

Commerce Equities in CFIUS

- **DOC focuses on national security concerns:**
 - Identify possible security risks associated with a transaction
 - Determine whether the risk is a national security risk that arises from the transaction under review
- **All Commerce bureaus may participate:**
 - CFIUS/I&A/ITA is the CFIUS coordinator for all CFIUS reviews
 - ITA provides analysis of vulnerabilities, market trends, and business rationale for transactions
 - BIS conducts export control reviews of all CFIUS cases
 - Other bureaus participate as needed: ITA coordinates Commerce input across all of these bureaus and offices such as the following:
 - National Institute of Standards and Technology
 - National Oceanic and Atmospheric Administration
 - National Technical Information Service
 - National Telecommunications and Information Administration
 - U.S. Patent and Trademark Office
- DOC also focuses on cases where the U.S. business being acquired has a **business relationship** (*i.e. contract*) with the Department or one of its units

Updates to ITA's CFIUS Mission

- ITA formed the Office of Investment Security in 2019 to address the expanded CFIUS mission.

Bureaus

[Bureau of Economic Analysis \(BEA\)](#)
[Bureau of Industry and Security \(BIS\)](#)
[U.S. Census Bureau](#)
[Economic Development Administration \(EDA\)](#)
[Office of the Under Secretary for Economic Affairs \(OUS/EA\)](#)
[International Trade Administration \(ITA\)](#)
[Minority Business Development Agency \(MBDA\)](#)
[National Institute of Standards and Technology \(NIST\)](#)
[National Oceanic and Atmospheric Administration \(NOAA\)](#)
[National Technical Information Service \(NTIS\)](#)
[National Telecommunications and Information Administration \(NTIA\)](#)
[U.S. Patent and Trademark Office \(USPTO\)](#)
[Office of the Secretary \(OS\)](#)

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OS Offices

[Office of the Chief of Staff](#)
[Office of General Counsel \(OGC\)](#)
[Office of the Deputy Secretary](#)
[Office of Executive Secretariat](#)
[Office of Legislative and Intergovernmental Affairs \(OLIA\)](#)
[Office of Public Affairs \(OPA\)](#)
[Office of Policy and Strategic Planning \(OPSP\)](#)
[Office of the White House Liaison \(OWHL\)](#)
[Office of Inspector General \(OIG\)](#)
[Office of Business Liaison \(OBL\)](#)
[Office of the Chief Financial Officer and Assistant Secretary for Administration \(CFO/ASA\)](#)
[Office of the Chief Information Officer \(OCIO\)](#)
[Enterprise Services \(ES\)](#)
[Center for Faith-Based and Neighborhood Partnerships \(CFBNP\)](#)

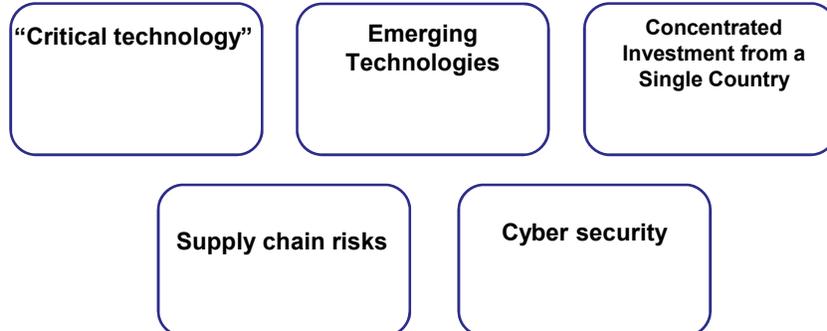
CFIUS: DOC Interagency Role

- Reviews all filed transactions to bring the full breadth of Commerce's expertise to bear on CFIUS national security reviews
- Provides information related to commercial factors
- Leads reviews on cases involving our expertise
- Reviews transactions for export control issues
- Plays a key role in ensuring that CFIUS process remains focused on national security and does not unnecessarily discourage foreign investment in the United States
- Seeks to ensure that mitigation is limited to only those measures needed to address the risk to national security arising from the transaction

ITA Support for Commerce CFIUS Role

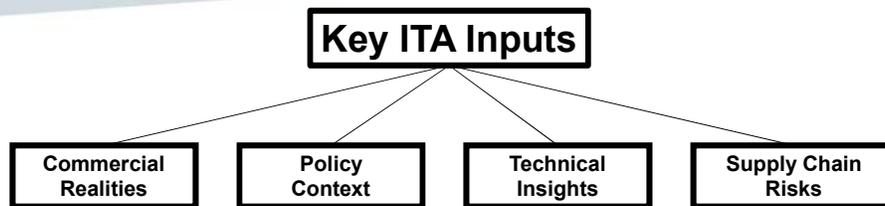
ITA helps the Committee consider how factors might create a national security risk for the United States.

- Critical factors can include the following:



- CFIUS requires **creative thinking** exercises – foresee what factors could pose national security concerns and address them in advance.

Issues Under Consideration



- ITA's Industry & Analysis unit brings experts in each sector of the economy
- ITA commercial service officers based in every state and around the world provide valuable insights
- Additional focus on understanding commercial realities underlying the transaction

Supply Chain Analysis for CFIUS

- **Enhanced analysis of critical supply chain issues** relevant for CFIUS transaction reviews available to all Committee members.
- Assist Committee members to creative thinking exercises – **foresee what supply chain factors could pose national security concerns** and address them in advance.
- Analysis looks at **company-level supply chain exposures**, both on the supplier and customer end.
- ITA seeks to gain an **understanding on scale and types of relationships for a given company**. If a company was not available in the tool, one could research a comparable company with reported supply chain exposures.