

Committee on Foreign Investment in the United States

Program Summary by Budget Activity

Dollars in Thousands

Budget Activity	FY 2022	FY 2023	FY 2024	FY 2023 to FY 2024	
	Operating Plan	Operating Plan	Request	\$ Change	% Change
Treasury CFIUS Activities	\$17,000	\$16,000	\$16,000	\$0	0.0%
Other Member CFIUS Activities	\$3,000	\$5,000	\$5,000	\$0	0.0%
Treasury Departmental Offices S&E	\$18,012	\$19,238	\$25,570	\$6,332	32.9%
Subtotal, CFIUS	\$38,012	\$40,238	\$46,570	\$6,332	15.7%
Anticipated User Fees - CFIUS Fund	(\$22,031)	(\$21,000)	(\$21,000)	\$0	0.00%
Total Program Operating Level	\$15,981	\$19,238	\$25,570	\$6,332	32.9%
Direct FTE	106	92	141	49	53.3%
Total Full-time Equivalents (FTE)	106	92	141	49	53.3%

Summary

The Committee on Foreign Investment in the United States (CFIUS) was established in 1975 under Executive Order 11858 to monitor the impact of foreign investment in the United States, and to coordinate and implement federal policy on such investment. CFIUS is composed of nine voting member agencies. The Committee's unique design leverages the skills, subject matter expertise, and integrated analysis of Committee members and other relevant agencies. CFIUS voting members include:

- Department of the Treasury
- Department of Commerce
- Department of Defense
- Department of Energy
- Department of Homeland Security
- Department of Justice
- Department of State
- Office of Science Technology and Policy
- Office of the United States Trade Representative

As both Chair and member of CFIUS, Treasury is responsible for leading CFIUS in establishing policies, implementing processes and functions, and managing its daily operations. Treasury participates in every aspect of CFIUS, including reviews and investigations, policy and international relations, mitigation monitoring and enforcement, non-notified transaction analysis, legal support, and national security threat assessments. The Office of International Affairs (IA) is responsible for case management and coordination and representing the Committee to parties that file notices or declarations. The Office of General Counsel provides legal support to IA and is responsible for certain analyses conducted on each notice filed with CFIUS.

The Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA) strengthened CFIUS to better address national security concerns arising from some types of investments and transactions that were previously outside its jurisdiction. Additionally, FIRRMA modernized Committee processes to better enable timely and effective reviews of covered transactions. FIRRMA also established the CFIUS Fund (the Fund), to be administered by the chairperson

(the Secretary of the Treasury), to accept appropriated funds for these expanded responsibilities and functions, and to collect filing fees.

Case volume has increased significantly in recent years, from 172 notices formally reviewed in calendar year (CY) 2016 to 436 cases (comprised of 272 notices and 164 declarations) formally reviewed in CY 2021. Case totals exceeded CY 2020 by a total of 123. The FY 2024 budget requests resources necessary to handle the increased case workload (including significantly expanded activity with respect to non-notified transactions), mitigation monitoring, and international engagement.

The Administration requests \$21 million for the Fund in upfront appropriations that will be offset by up to \$21 million in collections from filing fees, of which \$16 million is proposed for transfer to Treasury’s Departmental Offices (DO) to fund capital investments and staff to support Committee activities. The remaining \$5 million will be available for transfers to other CFIUS agencies to facilitate, for example, interagency connectivity with Treasury’s information technology (IT) and case management systems, and to address other emerging needs.

Budget Highlights

Dollars in Thousands

Committee on Foreign Investment in the United States	FTE	Amount
FY 2023 Enacted	65	\$19,238
Transfer in from CFIUS Fund	27	\$16,000
FY 2023 Operating Plan (DO SE CFIUS Base)	92	\$35,238
Changes to Base:		
Maintaining Current Levels (MCLs):	0	\$633
Pay Annualization (2023 4.6% average pay raise)	0	\$143
Pay Raise (2024 5.2% average pay raise)	0	\$490
Other Adjustments	32	\$6,000
Restoration of DO SE funding used for non-CFIUS activities in FY 2023	32	\$6,000
Non-Recurring Costs	0	(\$3,370)
Non-recur to CFIUS investments	0	(\$3,370)
Subtotal Changes to Base	32	\$3,264
FY 2024 Current Services	124	\$38,502
Program Changes:		
Other Adjustments:	17	\$3,069
Staffing to Support CFIUS Caseload Growth	17	\$3,069
Subtotal Program Changes	17	\$3,069
Total FY 2024 President's Budget	141	\$41,570
Anticipated User Fees	0	(\$16,000)
Total FY 2024 Appropriated Resources	0	\$25,570

Note: CFIUS Fund transfers to non-Treasury agencies of \$5 million are not included in this table.

Budget Adjustments

Anticipated User Fees -\$21,000,000 / -0 FTE

Treasury and IA anticipate collection of filing fees that will be credited to the Fund as offsetting collections.

Transfer in from CFIUS Fund +\$16,000,000 / +0 FTE

The CFIUS Fund anticipates transferring \$16.0 million dollars to the DO Salaries and Expenses account to support Treasury DO CFIUS activities.

Maintaining Current Levels (MCLs)+\$633,000 / +0 FTE

Pay Annualization (4.6%) +\$143,000 / +0 FTE

Funds are requested for annualization of the January 2023 4.6% average pay raise.

Pay Raise (5.2% in FY 2024) +\$490,000 / +0 FTE

Funds are requested for a 5.2% average pay raise in January 2024.

Other Adjustments+\$6,000,000 / +32 FTE

Restoration of CFIUS funding reduced in FY 2023 +\$6,000,000 / +32 FTE

As a result of larger-than-expected CFIUS carry-over funding in FY 2023, DO Salaries and Expenses included \$6 million as a one-time repurposing of CFIUS unobligated balances to fund labor costs for drafting regulations and the buildout of an IT system to support soon-to-be-proposed national security reviews of investments made outside of the United States by U.S. firms. In FY 2024, funding will need to be restored to support CFIUS anticipated workloads.

Non-Recurring Costs-\$3,370,000 / -0 FTE

Non-recur to CFIUS Investments -\$3,370,000 / -0 FTE

Non-recurring costs for CFIUS associated with investments in CFIUS’s case management system and configuration of secure spaces for new CFIUS staff.

Other Adjustments+\$3,069,000 / +17 FTE

Staffing to Support CFIUS Caseload Growth +\$3,069,000 / +17 FTE

Increase in CFIUS staffing needed to support anticipated program growth as demonstrated by continued annual caseload increases, enhanced international engagement activities driven by external demand, and further implementation of enforcement activities authorized by FIRRMA.

Legislative Proposals

CFIUS has no legislative proposals.

Performance Highlights

Budget Activity	Performance Measure	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
		Actual	Actual	Actual	Target	Target
Committee on Foreign Investment in the United States (CFIUS)	Timely Review of CFIUS Cases	100%	100%	100%	100%	100%

Description of Performance

In FY 2022, Treasury continued CFIUS’ growth to support requirements laid out in the FIRRMA. This includes continued investment in infrastructure necessary to support an increase in CFIUS’s responsibilities, as well as additional staff to manage the workload growth.

Timely Review of CFIUS Cases: This measure tracks compliance with statutory deadlines for completing national security reviews of transactions notified to the CFIUS to ensure that the CFIUS process is timely and efficient. The target (100 percent) was met in CY 2022. IA's target for this measure in CY 2023 and CY 2024 is 100 percent.