

**U.S. DEPARTMENT OF COMMERCE
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
INDUSTRIAL ADVISORY COMMITTEE**

CHARTER AMENDMENT

- 1. Committee's Official Designation.** Industrial Advisory Committee.
- 2. Authority.** The Industrial Advisory Committee (IAC or Committee) is established by the Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of Energy, and the Secretary of Homeland Security, pursuant to the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Act), Public Law Number 116-283, § 9906(b), in accordance with the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. § 1001 *et seq.*
- 3. Objectives and Scope of Activities.** The Committee shall act in the public interest to provide advice to the Secretary of Commerce through the National Institute of Standards and Technology (NIST) on matters relating to microelectronics research, development, manufacturing, and policy.
- 4. Description of Duties.** The Committee will function solely as an advisory body, in accordance with the provisions of FACA. The Committee shall assess and provide guidance to the Secretary of Commerce, through NIST, on—
 - (A) science and technology needs of the nation's domestic microelectronics industry;
 - (B) the extent to which the strategy developed under section 9906(a)(3) of the Act is helping maintain United States leadership in microelectronics manufacturing;
 - (C) assessment of the research and development programs and activities authorized under section 9906 of the Act; and
 - (D) opportunities for new public-private partnerships to advance microelectronics research, development, and domestic manufacturing.

The Committee shall not participate in selecting recipients of federal financial assistance.

- 5. Agency or Official to Whom the Committee Reports.** The Committee shall report to the Secretary of Commerce, through the Director of NIST.
- 6. Support.** The National Institute of Standards and Technology, through the Creating Helpful Incentives for the Production of Semiconductors Research & Development Office (CRDO), shall provide support for the performance of the Committee's function and shall ensure compliance with the requirements of the FACA, governing federal statutes and regulations, and established Department of Commerce policies and procedures.
- 7. Estimated Annual Operating Costs and Staff Years.** The estimated annual operating cost to NIST, to include travel, meetings, and contract support, is not expected to exceed \$750,000. The estimated annual personnel cost to NIST is 2.0 full-time equivalents.

- 8. Designated Federal Officer.** The Director of NIST will appoint a Designated Federal Officer (DFO) and an alternate DFO from among the employees of NIST. The DFO will: approve or call all of the Committee's and subcommittees' meetings; prepare and approve all meeting agendas; approve the establishment of the Committee's subcommittees, task forces, and working groups; attend all Committee and subcommittee meetings; adjourn any meeting when the DFO determines adjournment to be in the public interest; and chair meetings when directed to do so by the Secretary of Commerce or the Director of NIST. The alternate DFO shall execute the duties of the DFO when the DFO is incapacitated or unavailable.
- 9. Estimated Number and Frequency of Meetings.** The Committee will meet at least twice each year at the call of the DFO in consultation with the Committee Chair. The Committee shall not act in the absence of a quorum, which shall consist of a simple majority of the members of the Committee not having a conflict of interest in the matter being considered by the Committee, except that, if the number of members on the Committee is even, half will suffice.
- 10. Duration.** Continuing.
- 11. Termination.** Pursuant to section 9906(b)(3) of the Act, the Committee is exempt from section 14 of the FACA. This charter shall terminate four years from the date of its filing with the appropriate U.S. Senate and House of Representatives Oversight Committees unless earlier terminated or renewed by proper authority.
- 12. Membership and Designation.** Members of the Committee shall be appointed by the Secretary of Commerce. The Committee shall be composed of not fewer than 12 members who are qualified to provide advice to the United States Government on matters relating to microelectronics research, development, manufacturing, and policy and who serve at the discretion of the Secretary. The membership shall be fairly balanced among representatives of the semiconductor industry, representatives of federal laboratories and academia, and other members. Members of the Committee shall serve as Representative members or as Regular Government Employee (RGE) members.

The Committee members generally serve three-year terms, which can be extended by up to one year at the discretion of the Secretary. Members may serve two consecutive three-year terms at the discretion of the Secretary, except that vacancy appointments shall be for the remainder of the unexpired term of the vacancy and that members shall have staggered terms such that the Committee will have approximately one-third new or reappointed members each year. Members who are not able to fulfill the duties and responsibilities of the Committee may have their membership terminated. A member who has served two consecutive full terms is ineligible to serve a third term for a period of one year following the expiration of the second term.

The Secretary of Commerce shall appoint the Committee Chair and Vice-Chair from among the Committee membership. The tenures of the Chair and Vice-Chair generally shall be two years and can be modified at the discretion of the Secretary. The Vice-Chair shall perform the duties of the Chair in his or her absence. In case a vacancy occurs in

the position of the Chair or Vice-Chair, the Secretary shall appoint a member to fill such a vacancy; the Vice-Chair will succeed the Chair in the interim until the Secretary's appointment of a member to fill the Chair's vacancy.

Committee members will be reimbursed for travel and per diem as it pertains to official business of the Committee in accordance with 5 U.S.C. § 5701 *et seq.* Committee members will serve without compensation, except that federal government employees who are members of the Committee shall remain covered by their compensation system pursuant to 41 C.F.R. § 102-3.130(h).

Members shall not reference or otherwise utilize their membership on the Committee in connection with public statements made in their personal capacities without a disclaimer that the views expressed are their own and do not represent the views of the Committee, NIST, the Department of Commerce, or the U.S. Government.

13. Subcommittees. NIST, when necessary and consistent with the Committee's mission and Departmental policies and procedures, may create subcommittees, task forces, and working groups, drawn in whole or in part from the Committee, pursuant to the provisions of FACA, the FACA implementing regulations, and applicable Departmental guidance. The Department of Commerce requires that each subcommittee include at least one member of the Committee. Subcommittees must report back to the Committee and must not provide advice or work products directly to NIST or the Secretary, and any recommendations based on their work will be deliberated and adopted by the Committee prior to dissemination.

14. Recordkeeping. The records of the Committee, formally and informally established subcommittees, or other subgroups of the Committee, shall be handled in accordance with the General Records Schedule 6.2 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. § 552, records presented to or prepared for or by the Committee are available for public inspection. The DFO will oversee recordkeeping and appropriate filings.

JEREMY PELTER Digitally signed by JEREMY PELTER
Date: 2024.07.03 13:22:33 -04'00'

Deputy Assistant Secretary for Administration,
Performing the non-exclusive functions and duties
of the Chief Financial Officer and
Assistant Secretary for Administration

7.3.2024
Amendment Date

11/23/2021
Charter Filing Date