

Committee on Foreign Investment in the United States

Program Summary by Budget Activity

Dollars in Thousands

Budget Activity	FY 2021	FY 2022	FY 2023	FY 2022 to FY 2023	
	Operating Plan	Annualized CR	Request	\$ Change	% Change
Treasury CFIUS Activities	\$15,000	\$15,000	\$15,000	\$0	0.0%
Other Member CFIUS Activities	\$5,000	\$5,000	\$5,000	\$0	0.0%
Treasury Departmental Offices S&E	\$22,661	\$22,494	\$25,611	\$3,469	15.4%
Subtotal, CFIUS	\$42,661	\$42,494	\$45,611	\$3,469	8.2%
Anticipated User Fees - CFIUS Fund	(\$20,000)	(\$20,000)	(\$20,000)	\$0	0.0%
Total Program Operating Level	\$22,661	\$22,494	\$25,611	\$3,469	15.4%
Direct FTE	93	110	132	22	20.0%
Total Full-time Equivalents (FTE)	93	110	132	22	20.0%

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 (OGC) 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 303 cases (comprised of 187 notices and 116 declarations) formally reviewed in CY 2020. The expanded jurisdiction authorized by FIRRMA took effect February 13, 2020. CY 2021 data is not yet publicly available, but case totals exceeded CY 2020. The FY 2023 budget requests resources necessary to handle the increased case workload from FY 2022 (including significantly expanded activity with respect to non-notified transactions), mitigation monitoring, and international engagement.

The Administration requests \$20 million for the Fund in upfront appropriations that will be offset by up to \$20 million in offsetting collections from filing fees, of which \$15 million is proposed for transfer to Treasury to fund capital investments and staff to support Committee activities. The remaining \$5 million will be available for transfer 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

	FTE	Amount
FY 2022 Annualized CR	110	\$22,494
Transfer in from CFIUS Fund		\$15,000
FY 2022 DO SE CFIUS Base	110	\$37,494
Changes to Base:		
Maintaining Current Levels (MCLs):	0	\$923
Pay Annualization (2.7% average pay raise)	0	\$143
Pay Raise (4.6% average pay raise)	0	\$743
Non-Pay	0	\$37
Non-Recurring Costs:	0	(\$1,674)
Non-recur to CFIUS investments	0	(\$1,674)
Subtotal Changes to Base	0	(\$751)
FY 2023 Current Services	110	\$36,743
Program Changes:		
Reinvestments:	22	\$3,868
Staffing to support CFIUS caseload growth	22	\$3,868
Subtotal Program Changes	22	\$3,868
FY 2023 President's Budget Request	132	\$40,611

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

**Note: FTEs in the above include 1 FTE funded through reimbursable resources.

Budget Adjustments

Offsetting User Fees -\$20,000,000 / -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 +\$15,000,000 / +0 FTE

The CFIUS Fund anticipates transferring \$15.0 million dollars to the DO Salaries and Expenses account to provide for Treasury DO CFIUS activities.

Maintaining Current Levels (MCLs)+\$923,000 / +0 FTE

Pay Annualization (2.7%) +\$143,000 / +0 FTE

Funds are requested for annualization of the January 2022 2.7% average pay raise.

Pay Raise (4.6% in 2023) +\$743,000 / +0 FTE

Funds are requested for a 4.6% average pay raise in January 2023.

Non-Pay +\$37,000 / +0 FTE

Funds are requested for non-labor expenses such as travel, contracts, rent, supplies, and equipment.

Non-Recurring Costs-\$1,674,000 / -0 FTE

Non-recur to CFIUS investments -\$1,674,000 / -0 FTE

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

Reinvestments+\$3,868,000 / +22 FTE

Staffing to Support CFIUS Caseload Growth +\$3,868,000 / +22 FTE

Increase in CFIUS staffing to continue in light of anticipated program growth.

Legislative Proposals

CFIUS has no legislative proposals.

Performance Highlights

Budget Activity	Performance Measure	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
		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 2021, Treasury CFIUS continued its growth to support requirements laid out in the Foreign Investment Risk Review Modernization Act of 2018 (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. FY 2021 was the first full year that the CFIUS Fund was entirely fee funded.

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 2021. IA’s target for this measure in CY 2022 and CY 2023 is 100 percent.