United States Senate
WASHINGTON, DC 20510

November 5, 2025

The Honorable Scott Bessent
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Ave, NW
Washington, D.C. 20220

Dear Secretary Bessent,

As the National Defense Authorization Act (NDAA) undergoes the conferencing process, we write to request information about the Administration's implementation and review of the Department of the Treasury's (Treasury) Outbound Investment Security Program.

This key program was designed to ensure that U.S. firms do not contribute to the development of sensitive technologies—including artificial intelligence, semiconductors, quantum, and biotechnology—in the People's Republic of China and other countries of concern. Shortly after taking office, President Trump directed a review of the program and asked you to make recommendations about potential modifications by April 1, 2025.[1] That review was due more than six months ago, but Treasury has yet to publicize details or provide any reports to Congress. President Trump also promised in February to "adopt new rules" to safeguard American innovation, but none have been proposed or published.[2] This lack of transparency raises questions about both the direction of outbound investment screening and your commitment to the program.

Outbound investment screening is a critical part of our national security framework. When Treasury began implementing the outbound program last year, it set out to prevent U.S. investments—including from private equity and venture capital—from fueling the development of next-generation military, intelligence, surveillance, and cyber capabilities in countries of concern.[3] Indeed, President Biden had declared a national emergency given the threat that advancements in those sectors pose to our national security.[4] As part of its implementation of the outbound program, Treasury issued regulations prohibiting transactions involving quantum

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[1] Executive Office of the President, Federal Register Notice, "America First Trade Policy," January 20, 2025, https://www.federalregister.gov/documents/2025/01/30/2025-02032/america-first-trade-policy.
[2] The White House, "Fact Sheet: President Donald J. Trump Encourages Foreign Investment While Protecting National Security," February 21, 2025, https://www.whitehouse.gov/fact-sheets/2025/02/fact-sheet-president-donald-j-trump-encourages-foreign-investment-while-protecting-national-security.
[3] U.S. Department of the Treasury, Office of Investment Security, "Provisions Pertaining to U.S. Investments in Certain National Security Technologies and Products in Countries of Concern," November 15, 2024, https://www.federalregister.gov/documents/2024/11/15/2024-25422/provisions-pertaining-to-us-investments-in-certain-national-security-technologies-and-products-in.
[4] The White House, "Addressing United States Investments in Certain National Security Technologies and Products in Countries of Concern," Executive Order, August 9, 2023, https://bidenwhitehouse.archives.gov/briefing-room/presidential-actions/2023/08/09/executive-order-on-addressing-united-states-investments-in-certain-national-security-technologies-and-products-in-countries-of-concern/.

computing, supercomputers, advanced semiconductor technology, and foundational AI—and required investors to notify Treasury when engaging in other transactions, including commercial AI applications and legacy semiconductor technology.[5]

There is longstanding bipartisan support for addressing the role of outbound U.S. investments in accelerating the development of critical technologies that have military and intelligence applications, especially as technology firms in countries like China raise billions in international capital.[6] Members of Congress remain engaged and have sought to fill this gap in U.S. national security authorities since 2016, when we considered authorizing the Treasury to review outbound investments as part of the Foreign Investment Risk Review Modernization Act.[7] Since then, Congress has introduced a range of bills to address risks that American firms may fund China's military. Earlier this year, for example, a bipartisan group of senators introduced the Foreign Investment Guardrails to Help Thwart China Act of 2025, a version of which the Senate recently passed by voice vote in its NDAA bill.[8]

As part of our continued analysis on how Congress can support the Outbound Investment Security Program, we request that you answer the enclosed questions no later than November 19, 2025:

1. Does the Administration support codifying a version of the Outbound Investment Security Program in statute?

2. Has the Treasury completed its review of the Outbound Investment Security Program?
    a. If not, provide an estimate of when it will be complete and explain why you did not meet President Trump's requested date of April 1, 2025.
    b. If so, provide a written overview and explain why Treasury has provided neither the public, nor Congress with any information or reporting.

3. Do you still plan to promulgate "new rules" relating to investment security, as President Trump announced in February?[9]
    a. If so, provide an estimated date of when these rules will be released and describe the medium in which they will be published.
    b. If not, explain what has changed since the President's announcement.

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[5] U.S. Department of the Treasury, Office of Investment Security, "Provisions Pertaining to U.S. Investments in Certain National Security Technologies and Products in Countries of Concern," November 15, 2024, https://www.federalregister.gov/documents/2024/11/15/2024-25422/provisions-pertaining-to-us-investments-in-certain-national-security-technologies-and-products-in.

[6] The Wall Street Journal, "American Bankers Are Making a Mint Helping China Inc. Go Global," Rory Jones, October 15, 2025, https://www.wsj.com/world/china/hong-kong-us-bankers-57159442.

[7] Congressional Research Service, "Regulation of U.S. Outbound Investment to China," December 10, 2024, https://sgp.fas.org/crs/row/IF12629.pdf.

[8] FIGHT China Act of 2025, S. 1053, https://www.congress.gov/bill/119th-congress/senate-bill/1053; ; National Defense Authorization Act for Fiscal Year 2026, S.2296, https://www.congress.gov/bill/119th-congress/senate-bill/2296.

[9] The White House, "Fact Sheet: President Donald J. Trump Encourages Foreign Investment While Protecting National Security," February 21, 2025, https://www.whitehouse.gov/fact-sheets/2025/02/fact-sheet-president-donald-j-trump-encourages-foreign-investment-while-protecting-national-security.

4. To help inform Congress's efforts to codify an outbound investment screening program as part of the NDAA, provide the following:

    a. The number of transactions that have been notified to the Treasury since the program went into effect in January 2025.

    b. A description and summary of any and all investment patterns and associated risks observed through the current Outbound Investment Security Program. Include data across sectors, technologies, and countries of concern.

    c. A description and summary of any and all challenges the Treasury faced in implementing the current Outbound Investment Security Program. Provide details about any shortcomings and additional authority required to make the program more effective and flexible going forward.

Sincerely,

Elizabeth Warren
Ranking Member
Committee on Banking,
Housing, and Urban Affairs

Charles E. Schumer
United States Senator

Catherine Cortez Masto
United States Senator

Michael F. Bennet
United States Senator

Andy Kim
United States Senator