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New “Fast-Track” Announced for Foreign Investment Approval

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On May 8, the Treasury Department [announced](#) a plan to introduce a new Known Investor portal as a key component of the “fast-track” process for investments by U.S. allies and partners under review by the Committee on Foreign Investment in the United States (CFIUS). This plan was previewed in the [America First Investment Policy](#) Memorandum, discussed in more detail [here](#).

At the American Conference Institute’s (ACI) recent CFIUS conference, Treasury Deputy Secretary Michael Faulkender [indicated](#) that the portal would act as a “knowledge base” and would limit the amount of information that needs to be resubmitted with each transaction.

However, a key condition of eligibility for the fast-track process appears to be a commitment by the investor to refrain from partnering with U.S. adversaries. Deputy Secretary Faulkender emphasized the focus on investors’ “distance and independence from foreign adversaries — and being able to verify this,” suggesting that there will be a vetting process regarding investors’ activities in places like China.

Troutman Pepper Locke will continue to monitor developments with the Known Investor portal, which we expect will become a useful tool for repeat CFIUS filers, but may also present new risks with respect to partnerships with companies in China and other “adversary” countries.

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