

Appendix A to CFIUS Regulations

Appendix A to Part 800—Covered Investment Critical Infrastructure and Functions Related to Covered Investment Critical Infrastructure

Column 1—Covered investment critical infrastructure	Column 2—Functions related to covered investment critical infrastructure
<p>(i) Any:</p> <p>(a) Internet protocol network that has access to every other internet protocol network solely via settlement-free peering; or</p> <p>(b) telecommunications service or information service, each as defined in section 3(a)(2) of the Communications Act of 1934, as amended (47 U.S.C. 153), or fiber optic cable, in each case that directly serves any military installation identified in § 802.227.</p> <p>(ii) Any internet exchange point that supports public peering.</p> <p>(iii) Any submarine cable system requiring a license under section 1 of the Cable Landing License Act of 1921 (47 U.S.C. 34), which includes any associated submarine cable, submarine cable landing facilities, and any facility that performs network management, monitoring, maintenance, or other operational functions for such submarine cable system.</p> <p>(iv) Any submarine cable, landing facility, or facility that performs network management, monitoring, maintenance, or other operational function that is part of a submarine cable system described above in item (iii) of column 1 of this appendix A.</p>	<p>(i) Own or operate any:</p> <p>(a) Internet protocol network that has access to every other internet protocol network solely via settlement-free peering; or</p> <p>(b) telecommunications service or information service, each as defined in section 3(a)(2) of the Communications Act of 1934, as amended (47 U.S.C. 153), or fiber optic cable, in each case that directly serves any military installation identified in § 802.227.</p> <p>(ii) Own or operate any internet exchange point that supports public peering.</p> <p>(iii) Own or operate any submarine cable system requiring a license under section 1 of the Cable Landing License Act of 1921 (47 U.S.C. 34), which includes any associated submarine cable, submarine cable landing facilities, and any facility that performs network management, monitoring, maintenance, or other operational functions for such submarine cable system.</p> <p>(iv) Supply or service any submarine cable, landing facility, or facility that performs network management, monitoring, maintenance, or other operational function that is part of a submarine cable system described above in item (iii) of column 1 of this appendix A.</p>

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<p>(v) Any data center that is collocated at a submarine cable landing point, landing station, or termination station.</p> <p>(vi) Any satellite or satellite system providing services directly to the Department of Defense or any component thereof.</p> <p>(vii) Any industrial resource other than commercially available off-the-shelf items, as defined in section 4203(a) of the National Defense Authorization Act for Fiscal Year 1996, as amended (41 U.S.C. 104), that is manufactured or operated for a Major Defense Acquisition Program, as defined in section 7(b)(2)(A) of the Defense Technical Corrections Act of 1987, as amended (10 U.S.C. 2430), or a Major System, as defined in 10 U.S.C. 2302d, as amended, and:</p> <p>(a) The U.S. business is a “single source,” “sole source,” or “strategic multisource,” to the extent the U.S. business has been notified of such status; or</p> <p>(b) the industrial resource:</p> <p>(1) Requires 12 months or more to manufacture; or</p> <p>(2) is a “long lead” item, to the extent the U.S. business has been notified that such industrial resource is a “long lead” item.</p> <p>(viii) Any industrial resource, other than commercially available off-the-shelf items, as defined in section 4203(a) of the National Defense Authorization Act for Fiscal Year 1996, as amended (41 U.S.C. 104), that is</p>	<p>(v) Own or operate any data center that is collocated at a submarine cable landing point, landing station, or termination station.</p> <p>(vi) Own or operate any satellite or satellite system providing services directly to the Department of Defense or any component thereof.</p> <p>(vii) As applicable, manufacture any industrial resource other than commercially available off-the-shelf items, as defined in section 4203(a) of the National Defense Authorization Act for Fiscal Year 1996, as amended (41 U.S.C. 104), or operate any industrial resource that is a facility, in each case, for a Major Defense Acquisition Program, as defined in section 7(b)(2)(A) of the Defense Technical Corrections Act of 1987, as amended (10 U.S.C. 2430), or a Major System, as defined in 10 U.S.C. 2302d, as amended, and:</p> <p>(a) The U.S. business is a “single source,” “sole source,” or “strategic multisource,” to the extent the U.S. business has been notified of such status; or</p> <p>(b) the industrial resource:</p> <p>(1) Requires 12 months or more to manufacture; or</p> <p>(2) is a “long lead” item, to the extent the U.S. business has been notified that such industrial resource is a “long lead” item.</p> <p>(viii) Manufacture any industrial resource, other than commercially available off-the-shelf items, as defined in section 4203(a) of the National Defense Authorization Act for Fiscal Year 1996, as amended (41 U.S.C. 104), under</p>

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<p>manufactured under a “DX” priority rated contract or order under the Defense Priorities and Allocations System regulation (15 CFR part 700, as amended) in the preceding 24 months.</p> <p>(ix) Any facility in the United States that manufactures:</p> <p>(a) Specialty metal, as defined in section 842(a)(1)(i) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended (10 U.S.C. 2533b);</p> <p>(b) covered material, as defined in 10 U.S.C. 2533c, as amended;</p> <p>(c) chemical weapons antidote contained in automatic injectors, as described in 10 U.S.C. 2534, as amended; or</p> <p>(d) carbon, alloy, and armor steel plate that is in Federal Supply Class 9515 or is described by specifications of the American Society for Testing Materials or the American Iron and Steel Institute.</p> <p>(x) Any industrial resource other than commercially available off-the-shelf items, as defined in 41 U.S.C. 104, as amended, that has been funded, in whole or in part, by any of the following sources in the last 60 months:</p> <p>(a) Defense Production Act of 1950 Title III program, as amended (50 U.S.C 4501 et seq.);</p> <p>(b) Industrial Base Fund under section 896(b)(1) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, as</p>	<p>a “DX” priority rated contract or order under the Defense Priorities and Allocations System regulation (15 CFR part 700, as amended) within 24 months of the transaction in question.</p> <p>(ix) Manufacture any of the following in the United States:</p> <p>(a) Specialty metal, as defined in section 842(a)(1)(i) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended (10 U.S.C. 2533b);</p> <p>(b) covered material, as defined in 10 U.S.C. 2533c, as amended;</p> <p>(c) chemical weapons antidote contained in automatic injectors, as described in 10 U.S.C. 2534, as amended; or</p> <p>(d) carbon, alloy, and armor steel plate that is in Federal Supply Class 9515 or is described by specifications of the American Society for Testing Materials or the American Iron and Steel Institute.</p> <p>(x) As applicable, manufacture any industrial resource other than commercially available off-the-shelf items, as defined in 41 U.S.C. 104, as amended, or operate any industrial resource that is a facility, in each case, that has been funded, in whole or in part, by any of the following sources within 60 months of the transaction in question:</p> <p>(a) Defense Production Act of 1950 Title III program, as amended (50 U.S.C. 4501 et seq.);</p> <p>(b) Industrial Base Fund under section 896(b)(1) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, as</p>

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<p>amended (10 U.S.C. 2508);</p> <p>(c) Rapid Innovation Fund under section 1073 of Ike Skelton National Defense Authorization Act for Fiscal Year 2011, as amended (10 U.S.C. 2359a);</p> <p>(d) Manufacturing Technology Program under 10 U.S.C. 2521, as amended;</p> <p>(e) Defense Logistics Agency Warstopper Program, as described in DLA Instruction 1212, Industrial Capabilities Program—Manage the WarStopper Program; or</p> <p>(f) Defense Logistics Agency Surge and Sustainment contract, as described in Subpart 17.93 of the Defense Logistics Acquisition Directive.</p> <p>(xi) Any system, including facilities, for the generation, transmission, distribution, or storage of electric energy comprising the bulk-power system, as defined in section 215(a)(1) of the Federal Power Act, as amended (16 U.S.C. 824o(a)(1)).</p> <p>(xii) Any electric storage resource, as defined in 18 CFR 35.28(b)(9), as amended, that is physically connected to the bulk-power system.</p> <p>(xiii) Any facility that provides electric power generation, transmission, distribution, or storage directly to or located on any military installation identified in § 802.227.</p> <p>(xiv) Any industrial control system utilized by:</p> <p>(a) System comprising the bulk-power system as described above in item (xi) of column 1 of</p>	<p>amended (10 U.S.C. 2508);</p> <p>(c) Rapid Innovation Fund under section 1073 of Ike Skelton National Defense Authorization Act for Fiscal Year 2011, as amended (10 U.S.C. 2359a);</p> <p>(d) Manufacturing Technology Program under 10 U.S.C. 2521, as amended;</p> <p>(e) Defense Logistics Agency Warstopper Program, as described in DLA Instruction 1212, Industrial Capabilities Program—Manage the WarStopper Program; or</p> <p>(f) Defense Logistics Agency Surge and Sustainment contract, as described in Subpart 17.93 of the Defense Logistics Acquisition Directive.</p> <p>(xi) Own or operate any system, including facilities, for the generation, transmission, distribution, or storage of electric energy comprising the bulk-power system, as defined in section 215(a)(1) of the Federal Power Act, as amended (16 U.S.C. 824o(a)(1)).</p> <p>(xii) Own or operate any electric storage resource, as defined in 18 CFR 35.28(b)(9), as amended, that is physically connected to the bulk-power system.</p> <p>(xiii) Own or operate any facility that provides electric power generation, transmission, distribution, or storage directly to or located on any military installation identified in § 802.227.</p> <p>(xiv) Manufacture or service any industrial control system utilized by:</p> <p>(a) System comprising the bulk-power system as described above in item (xi) of column 1 of</p>

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<p>this appendix A; or</p> <p>(b) a facility directly serving any military installation as described above in item (xiii) of column 1 of this appendix A.</p> <p>(xv) Any:</p> <p>(a) Any individual refinery with the capacity to produce 300,000 or more barrels per day (or equivalent) of refined oil or gas products; or</p> <p>(b) collection of one or more refineries owned or operated by a single U.S. business with the capacity to produce, in the aggregate, 500,000 or more barrels per day (or equivalent) of refined oil or gas products.</p> <p>(xvi) Any crude oil storage facility with the capacity to hold 30 million barrels or more of crude oil.</p> <p>(xvii) Any:</p> <p>(a) Liquefied natural gas (LNG) import or export terminal requiring:</p> <p>(1) Approval under section 3(e) of the Natural Gas Act, as amended (15 U.S.C. 717b(e)), or</p> <p>(2) a license under section 4 of the Deepwater Port Act of 1974, as amended (33 U.S.C. 1503); or</p> <p>(b) natural gas underground storage facility or LNG peak-shaving facility requiring a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended (15 U.S.C. 717f).</p> <p>(xviii) Any financial market utility that the Financial Stability Oversight Council has designated as systemically important under</p>	<p>this appendix A; or</p> <p>(b) a facility directly serving any military installation as described above in item (xiii) of column 1 of this appendix A.</p> <p>(xv) Own or operate:</p> <p>(a) Any individual refinery with the capacity to produce 300,000 or more barrels per day (or equivalent) of refined oil or gas products; or</p> <p>(b) one or more refineries with the capacity to produce, in the aggregate, 500,000 or more barrels per day (or equivalent) of refined oil or gas products.</p> <p>(xvi) Own or operate any crude oil storage facility with the capacity to hold 30 million barrels or more of crude oil.</p> <p>(xvii) Own or operate any:</p> <p>(a) Liquefied natural gas (LNG) import or export terminal requiring:</p> <p>(1) Approval under section 3(e) of the Natural Gas Act, as amended (15 U.S.C. 717b(e)), or</p> <p>(2) a license under section 4 of the Deepwater Port Act of 1974, as amended (33 U.S.C. 1503); or</p> <p>(b) natural gas underground storage facility or LNG peak-shaving facility requiring a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended (15 U.S.C. 717f).</p> <p>(xviii) Own or operate any financial market utility that the Financial Stability Oversight Council has designated as systemically</p>

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<p>section 804 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, as amended (12 U.S.C. 5463).</p> <p>(xix) Any exchange registered under section 6 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78f), that facilitates trading in any national market system security, as defined in 17 CFR § 242.600, as amended, and which exchange during at least four of the preceding six calendar months had:</p> <p>(a) With respect to all national market system securities that are not options, 10 percent or more of the average daily dollar volume reported by applicable transaction reporting plans; or</p> <p>(b) with respect to all listed options, 15 percent or more of the average daily dollar volume reported by applicable national market system plans for reporting transactions in listed options.</p> <p>(xx) Any technology service provider in the Significant Service Provider Program of the Federal Financial Institutions Examination Council that provides core processing services.</p> <p>(xxi) Any rail line and associated connector line designated as part of the Department of Defense's Strategic Rail Corridor Network.</p> <p>(xxii) Any interstate oil pipeline that:</p> <p>(a) Has the capacity to transport:</p> <p>(1) 500,000 barrels per day or more of crude</p>	<p>important under section 804 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, as amended (12 U.S.C. 5463).</p> <p>(xix) Own or operate any exchange registered under section 6 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78f), that facilitates trading in any national market system security, as defined in 17 CFR § 242.600, as amended, and which exchange during at least four of the preceding six calendar months had:</p> <p>(a) With respect to all national market system securities that are not options, 10 percent or more of the average daily dollar volume reported by applicable transaction reporting plans; or</p> <p>(b) with respect to all listed options, 15 percent or more of the average daily dollar volume reported by applicable national market system plans for reporting transactions in listed options.</p> <p>(xx) Own or operate any technology service provider in the Significant Service Provider Program of the Federal Financial Institutions Examination Council that provides core processing services.</p> <p>(xxi) Own or operate any rail line and associated connector line designated as part of the Department of Defense's Strategic Rail Corridor Network.</p> <p>(xxii) Own or operate any interstate oil pipeline that:</p> <p>(a) Has the capacity to transport:</p> <p>(1) 500,000 barrels per day or more of crude</p>

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<p>oil, or</p> <p>(2) 90 million gallons per day or more of refined petroleum product; or</p> <p>(b) directly serves the strategic petroleum reserve, as defined in section 152 of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6232).</p> <p>(xxiii) Any interstate natural gas pipeline with an outside diameter of 20 or more inches.</p> <p>(xxiv) Any industrial control system utilized by:</p> <p>(a) An interstate oil pipeline as described above in item (xxii) of column 1 of this appendix A; or</p> <p>(b) an interstate natural gas pipeline as described above in item (xxiii) of column 1 of this appendix A.</p> <p>(xxv) Any airport identified in § 802.210(a)(1) through (3).</p> <p>(xxvi) Any:</p> <p>(a) Maritime port identified in § 802.210(a)(4) or (5); or</p> <p>(b) any individual terminal at such maritime ports.</p> <p>(xxvii) Any public water system, as defined in section 1401(4) of the Safe Drinking Water Act, as amended (42 U.S.C. 300f(4)(A)), or treatment works, as defined in section 212(2)(A) of the Clean Water Act, as amended (33 U.S.C. 1292(2)), which:</p>	<p>oil, or</p> <p>(2) 90 million gallons per day or more of refined petroleum product; or</p> <p>(b) directly serves the strategic petroleum reserve, as defined in section 152 of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6232).</p> <p>(xxiii) Own or operate any interstate natural gas pipeline with an outside diameter of 20 or more inches.</p> <p>(xxiv) Manufacture or service any industrial control system utilized by:</p> <p>(a) An interstate oil pipeline as described above in item (xxii) of column 1 of this appendix A; or</p> <p>(b) an interstate natural gas pipeline as described above in item (xxiii) of column 1 of this appendix A.</p> <p>(xxv) Own or operate any airport identified in § 802.210(a)(1) through (3).</p> <p>(xxvi) Own or operate any:</p> <p>(a) Maritime port identified in § 802.210(a)(4) or (5); or</p> <p>(b) any individual terminal at such maritime ports.</p> <p>(xxvii) Own or operate any public water system, as defined in section 1401(4) of the Safe Drinking Water Act, as amended (42 U.S.C. 300f(4)(A)), or treatment works, as defined in section 212(2)(A) of the Clean Water Act, as amended (33 U.S.C. 1292(2)), which:</p>

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<p>(a) Regularly serves 10,000 individuals or more, or</p> <p>(b) directly serves any military installation identified in § 802.227.</p> <p>(xxviii) Any industrial control system utilized by a public water system or treatment works as described above in item (xxvii) of column 1 of this appendix A.</p>	<p>(a) Regularly serves 10,000 individuals or more, or</p> <p>(b) directly serves any military installation identified in § 802.227.</p> <p>(xxviii) Manufacture or service any industrial control system utilized by a public water system or treatment works as described above in item (xxvii) of column 1 of this appendix A.</p>