

The following chart is taken from the proposed Appendix A to 31 C.F.R. Part 800 (Appendix A) as proposed by Committee on Foreign Investment in the United States (CFIUS) to replace the regulations that implement section 721 of the Defense Production Act of 1950, as amended by the Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA).

Under the proposed rule, CFIUS will have authority over covered investments, which are non-controlling investments in sensitive US business involved in critical technology, critical infrastructure, or personal data. For those covered investments of US business involved in critical infrastructure, the proposed rule limits CFIUS's authority to only those covered investments of US businesses that engage in certain "functions" (i.e., the US business either owns, operates, manufactures, supplies or services) related to a specific type of infrastructure called a "covered investment critical infrastructure." The Appendix A lists each covered investment critical infrastructure and the type of function for each that would trigger CFIUS authority.

The following chart is slightly edited for ease of reference. The chart proposed by CFIUS is available in the [Proposed Rule](#) at the CFIUS website.



	Functions	Critical Infrastructure Summary Description	Covered Investment Critical Infrastructure Description from Appendix A
1	Own or operate	Internet protocol network	Any: <ul style="list-style-type: none"> <li>• Internet protocol network that has access to every other internet protocol network solely via settlement-free peering</li> <li>• Telecommunications service or information service, each as defined in section 3(a)(2) of the Communications Act of 1934 (47 U.S.C. 153), as amended, or fiber optic cable that directly serves any military installation identified in § 802.229</li> </ul>
2	Own or operate	Internet exchange point	Any internet exchange point that supports public peering
3	Own or operate	Submarine cable system	Any submarine cable system requiring a license pursuant to section 1 of the Cable Landing Licensing Act of 1921 (47 U.S.C. 34), as amended, 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.
4	Supply or service	Submarine cable facility related to submarine cable system	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 3.
5	Own or operate	Data center collocated with submarine cable	Any data center that is collocated at a submarine cable landing point, landing station, or termination station.
6	Own or operate	Satellite services to US the Department of Defense (DoD)	Any satellite or satellite system providing services directly to DoD or any component thereof.
7	As applicable, manufacture any industrial resource; or operate any industrial resource that is a facility	Resources, not commercially off-the-shelf, that are single source, sole source, strategic multisource, or long-lead time items used in defense	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 (41 U.S.C. 104), as amended, 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 (10 U.S.C. 2430), as amended, or a Major System, as defined in 10 U.S.C. 2302d, as amended and: <ul style="list-style-type: none"> <li>• The US business is a “single source,” “sole source,” or “strategic multisource,” to the extent the US business has been notified of such status</li> <li>• The industrial resource: <ul style="list-style-type: none"> <li>– That requires 12 months or more to manufacture</li> <li>– That is a “long lead” item, to the extent the US business has been notified that such industrial resource is a “long lead” item.</li> </ul> </li> </ul>
8	Manufacture	Resources, not commercially off-the-shelf, sold under DX rated orders	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 (41 U.S.C. 104), as amended, that is manufactured pursuant to 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.

	Functions	Critical Infrastructure Summary Description	Covered Investment Critical Infrastructure Description from Appendix A
9	Manufacture	<p>Specialty metals (e.g., steel alloys above certain limits; titanium and titanium alloys; zirconium alloys)</p> <p>Covered materials (e.g., samarium-cobalt magnets; neodymium-iron-boron magnets; tungsten metal powder; and tungsten heavy alloy)</p> <p>Chemical weapons antidote contained in automatic injectors</p> <p>Carbon alloys for armor plating</p>	<p>Any facility in the US that manufactures:</p> <ul style="list-style-type: none"> <li>• Specialty metal, as defined in section 842(a)(1)(i) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (10 U.S.C. 2533b), as amended</li> <li>• Covered material, as defined in 10 U.S.C. 2533c, as amended; <ul style="list-style-type: none"> <li>– Chemical weapons antidote contained in automatic injectors, as described in 10 U.S.C. 2534, as amended</li> <li>– 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</li> </ul> </li> </ul>
10	As applicable, manufacture any industrial resource; or operate any industrial resource that is a facility	Resources, not commercially off-the-shelf, with defense funding	<p>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> <ul style="list-style-type: none"> <li>• Defense Production Act of 1950 Title III program (50 U.S.C 4501, et seq.), as amended</li> <li>• Industrial Base Fund pursuant to section 896(b)(1) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2508), as amended</li> <li>• Rapid Innovation Fund pursuant to section 1073 of Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2359a), as amended</li> <li>• Manufacturing Technology Program pursuant to 10 U.S.C. 2521, as amended</li> <li>• Defense Logistics Agency Warstopper Program, as described in DLA Instruction 1212, Industrial Capabilities Program – Manage the Warstopper Program</li> <li>• Defense Logistics Agency Surge and Sustainment contract, as described in Subpart 17.93 of the Defense Logistics Acquisition Directive</li> </ul>
11	Own or operate	Power plants	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 (16 U.S.C. 824o(a)(1)), as amended.
12	Own or operate	Electric storage connected to bulk power system	Any electric storage resource, as defined in 18 CFR § 35.28(b)(9), as amended, that is physically connected to the bulk-power system.
13	Own or operate	Electricity distribution to military installations	Any facility that provides electric power generation, transmission, distribution, or storage directly to or located on any military installation identified in § 802.229.
14	Manufacture or service	Control system for power plants or electricity distribution to military installations	<p>Any industrial control system utilized by:</p> <ul style="list-style-type: none"> <li>• System comprising the bulk-power system as described above in item 11</li> <li>• A facility directly serving any military installation as described above in item 13</li> </ul>

	Functions	Critical Infrastructure Summary Description	Covered Investment Critical Infrastructure Description from Appendix A
15	Own or operate	Oil or gas refineries	Any: <ul style="list-style-type: none"> <li>• Individual refinery with the capacity to produce 300,000 or more barrels per day (or equivalent) of refined oil or gas products</li> <li>• Collection of one or more refineries owned or operated by a single US business with the capacity to produce, in the aggregate, 500,000 or more barrels per day (or equivalent) of refined oil or gas products</li> </ul>
16	Own or operate	Crude oil storage	Any crude oil storage facility with the capacity to hold 30 million barrels or more of crude oil.
17	Own or operate	LNG terminals	Any: <ul style="list-style-type: none"> <li>• Liquefied natural gas (LNG) import or export terminal requiring: <ul style="list-style-type: none"> <li>– Approval pursuant to section 3(e) of the Natural Gas Act (15 U.S.C. 717b(e)), as amended</li> <li>– A license pursuant to section 4 of the Deepwater Port Act of 1974 (33 U.S.C. 1503), as amended</li> <li>– Natural gas underground storage facility or LNG peak-shaving facility requiring a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act (15 U.S.C. 717f), as amended</li> </ul> </li> </ul>
18	Own or operate	Financial market utility	Any financial market utility that the Financial Stability Oversight Council has designated as systemically important pursuant to section 804 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5463), as amended.
19	Own or operate	Exchanges facilitates trading in any national market system security	Any exchange registered under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f), as amended, 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: <ul style="list-style-type: none"> <li>• With respect to all national market system securities that are not options, 10% or more of the average daily dollar volume reported by applicable transaction reporting plans</li> <li>• With respect to all listed options, 15% or more of the average daily dollar volume reported by applicable national market system plans for reporting transactions in listed options</li> </ul>
20	Own or operate	Core processing services under the Significant Service Provider Program	Any technology service provider in the Significant Service Provider Program of the Federal Financial Institutions Examination Council that provides core processing services.
21	Own or operate	Rail lines that are part of the DoD's Strategic Rail Corridor Network	Any rail line and associated connector line designated as part of the DoD's Strategic Rail Corridor Network.
22	Own or operate	Oil pipeline	Any interstate oil pipeline that: <ul style="list-style-type: none"> <li>• Has the capacity to transport: <ul style="list-style-type: none"> <li>– 500,000 barrels per day or more of crude oil</li> <li>– 90 million gallons per day or more of refined petroleum product directly serves the strategic petroleum reserve, as defined in section 152 of the Energy Policy and Conservation Act (42 U.S.C. 6232), as amended</li> </ul> </li> </ul>



	Functions	Critical Infrastructure Summary Description	Covered Investment Critical Infrastructure Description from Appendix A
23	Own or operate	Natural gas pipeline	Any interstate natural gas pipeline with an outside diameter of 20 or more inches.
24	Manufacture or service	Control system for oil or natural gas pipelines	Any industrial control system utilized by: <ul style="list-style-type: none"> <li>• An interstate oil pipeline as described above in item 22</li> <li>• An interstate natural gas pipeline as described above in item 23</li> </ul>
25	Own or operate	Airports	Any airport identified in § 802.201.
26	Own or operate	Maritime ports	Any: <ul style="list-style-type: none"> <li>• Maritime port identified in § 802.228</li> <li>• Any individual terminal at such maritime ports</li> </ul>
27	Own or operate	Public water system	Any public water system, as defined in section 1401(4) of the Safe Drinking Water Act (42 U.S.C. 300f(4)(A)), as amended, or treatment works, as defined in section 212(2)(A) of the Clean Water Act (33 U.S.C. 1292(2)), as amended, which: <ul style="list-style-type: none"> <li>• Regularly serves 10,000 individuals or more</li> <li>• Directly serves any military installation identified in § 802.229</li> </ul>
28	Manufacture or service	Control system for public water system	Any industrial control system utilized by a public water system or treatment works as described above in item 27.

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