



G U N D E R S O N   D E T T M E R

MADE IN THE USA

May 26, 2023

We represent *what's next.*

1



**BEN CUKERBAUM**

Austin  
bcukerbaum@gunder.com  
+1 512 706 9988

Ben is an attorney in the Licensing, Strategic Partnering and Commercial Transactions group.

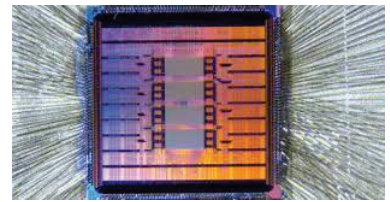
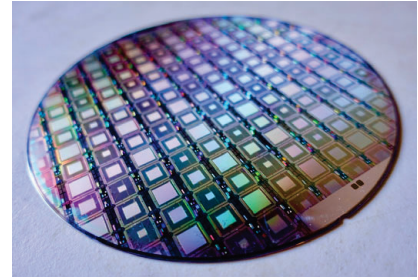
Ben helps clients with all manner of technology and data-driven transactions and related issues. He regularly helps structure, draft, review and negotiate commercial transactions as well as provide technology-focused product counseling on issues such as data privacy, data security and open source software.

In addition to his commercial transactions and product counseling practice, Ben has advised some of the world's leading venture capital and private equity funds in their investments in technology-driven businesses. He has also helped companies raise money and complete sale transactions with those same funds as well as strategic investors and acquirers.

2

# CHIPS Act: Basics and Background

- Introduced to reduce reliance on foreign fabs
- \$50B+ of investments over 5 years
  - \$39B for chip production
  - \$12B for R&D
  - Distributed as grants, loans, loan guarantees
- Three funding opportunities:
  - Advanced chip production facilities
  - Upstream suppliers and equipment OEMs
  - Chip R&D
- 5-15% of capex (not to exceed 35% of capex)



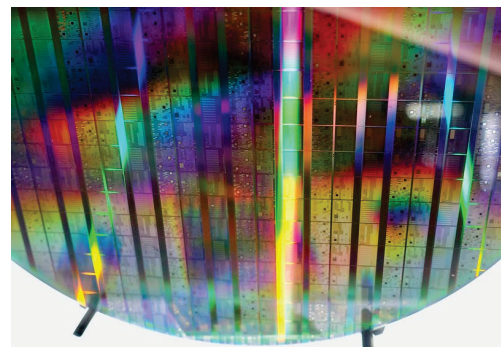
GUNDERSON DETTMER

| 3

3

# CHIPS Act: Key Priorities

- R&D and Workforce Development
  - Training and Workforce Development
  - Diversity
  - Paid Childcare
- China Guardrails
  - Expansion Clawback
  - Technology Clawback
- Corporate Finance
  - Stock buybacks
  - Profit Share



GUNDERSON DETTMER

| 4

4

# Watch This Space!

**Exclusive: China readying \$143 billion package for its chip firms in face of U.S. curbs**

**\$20 Billion Intel Semiconductor Plant to Break Ground After Passage of Cantwell-led Bill**

*'De-Americanize': How China Is Remaking Its Chip Business*

**Micron to invest up to \$100 billion to build chip factory in upstate New York**

**Exclusive: Samsung's new Texas chip plant cost rises above \$25 billion**

***Inside Taiwanese Chip Giant, a U.S. Expansion Stokes Tensions***

Employee doubts are rising about Taiwan Semiconductor Manufacturing Company's \$40 billion investment in an Arizona factory.



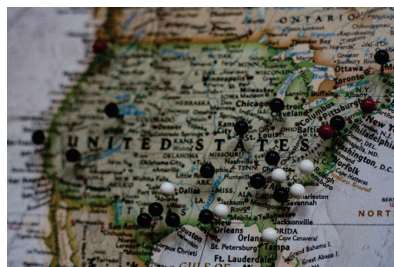
GUNDERSON DETTMER

5

5

## Made in USA: Basics and Background

- **Background**
  - Labeling required for imports; optional for domestics
  - Replaces enforcement policy statement from '97
- **Basics**
  - All or virtually all standard
  - Implications and nuance matter
  - Not just physical labels
  - \$43,792 penalty per violation
  - Carve outs
- **Trend Setters**



GUNDERSON DETTMER

6

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Made in the U.S.A.? Considerations For Sourcing Technology in Today's Supply Chain

Also available as part of the eCourse

[2023 Technology Law eConference](#)

First appeared as part of the conference materials for the  
36<sup>th</sup> Annual Technology Law Conference session

"Made in the U.S.A.? Considerations For Sourcing Technology in Today's Supply Chain"