

1. What is this request for comments about?

In this request for comments, the Department of Commerce (the “Department”) seeks to help address the current shortage of semiconductor devices by facilitating the flow of information between semiconductor device suppliers and end-users. This action is based on the recommendations of the June 2021 White House Report “Building Resilient Supply Chains, Revitalizing American Manufacturing, and Fostering Broad-Based Growth.” This report, prepared at President Biden’s request, identified numerous broad areas of supply chain vulnerabilities.

2. What prompted this request?

The Department’s Bureau of Industry and Security (BIS) led the 100 Day Supply Chain Review of Semiconductors and Advanced Packaging that was mandated by Presidential Executive Order (E.O.) 14017. On February 24, 2021, President Biden issued E.O. 14017 on “America’s Supply Chains” that directs several federal agency actions to secure and strengthen America’s supply chains.

This review, included in the White House Report “Building Resilient Supply Chains, Revitalizing American Manufacturing, and Fostering Broad-Based Growth” (available at: <https://www.whitehouse.gov/wp-content/uploads/2021/06/100-day-supply-chain-review-report.pdf>), identified numerous areas of supply chain vulnerabilities. In addition to longer-term goals such as strengthening the domestic semiconductor manufacturing ecosystem and promoting U.S. leadership, this report called upon the Department to partner with industry to facilitate information flow between semiconductor producers and suppliers and end-users to address the current semiconductor shortage.

3. How will my data be used?

This data will help identify specific issues and challenges in the supply chain. Qualitative questions are used in some limited cases to complement the statistical data. Using the aggregated form data, the overall goal is to enable the Department and other government agencies to aid in the identification of, and potential steps to address, semiconductor supply, demand, bottlenecks, and chokepoints.

4. Is this an annual and/or repeated collection?

This request for information is a one-time information collection performed by BIS. A response is not required. However, a response is strongly encouraged as industry participation is vital to informing government actions to alleviate the current shortage and address the economic impacts.

5. Who in my organization should fill out the form?

The form should be completed by a combination of people in your organization. Collaboration may be necessary among supply chain, purchasing, and or sales personnel.

6. How do I submit my form?

You may submit comments, identified by docket number BIS 2021-0036 or RIN 0694-XC084, through the Federal eRulemaking Portal: <http://www.regulations.gov>. To submit comments via <https://www.regulations.gov>, enter docket number BIS-2021-0036 on the home page and click “search.” The site will provide a search results page listing all documents associated with this docket.

Find a reference to the notice and click on the link entitled “Comment Now!” (For further information on using <https://www.regulations.gov>, please consult the resources provided on the website by clicking on “How to Use This Site.”)

BIS requires commenters submitting comments via <https://www.regulations.gov> to first download a fillable form from the BIS website at <https://bis.doc.gov/semiconductorFRN2021> and to then submit the filled out electronic form in <https://www.regulations.gov> when submitting comments in response to docket number BIS 2021-0036 or RIN 0694-XC084.

7. What information is the Department collecting?

While the Department invites input from all interested parties, it is particularly interested in obtaining information from foreign and domestic entities that actively participate in the semiconductor product supply chain at any level (e.g., semiconductor design, front end semiconductor wafer fabrication, semiconductor assembly test and packaging, microelectronics assembly, intermediate and end-users of semiconductors and microelectronics, distributors of such products, as well as entities supporting semiconductor and microelectronics manufacturing as providers of materials and equipment).

To allow for aggregation and comparison of data from multiple respondents, the Department has posted a fillable form on the BIS website that commenters must download (<https://bis.doc.gov/semiconductorFRN2021>) and fill out for submission to <https://www.regulations.gov>.

8. Can I submit business confidential information within my form?

Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential version of the submission. The BIS fillable form available on the BIS website (<https://bis.doc.gov/semiconductorFRN2021>) referenced above will allow for an indication at the beginning of the form for whether it contains business confidential information.

Users submitting a form that contains business confidential information will need to submit a non-confidential version of the same form that does not contain the confidential business information. The non-confidential version of the submission will be placed in the public file on <https://www.regulations.gov>. For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters “BC”. The file name of the non-confidential version should begin with the character “p”.

9. How does the Department protect my business confidential information?

All business confidential data will be protected in accordance with applicable government rules and regulations.

10. Why is the data business confidential and how is it being protected from disclosure?

Once documents are uploaded to the regulations.gov system, agencies have the option to not post them to the public. When a commenter properly marks their file as “BC” and completes the form marked as confidential, the Department is able to withhold restricted materials from public view to include Confidential Business Information (CBI), copyrighted material, personally identifiable information (PII), and other protected materials. These documents will be treated as Controlled Unclassified Information // Proprietary Information [CUI//PROPIN] as set forth by the National Archives [[Controlled Unclassified Information \(CUI\) | National Archives](#)].

There are also exemptions to the Freedom of Information Act (FOIA) that protect CBI. For example, Exemption 4 of the FOIA protects “trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.” This exemption is intended to protect the interests of both the government and submitters of information. Its very existence encourages submitters to voluntarily furnish useful commercial or financial information to the government and it correspondingly provides the government with an assurance that such information will be reliable. The exemption also affords protection to those submitters who are required to furnish commercial or financial information to the government by safeguarding them from the competitive disadvantages that could result from disclosure. The exemption covers two broad categories of information in federal agency records: (1) trade secrets; and (2) information that is (a) commercial or financial, and (b) obtained from a person, and (c) privileged or confidential.

BIS is committed to keeping respondents data safe and secure and will protect it from unauthorized disclosure.

11. What are the protections that BIS takes to ensure the information remains confidential?

The Privacy Act of 1974 (5 U.S.C. 552a) protects the personal information submitted to Regulations.gov and retained in the system. The Privacy Act regulates how the government can disclose, share, provide access to, and maintain the personal information that it collects. Not all information collected online is covered by the Privacy Act.

The Act's major provisions require agencies to:

- Publish a Privacy Act Notice in the Federal Register explaining the existence, character, and uses of a new or revised System of Records (SOR);
- Keep information about you accurate, relevant, timely, and complete to assure fairness in dealing with you;
- Allow you to, upon request, access and review your information held in a SOR and request amendment of the information if you disagree with it.

12. What information security procedures does the Department of Commerce and BIS have in place to protect my information?

FISMA is the Federal Information Security Modernization Act of 2014, 44 U.S.C. § 3551 et seq., Public Law (P.L.) 113-283. FISMA requires each federal agency to develop, document, and implement an agency-wide program to provide information security for the information and information systems that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other source.

BIS is committed to ensuring that confidential information submitted in response to this request for comments is protected from unauthorized disclosure. BIS complies with all FISMA-related security standards and guidance to ensure information security.