









Introduction

How did we go from the Electronic Numerical Integrator and Computer (ENIAC)?





To the current Laptop?

Answer: Modern Integrated circuit technology

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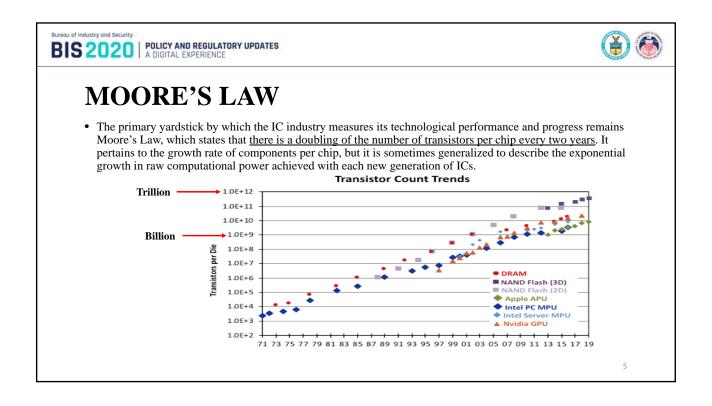


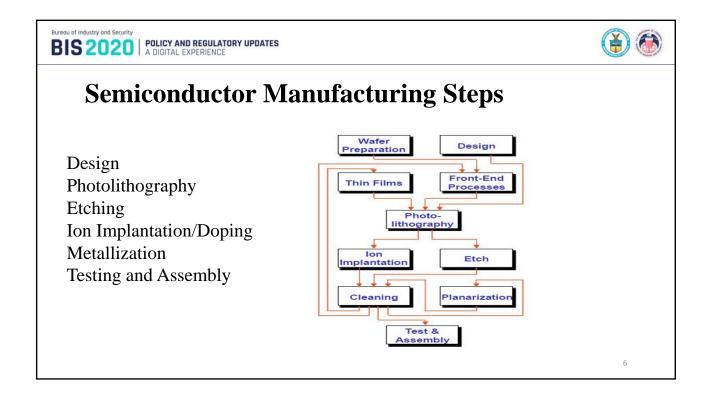


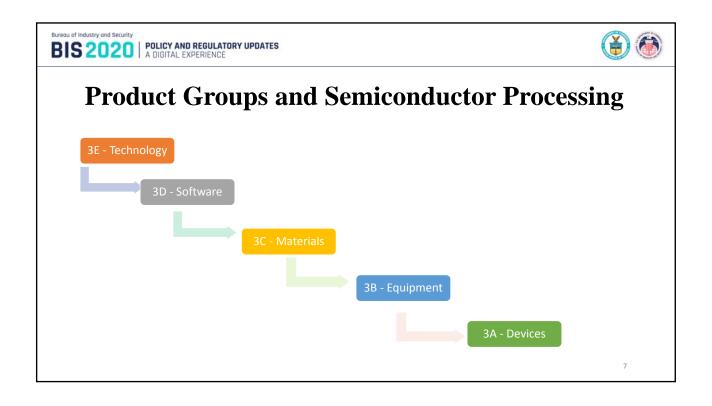


Introduction

- Semiconductor materials are what allow integrated circuit technology to work.
- Semiconductors are the basis for the invention of the transistor. Transistors are the key active components in practically all modern electronics. In 1947, John Bardeen, William Shockley and Walter Brattain at Bell Labs created the first point-contact transistor that achieved amplification.
- On September 12th, 1958, Jack Kilby of Texas Instruments demonstrated the first working Integrated Circuit (IC) and applied for a patent on February 6th, 1959. Kilby's description of the device being a work of an electronic circuit that was totally integrated led to the coining of the term, integrated circuit.







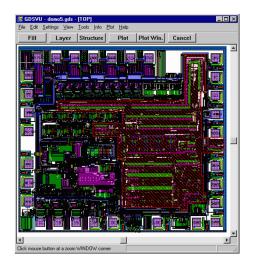


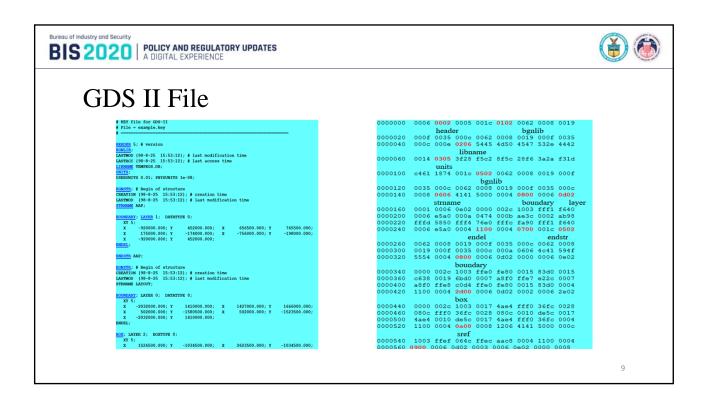


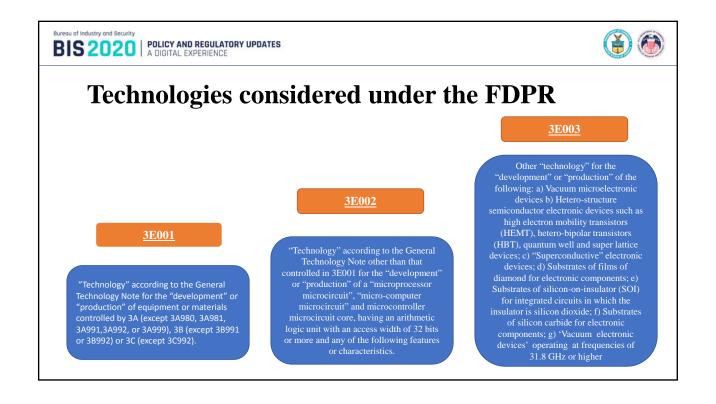


Design

- A design is a plan or specification for the construction of an object or system or for the implementation of an activity or process, or the result of that plan or specification in the form of a prototype, product or process.
- Circuit design is the first step for every electronics design project and requires the creation of a schematic diagram.
- ECAD Tool: Computer-aided design (CAD) software
- GDS File: Graphic Database System
- Electronic design automation (EDA), also referred to as electronic computer-aided design (ECAD), is a category of software tools for designing electronic systems such as integrated circuits.
- GDSII files are usually the final output product of the IC design cycle and are given to IC foundries for IC fabrication.













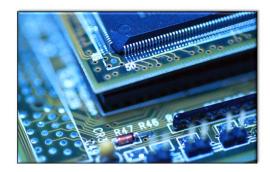




Devices

ECCNs 3A001 & 3A991

- Microprocessors
- A/D Converters
- D/A Converters
- FPGAs, Flash Memories
- MMIC Amplifiers
- Microwave Transistors
- ❖ SRAMs
- Microcontrollers



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Foreign-Produced Direct Product Interim Final Rule (FPDP)

- Amendments to Foreign-Produced Direct Product Rule and Entity List effective (85 FR 29849, 5/19/2020)
 - 60 day comment period (ended 7/14/2020)
 - 120 day production savings clause (ends 9/14/2020)
- Revisions
 - Added new Entity paragraph in General Prohibition 3: §736.2(b)(3)(vi) of the EAR
 - Added new footnote 1 to the Entity List Supp. No. 4 to part 744 of the EAR







Public Comments

- BIS received 11 public comments
 - 1 non-responsive comment
 - 1 business confidential comment
 - 9 posted comments
 - Regulations.gov under BIS-2020-0011
- Topics of public comments
 - Traditional FPDP letter of assurance
 - How the FPDP rules are being circumvented
 - Savings Clause length extension request
 - Technical cut-off point should only apply to lower level circuits
 - Multiple inputs at various stages of development/production

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FPDP FINAL rule

- Effective upon public display August 17, 2020
- Production Savings Clause ends September 14, 2020
- Merging of 3 rules: Entity List, Temp. Gen. License (removal), FPDP
- FPDP Final Rule Details:
 - Removed paragraph (b)(2) of footnote 1 to supplement no. 4 of part 744
 - Removed "produced or developed by any entity with a footnote 1 designation in the license requirement column of this Supplement" from paragraph (a) of footnote 1.
 - Added Note 2 "A foreign-produced item includes any foreign-produced wafer whether finished or unfinished."
 - Revised the license requirement in the introductory paragraph
 - Added a license review policy Note to the introductory paragraph







When is a FPDP subject to the EAR

When the "knowledge" standard is met in the introductory paragraph of Footnote 1 to Supplement No. 4 to part 744 "Entity List"...

- The foreign-produced item is subject to the EAR when it is a direct product of ...
- "Technology" or "software" that is:
 - Subject to the EAR; and
 - Specified in Export Control Classification Number (ECCN) 3D001, 3D991, 3E001, 3E002, 3E003, 3E991, 4D001, 4D993, 4D994, 4E001, 4E992, 4E993, 5D001, 5D991, 5E001, or 5E991 of the Commerce Control List (CCL) in supplement no. 1 to part 774 of the EAR.







When is a FPDP subject to the EAR

- The foreign-produced item is subject to the EAR when it is produced by . . .
- Any plant or major component of a plant that is:
 - Located outside the United States
 - Made in either the U.S. or a foreign country
 - Is a direct product of U.S.-origin "technology" or "software" subject to the EAR that is specified in ECCN 3D001, 3D991, 3E001, 3E002, 3E003, 3E991, 4D001, 4D993, 4D994, 4E001, 4E992, 4E993, 5D001, 5D991, 5E001, or 5E991 of the CCL.







Notes to paragraph (b) of Footnote 1

- (1) A **major component of a plant** located outside the United States means equipment that is essential to the "production" of an item, including testing equipment.
- (2) A foreign-produced item includes any foreign-produced wafer whether finished or unfinished.







FPDP rule – When is a license required?

- You may not reexport, export from abroad, or transfer (in-country) without a license or license exception any foreign-produced item specified in paragraph (a) or (b) of footnote 1 to the Entity List when there is "knowledge" that:
 - 1) The foreign-produced item will be:
 - Incorporated into, or will be used in the "production" or "development" of any "part," "component," or "equipment" that is
 - produced, purchased, or ordered by any footnote 1 entity; or
 - 2) Any footnote 1 entity is a party to any transaction involving the foreign-produced item, e.g., as a "purchaser," "intermediate consignee," "ultimate consignee," or "end-user."







License Application Review Policy

- Note to introductory paragraph of footnote 1
 - Sophistication and capabilities of technology in items is a factor in license application review; license applications for foreign-produced items controlled by this footnote that are capable of supporting the "development" or "production" of telecom systems, equipment and devices at only below the 5G level (e.g., 4G, 3G, etc.) will be reviewed on a case-by-case basis.
- All other license applications
 - will be reviewed using the license review policy in the license requirement column of the Entity List for each footnote 1 designated entity, which is presumption of denial.

