

Pursuant to the Advance Notice of Proposed Rulemaking (ANPRM) containing initial proposals respecting the outbound investment review program mandated by President Joe Biden’s Executive Order titled “Addressing United States Investments in Certain National Security Technologies and Products in Countries of Concerns,” the Treasury Department is considering prohibiting or requiring notification for U.S. persons undertaking transactions with a covered foreign person engaged in the following activities:

Prohibited	Require Notification
<b>Semiconductors &amp; Microelectronics</b>	
<p><i>Software for Electronic Design Automation:</i> the development or production of electronic design automation software designed to be exclusively used for integrated circuit (“IC”) design.</p> <p><i>Integrated Circuit Manufacturing Equipment:</i> the development or production of front-end semiconductor fabrication equipment designed to be exclusively used for the volume fabrication of ICs.</p>	<p><i>Integrated Circuit Design</i> of other ICs.</p>
<p><i>Advanced Integrated Circuit Design</i> for ICs that exceed the thresholds in Export Control Classification Number (ECCN) 3A090 or are designed for operation at or below 4.5 Kelvin.</p> <p><i>Advanced Integrated Circuit Fabrication</i> for ICs meeting the following criteria:</p> <ul style="list-style-type: none"> <li>• Logic ICs using a non-planar transistor architecture or with a technology node of 16/14 nm or less, including but not limited to fully depleted silicon-on-insulator IC;</li> <li>• NOT-AND memory ICs with 128 layers or more;</li> <li>• Dynamic random-access memory ICs using a technology node of 18 nm half-pitch of less;</li> <li>• ICs manufactured from a gallium-based compound semiconductor; or</li> <li>• ICs designed for operation at or below 4.5 Kelvin.</li> </ul> <p><i>Advanced Integrated Circuit Packaging</i> of ICs that support three-dimensional integration of ICs, using silicon vias or through mold vias.</p>	<p><i>Integrated Circuit Fabrication</i> of other ICs.</p>
<p><i>Supercomputers:</i> the installation or sale to third-party customers of certain supercomputers, which are enabled by advanced ICs that can provide a theoretical compute capacity of 100 or more double-precision (64-bit) petaflops or 200 or more single-precision (32-bit) petaflops of processing power within a 41,600 cubic foot or smaller envelope.</p>	<p><i>Integrated Circuit Packaging</i> of other ICs.</p>
<b>Quantum Information Technologies</b>	
<p><i>Quantum Computers and Components:</i> the production of a quantum computer, dilution refrigerator, or two-stage pulse tube cryocooler.</p>	<p>Not considering a separate notification requirement for quantum information technologies.</p>
<p><i>Quantum Sensing Platform</i> designed to be exclusively used for military end uses, government intelligence, or mass-surveillance end uses. Alternatively, “primarily used” could take the place of “exclusively used.”</p>	
<p><i>Quantum Network or Quantum Communication System</i> designed to be exclusively used for secure communications, such as quantum key distribution. Alternatively, “primarily used” could take the place of “exclusively used.”</p>	
<b>Artificial Intelligence (AI) Systems</b>	
<p>Engineered or machine-based system that can, for a given set of objectives, generate outputs such as predictions, recommendations, or decisions influencing real or virtual environments. AI systems are designed to operate with varying levels of autonomy.</p>	
<p>Development of software that incorporates an AI system and is designed to be exclusively used for military, government intelligence, or mass-surveillance end uses. Alternatively, “primarily used” could take the place of “exclusively used.”</p>	<p>Development of software that incorporates an artificial intelligence system and is designed to be exclusively used for: cybersecurity applications, digital forensics tools, and penetration testing tools; the control of robotic systems; surreptitious listening devices. . . ; non-cooperative location tracking. . . ; or facial recognition.</p>