

US tightens AI chip and chipmaking tool export rules and adds 13 Chinese entities

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FOR IMMEDIATE RELEASE | October 28, 2022 | Media Contact: BIS updated public information page on export controls imposed on advanced computing and semiconductor manufacturing items to the People's Republic of China (PRC) This page provides information on the export controls released on October 7, 2022, and October 17, 2023, including links to rule texts and additional background information including Frequently Asked Questions (FAQs).

Information on November 6, 2023 Public Briefing On November 6, 2023, the Bureau of Industry and Security conducted a public briefing on two interim final rules released on October 17, 2023, "Implementation of Additional Export Controls: Certain Advanced Computing Items; Supercomputer and Semiconductor End Use; Updates and Corrections," and "Export Controls on Semiconductor Manufacturing Equipment," and one final rule "Entity List Additions," that were published in the Federal Register on October 19, 2023. A recording of the presentation is below.

Public Briefing - Assistant Secretary Thea D. Rozman Kendler 11-06-2023 - YouTube

2023 RULE INFORMATION On October 17, 2023, BIS released three rules updating the controls released on October 7, 2022. BIS's press release on the October 17, 2023, updates is available [here](#) and brief summaries and links to additional information is available below. "Export Controls on Semiconductor Manufacturing Items Interim Final Rule" (SME IFR): The text of the rule is available [here](#). The effective date for this rule is 30 days after public inspection on the Federal Register web site (except the Temporary General License, which is effective upon publication in the Federal Register). The deadline for public comments is 60 days from the date that the rule is put on public inspection by the Federal Register. Brief Summary of Updates: Imposes controls on additional types of semiconductor manufacturing equipment. Refining and better focusing the U.S. persons restrictions to ensure U.S. companies cannot provide support to advanced PRC semiconductor manufacturing and codifying previously existing agency guidance. Expanding license requirements for semiconductor manufacturing equipment to apply to additional countries beyond the PRC and Macau, to 21 other countries for which the U.S. maintains an arms embargoes. "Implementation of Additional Export Controls: Certain Advanced Computing Items; Supercomputer and Semiconductor End Use; Updates and Corrections Interim Final Rule (AC/S IFR): Text of the rule is available [here](#). The effective date for this rule is 30 days from the date the rule is put on public inspection on the Federal Register website. The deadline for public comments is 60 days from the date the rule is put on public display by the Federal Register. Brief Summary of Updates: The AC/S IFR retains the licensing requirements for the PRC (including Hong Kong and Macau) imposed in the October 7, 2022, rule and makes several updates: Adjusting the parameters that determine whether an advanced computing chip requires a license; and Imposing new measures to address risks of circumvention of the controls including by expanding controls to additional countries. Parameter Changes: Based on public comments, recent technological developments, and analysis of the prior rule's national security impact, the AC/S IFR removes "interconnect bandwidth" as a parameter for identifying restricted chips. The rule also: Restricts the export of chips if they exceed either of two parameters: The performance threshold set in the October 7 rule; or A new "performance density threshold," which is designed to preempt future workarounds. Creates a license exception for shipments of certain lower-performance chips. Under new License Exception Notified Advanced Computing (NAC), following receipt of notification for exports and reexports to Macau and destinations identified as subject to a U.S. arms embargo (including China), the U.S. government will determine within 25 days whether the transaction may proceed under the license exception or instead require a license. License Exception NAC may be used for exports, reexports, and transfers (in-country) to or within other countries without prior notification. Circumvention Prevention: Establishes a worldwide licensing requirement for any company that is headquartered in Macau or a destination subject to the U.S. arms embargo (including the PRC), or whose ultimate parent company is

headquartered in those countries, to prevent firms from countries of concern from securing controlled chips through their foreign subsidiaries and branches. Creates new red flags and additional due diligence requirement under the U.S. persons controls. This will make it easier for foundries to assess whether foreign parties are attempting to circumvent the controls. Imposes additional license requirements on exports to more than 40 additional countries that present a heightened risk for diversion to China. This will help address potential transshipment by non-PRC companies purchasing chips for resale to China and provide greater visibility into procurement networks and customers of these chips. Improves understanding about transactions by collecting information on the export of less advanced chips through the notification process described above for exports and reexports to Macau and destinations subject to U.S. arms embargo. Includes a request for public comments on multiple topics, including infrastructure as a service (IaaS) providers, additional compliance guidance that could be provided to foundries receiving chip designs, the application of controls on deemed exports and deemed reexports, and defining headquartered companies.

“Additions to the Entity List”: Text of the rule is available on the Federal Register’s website [here](#) . The effective date for this rule is October 17, 2023. Brief Summary: BIS is adding to the Entity List two PRC entities and their subsidiaries (total of 13 entities) involved in the development of advanced computing chips and have been found to be engaged in activities contrary to U.S. national security and foreign policy interests. These entities will also be subject to restrictions on foreign-produced items made with U.S. technology. 2022 RULE INFORMATION

BIS Information on the Rule: BIS’s October 7, 2022 press release on the rule is available online [here](#) . The written presentation of Assistant Secretary Thea D. Rozman Kendler for BIS’s October 13, 2022 Public Briefing on the rule is available online [here](#) A webcast of Under Secretary Alan F. Estevez’s October 27, 2022 fireside chat at the Center for a New American Security (CNAS) discussing the rule is available online [here](#) . The written presentation of Assistant Secretary Thea D. Rozman Kendler to an Open Session of BIS’s Information Systems Technical Advisory Committee on November 2, 2022. [here](#) . Frequently Asked Questions (FAQs): BIS’s first round of FAQs, published on October 28, 2022 are available online [here](#) FAQs for October 7 Advanced Computing and Semiconductor Manufacturing Equipment Rule (Updated 1/25/2023) [here](#) Rule Text and Public Comment Information: The text of the published rule on the Federal Register’s website is available online [here](#) . To submit a public comment on the rule via Regulations.gov please follow this [link](#) . ###