90 Fed. Reg. 5298); or

3 (C) of any producer or manufacturer of
4 semiconductor manufacturing equipment that is
5 headquartered in, or has an ultimate parent
6 headquartered in, a country of concern.

7 (9) **KEY CHOKEPOINT SEMICONDUCTOR MANU-**
8 **FACTURING EQUIPMENT.**—The term “key
9 chokepoint semiconductor manufacturing equip-
10 ment”—

11 (A) means semiconductor manufacturing
12 equipment or a component therefor that—

13 (i) is an applicable item; and

14 (ii) the covered agency heads deter-
15 mine no country of concern produces in
16 high volume and with capabilities com-
17 parable to those of the product sold by the
18 global market leader; and

19 (B) includes, at a minimum—

20 (i) all semiconductor manufacturing
21 equipment, software, subsystems, parts,
22 and components that enable production of
23 or are incorporated into the semiconductor
24 manufacturing equipment that as of the
25 date of the enactment of this Act require

1 a license from the United States or any al-
2 lied supplier country for export, re-export,
3 or in-country transfer to any destination in
4 a country of concern, with a licensing pol-
5 icy of a presumption of denial;

6 (ii) all semiconductor manufacturing
7 equipment or components specified in Ex-
8 port Control Classification Number 3B001,
9 3B002, or equipment meeting the param-
10 eters of Export Control Classification
11 Number 3B993.f.1 (excluding the param-
12 eters described in 3B993.f.1.b.2), as in ef-
13 fect on January 1, 2026.

14 (10) EXPORT; IN-COUNTRY TRANSFER; REEX-
15 PORT; EXPORT ADMINISTRATION REGULATIONS.—
16 The terms “export”, “in-country transfer”, “reex-
17 port”, and “Export Administration Regulations”
18 have the meanings given such terms in section 1742
19 of the Export Control Reform Act of 2018 (50
20 U.S.C. 4801).

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

1 (12) SERVICING.—The term “servicing” means
2 any servicing of equipment or components, whether
3 in-person or remote, including installation, calibra-
4 tion, repair, overhauling, refurbishing, testing, diag-
5 nosing, updating software or firmware, training,
6 field services, application support engineering,
7 customization, technical assistance, process adjust-
8 ments, troubleshooting, and transfer of industry best
9 practices for maintenance.

