



UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-
OFFICE OF THE DIRECTOR

March 6, 2023

Dr. Dominic J. Mancini, Ph.D.
Deputy Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, DC 20503

Dear Dr. Mancini,

I am requesting emergency approval of a new information collection needed for implementation of the CHIPS Act of 2022 (Division A of P.L. 117-167) (the Act). The Act tasks the Secretary of Commerce with carrying out sections 9902, 9904 and 9906 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652, 4654, and 4656). This statute aims to catalyze long-term growth in the domestic semiconductor industry in support of U.S. economic resilience and national security. The NOFO discusses the application process for projects for the construction, expansion, or modernization of commercial facilities for the front- and back-end fabrication of leading-edge, current-generation and mature-node semiconductors and can provide direct funding (via grants, cooperative agreements, or other transactions), loans, and loan guarantees for eligible projects.

The CHIPS Program must fund a variety of projects to achieve its economic resilience and national security objectives. Projects will vary in technology, scale, cost, location, risk, and other factors. Over the last six months the Department has been working diligently to determine the best way to incentivize manufacturing through a series of requests for information. Input from these activities has helped design a program that will provide financial assistance awards to incentivize investment in facilities and equipment in the United States for semiconductor fabrication, assembly, testing, advanced packaging, and research and development, thereby increasing U.S. economic and national security by supporting a sustainable, competitive domestic semiconductor industry. Because both Congress and the Administration have identified the current low U.S. production of semiconductor chips as a matter of national security and defense, the Secretary of Commerce is implementing this program on an expedited timeline to meet the identified U.S. economic and national security needs.

The Department is requesting emergency approval of the CHIPS Full Application by March 20, 2023. Submitting a CHIPS Full Application is required for an entity to be officially considered for a CHIPS Incentive Award. The Full Application will contain extensive, detailed information on the proposed project(s) to enable evaluation of its merits. Because the full application is resource-intensive, the applicant should strongly consider submitting first an optional Pre-Application and contemplate any Pre-Application feedback when deciding whether to prepare and submit a Full Application. The Department will engage with the applicant, to seek further

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information or clarifications, provide feedback, including on the scope of the proposed project(s) and the amount of CHIPS Incentives request, and, ultimately, to negotiate the preliminary terms of a potential award. If appropriate, in connection with moving into comprehensive due diligence, the Department will prepare and offer the applicant a non-binding Preliminary Memorandum of Terms and invite the applicant to the due diligence phase. CPO will initially prioritize incentives for the fabrication of leading-edge semiconductors. Leading Edge applicants may access the application upon release and may submit a Full-Application no earlier than 31 Mar 2023 or 21 days after submitting a Statement of Interest whichever is later. All other applicants may access the application upon release but will not be able to submit a Full-Application until 26 June 2023 or 21 days after submitting a Statement of Interest whichever is later.

A Federal Register notice was published on March 3, 2023, for a public comment period which will end on March 17, 2023. Commerce understands OMB clearance would be for 6 months only and would publish a 60 day notice very quickly after OMB approves the emergency collection.

Please contact **Elizabeth.Reinhart@nist.gov** should you or your staff have any questions about this request.

Sincerely,

LAURIE
LOCASCIO

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LAURIE LOCASCIO
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Laurie E. Locascio, Ph.D.
Under Secretary of Commerce for Standards and Technology &
Director, National Institute of Standards and Technology

cc: Hon. Gina R. Raimondo