

4531, 4532, and 4533 of this title during fiscal year 1990 may not exceed \$50,000,000.”

1989—Subsec. (a)(4). Pub. L. 101-137 amended par. (4) generally. Prior to amendment, par. (4) read as follows:

“(A) There are authorized to be appropriated for fiscal years 1987, 1988, and 1989 not to exceed \$150,000,000 to carry out the provisions of section 4533 of this title, except that not more than \$30,000,000 is authorized to be appropriated for fiscal year 1987.

“(B) The aggregate amount of loans, guarantees, purchase agreements, and other actions under sections 4531, 4532, and 4533 of this title during fiscal years 1987, 1988, and 1989 may not exceed \$150,000,000.”

1986—Subsec. (a)(4). Pub. L. 99-441 amended par. (4) generally. Prior to amendment, par. (4) read as follows:

“(A) There are authorized to be appropriated to carry out the provisions of section 4533 of this title not to exceed \$100,000,000 for fiscal years 1985 and 1986, except that not more than \$25,000,000 is authorized to be appropriated for fiscal year 1985.

“(B) The aggregate amount of loans, guarantees, purchase agreements, and other actions under sections 4531, 4532, and 4533 of this title during fiscal years 1985 and 1986 may not exceed \$100,000,000.”

1984—Subsec. (a)(1), (4). Pub. L. 98-265 inserted “and paragraph (4)” after “paragraph (2)” in par. (1) and added par. (4).

1980—Subsec. (a). Pub. L. 96-294, §105(a), designated existing provisions as par. (1), inserted exclusions of sections 305 and 306 of act Sept. 8, 1950, ch. 932, reference to funds made available pursuant to this paragraph, and exception for par. (2), and added pars. (2) and (3).

1974—Pub. L. 93-426 designated existing provisions as subsec. (a), inserted reference to sections 4532 and 4533 of this title, and added subsec. (b).

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-558 deemed to have become effective Mar. 1, 1992, see section 304 of Pub. L. 102-558, set out as a note under section 4502 of this title.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-99 effective Oct. 20, 1990, see section 7 of Pub. L. 102-99, set out as a note under section 4511 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-294 effective June 30, 1980, see section 107 of Pub. L. 96-294, set out as a note under section 4502 of this title.

#### DELEGATION OF FUNCTIONS

Functions of President under this chapter relating to production, conservation, use, control, distribution, and allocation of energy, delegated to Secretary of Energy, see section 4 of Ex. Ord. No. 11790, June 25, 1974, 39 F.R. 23185, set out as a note under section 761 of Title 15, Commerce and Trade.

### § 4562. Territorial application of chapter

The provisions of this chapter shall be applicable to the United States, its Territories and possessions, and the District of Columbia.

(Sept. 8, 1950, ch. 932, title VII, § 713, 64 Stat. 821.)

#### TERMINATION OF SECTION

*For termination of section, see section 4564(a) of this title.*

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning act Sept. 8, 1950, ch. 932, 64 Stat. 798, known as the Defense Production Act of 1950, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 4501 of this title and Tables.

#### CODIFICATION

Section was formerly classified to section 2163 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

### § 4563. Separability

If any provision of this chapter or the application of such provision to any person or circumstances shall be held invalid, the remainder of the chapter, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

(Sept. 8, 1950, ch. 932, title VII, § 715, formerly § 714, 64 Stat. 821; renumbered § 715, July 31, 1951, ch. 275, title I, § 110(b), 65 Stat. 144.)

#### TERMINATION OF SECTION

*For termination of section, see section 4564(a) of this title.*

#### REFERENCES IN TEXT

This chapter and the chapter, referred to in text, were in the original “this Act” and “the Act”, respectively, meaning act Sept. 8, 1950, ch. 932, 64 Stat. 798, known as the Defense Production Act of 1950, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 4501 of this title and Tables.

#### CODIFICATION

Section was formerly classified to section 2164 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

### § 4564. Termination of chapter

#### (a) Termination

Subchapter I (except section 4514 of this title), subchapter II, and subchapter III (except sections 4557, 4558, and 4565 of this title) shall terminate on September 30, 2019, except that all authority extended under subchapter II shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.

#### (b) Continuation of agencies

Notwithstanding subsection (a), any agency created under a provision of law that is terminated under subsection (a) may continue in existence, for purposes of liquidation, for a period not to exceed 6 months, beginning on the date of termination of the provision authorizing the creation of such agency under subsection (a).

#### (c) Disbursement of funds or fulfillment of obligations not affected

The termination of any section of this chapter, or of any agency or corporation utilized under this chapter, shall not affect the disbursement of funds under, or the carrying out of, any contract, guarantee, commitment or other obligation entered into pursuant to this chapter prior to the date of such termination, or the taking of any action necessary to preserve or protect the interests of the United States in any amounts advanced or paid out in carrying on operations under this chapter, or the taking of any action (including the making of new guarantees) deemed by a guaranteeing agency to be necessary to accomplish the orderly liquidation, ad-

justment or settlement of any loans guaranteed under this chapter, including actions deemed necessary to avoid undue hardship to borrowers in reconverting to normal civilian production; and all of the authority granted to the President, guaranteeing agencies, and fiscal agents, under section 4531 of this title shall be applicable to actions taken pursuant to the authority contained in this subsection.

**(d) Conditions on recovery of certain cooperative payments**

No action for the recovery of any cooperative payment made to a cooperative association by a Market Administrator under an invalid provision of a milk marketing order issued by the Secretary of Agriculture pursuant to the Agricultural Marketing Agreement Act of 1937 [7 U.S.C. 671 et seq.] shall be maintained unless such action is brought by producers specifically named as party plaintiffs to recover their respective share of such payments within ninety days after June 30, 1952, with respect to any cause of action heretofore accrued and not otherwise barred, or within ninety days after accrual with respect to future payments, and unless each claimant shall allege and prove (1) that he objected at the hearing to the provisions of the order under which such payments were made and (2) that he either refused to accept payments computed with such deduction or accepted them under protest to either the Secretary or the Administrator. The district courts of the United States shall have exclusive original jurisdiction of all such actions regardless of the amount involved. This subsection shall not apply to funds held in escrow pursuant to court order. Notwithstanding any other provision of this chapter, no termination date shall be applicable to this subsection.

(Sept. 8, 1950, ch. 932, title VII, §717, formerly §716, 64 Stat. 822; June 30, 1951, ch. 198, §1, 65 Stat. 110; renumbered §717, July 31, 1951, ch. 275, title I, §§110(b), 111, 65 Stat. 144; June 30, 1952, ch. 530, title I, §§120, 121(b), 66 Stat. 306; June 30, 1953, ch. 170, §20, 67 Stat. 126; June 30, 1953, ch. 171, §§11, 12, 67 Stat. 131; June 30, 1955, ch. 251, §5, 69 Stat. 225; Aug. 9, 1955, ch. 655, §10, 69 Stat. 583; June 29, 1956, ch. 474, §1, 70 Stat. 408; Pub. L. 85-471, June 28, 1958, 72 Stat. 241; Pub. L. 86-560, §1, June 30, 1960, 74 Stat. 282; Pub. L. 87-505, June 28, 1962, 76 Stat. 112; Pub. L. 88-343, §1, June 30, 1964, 78 Stat. 235; Pub. L. 89-482, §1, June 30, 1966, 80 Stat. 235; Pub. L. 90-370, §1, July 1, 1968, 82 Stat. 279; Pub. L. 91-300, June 30, 1970, 84 Stat. 367; Pub. L. 91-371, Aug. 1, 1970, 84 Stat. 694; Pub. L. 91-379, title I, §101, Aug. 15, 1970, 84 Stat. 796; Pub. L. 92-15, §2, May 18, 1971, 85 Stat. 38; Pub. L. 92-325, §2, June 30, 1972, 86 Stat. 390; Pub. L. 93-323, June 30, 1974, 88 Stat. 280; Pub. L. 93-367, Aug. 7, 1974, 88 Stat. 419; Pub. L. 93-426, §4, Sept. 30, 1974, 88 Stat. 1167; Pub. L. 94-42, §1, June 28, 1975, 89 Stat. 232; Pub. L. 94-100, §1, Oct. 1, 1975, 89 Stat. 483; Pub. L. 94-152, §2, Dec. 16, 1975, 89 Stat. 810; Pub. L. 95-37, §2, June 1, 1977, 91 Stat. 178; Pub. L. 96-77, Sept. 29, 1979, 93 Stat. 588; Pub. L. 96-188, Jan. 28, 1980, 94 Stat. 3; Pub. L. 96-225, Apr. 3, 1980, 94 Stat. 310; Pub. L. 96-250, May 26, 1980, 94 Stat. 371; Pub. L. 96-294, title I, §105(b), June 30, 1980, 94 Stat. 633; Pub. L. 97-47, §1, Sept. 30, 1981, 95 Stat. 954; Pub. L. 97-336, Oct.

15, 1982, 96 Stat. 1630; Pub. L. 98-12, Mar. 29, 1983, 97 Stat. 53; Pub. L. 98-181, title I [title VII, §703], Nov. 30, 1983, 97 Stat. 1267; Pub. L. 98-265, §2, Apr. 17, 1984, 98 Stat. 149; Pub. L. 99-441, §2, Oct. 3, 1986, 100 Stat. 1117; Pub. L. 101-137, §9(a), Nov. 3, 1989, 103 Stat. 826; Pub. L. 101-351, §1, Aug. 9, 1990, 104 Stat. 404; Pub. L. 101-407, §1, Oct. 4, 1990, 104 Stat. 882; Pub. L. 101-411, §1, Oct. 6, 1990, 104 Stat. 893; Pub. L. 102-99, §§2, 8, Aug. 17, 1991, 105 Stat. 487, 490; Pub. L. 102-193, §1, Dec. 6, 1991, 105 Stat. 1593; Pub. L. 102-558, title I, §162, Oct. 28, 1992, 106 Stat. 4219; Pub. L. 104-64, §2, Dec. 18, 1995, 109 Stat. 689; Pub. L. 105-261, div. A, title X, §1072(a), Oct. 17, 1998, 112 Stat. 2137; Pub. L. 106-65, div. A, title X, §1063(a), Oct. 5, 1999, 113 Stat. 769; Pub. L. 106-363, §1, Oct. 27, 2000, 114 Stat. 1407; Pub. L. 107-47, §2, Oct. 5, 2001, 115 Stat. 260; Pub. L. 108-195, §2(a), Dec. 19, 2003, 117 Stat. 2892; Pub. L. 110-367, §2, Oct. 8, 2008, 122 Stat. 4026; Pub. L. 111-67, §2(a)(1), Sept. 30, 2009, 123 Stat. 2006; Pub. L. 113-172, §1, Sept. 26, 2014, 128 Stat. 1896.)

REFERENCES IN TEXT

Subchapter III, referred to in subsec. (a), was in the original "title VII", meaning title VII of act Sept. 8, 1950, ch. 932, 64 Stat. 815, which is classified principally to this subchapter. For complete classification of title VII to the Code, see Tables.

This chapter, referred to in subsecs. (c) and (d), was in the original "this Act", meaning act Sept. 8, 1950, ch. 932, 64 Stat. 798, known as the Defense Production Act of 1950, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 4501 of this title and Tables.

The Agricultural Marketing Agreement Act of 1937, referred to in subsec. (d), is act June 3, 1937, ch. 296, 50 Stat. 246, which is classified principally to chapter 26A (§671 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 674 of Title 7 and Tables.

CODIFICATION

Section was formerly classified to section 2166 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-172 substituted "2019" for "2014" and struck out "on or after the date of enactment of the Defense Production Act Reauthorization of 2009" before "shall be effective".

2009—Subsec. (a). Pub. L. 111-67, §2(a)(1)(A), added subsec. (a) and struck out former subsec. (a) which related to termination of subchapters I to III on Sept. 30, 2009, termination of section 714 of act Sept. 8, 1950, ch. 932, on July 31, 1953, termination of section 4514 of this title and titles II and VI of act Sept. 8, 1950, ch. 932, on June 30, 1953, and termination of titles IV and V of act Sept. 8, 1950, ch. 932, on Apr. 30, 1953.

Subsec. (b). Pub. L. 111-67, §2(a)(1)(A), added subsec. (b) and struck out former subsec. (b) which read as follows: "Notwithstanding the foregoing—

"(1) The Congress by concurrent resolution or the President by proclamation may terminate this chapter prior to the termination otherwise provided therefor.

"(2) The Congress may also provide by concurrent resolution that any section of this chapter and all authority conferred thereunder shall terminate prior to the termination otherwise provided therefor.

"(3) Any agency created under this chapter may be continued in existence for purposes of liquidation for not to exceed six months after the termination of the provision authorizing the creation of such agency."

Subsec. (c). Pub. L. 111-67, §2(a)(1)(B), struck out the second undesignated paragraph in subsec. (c), which re-

lated to construction of termination of title VI of act Sept. 8, 1950, ch. 932.

2008—Subsec. (a). Pub. L. 110-367 substituted “September 30, 2009” for “September 30, 2008”.

2003—Subsec. (a). Pub. L. 108-195, in first sentence, substituted “sections 4557, 4558, and 4565” for “sections 4558 and 4565” and “September 30, 2008” for “September 30, 2003”.

2001—Subsec. (a). Pub. L. 107-47 substituted “September 30, 2003” for “September 30, 2001”.

2000—Subsec. (a). Pub. L. 106-363 substituted “September 30, 2001” for “September 30, 2000”.

1999—Subsec. (a). Pub. L. 106-65 substituted “September 30, 2000” for “September 30, 1999”.

1998—Subsec. (a). Pub. L. 105-261 substituted “September 30, 1999” for “September 30, 1998”.

1995—Subsec. (a). Pub. L. 104-64, in first sentence, substituted provisions relating to termination of subchapters I to III on Sept. 30, 1998, for provisions relating to termination of subchapters I to III on Sept. 30, 1995.

1992—Subsec. (a). Pub. L. 102-558 substituted “September 30, 1995” for “March 1, 1992”.

1991—Subsec. (a). Pub. L. 102-193 substituted “March 1, 1992” for “September 30, 1991”.

Pub. L. 102-99 extended termination date from Oct. 20, 1990, to Sept. 30, 1991, and inserted parenthetical reference to section 4565 of this title.

1990—Subsec. (a). Pub. L. 101-411 extended termination date from Oct. 5, 1990, to Oct. 20, 1990.

Pub. L. 101-407 extended termination date from Sept. 30, 1990, to Oct. 5, 1990.

Pub. L. 101-351 extended termination date from Aug. 10, 1990, to Sept. 30, 1990.

1989—Subsec. (a). Pub. L. 101-137 extended termination date from Sept. 30, 1989, to Aug. 10, 1990.

1986—Subsec. (a). Pub. L. 99-441 extended termination date from Sept. 30, 1986, to Sept. 30, 1989.

1984—Subsec. (a). Pub. L. 98-265 extended termination date from Mar. 30, 1984, to Sept. 30, 1986.

1983—Subsec. (a). Pub. L. 98-181 extended termination date from Sept. 30, 1983, to Mar. 30, 1984.

Pub. L. 98-12 extended termination date from Mar. 31, 1983, to Sept. 30, 1983.

1982—Pub. L. 97-336 extended termination date from Sept. 30, 1982, to Mar. 31, 1983.

1981—Subsec. (a). Pub. L. 97-47 extended termination date from Sept. 30, 1981, to Sept. 30, 1982.

1980—Subsec. (a). Pub. L. 96-294 extended termination date from Aug. 27, 1981, to Sept. 30, 1981.

Pub. L. 96-250 extended termination date from May 27, 1980, to Aug. 27, 1980.

Pub. L. 96-225 extended termination date from Mar. 28, 1980, to May 27, 1980.

Pub. L. 96-188 extended termination date from Jan. 28, 1980, to Mar. 28, 1980.

1979—Subsec. (a). Pub. L. 96-77 extended termination date from Sept. 30, 1979, to Jan. 28, 1980.

1977—Subsec. (a). Pub. L. 95-37 extended termination date from Sept. 30, 1977, to Sept. 30, 1979.

1975—Subsec. (a). Pub. L. 94-152 extended termination date from Nov. 30, 1975, to Sept. 30, 1977, and inserted proviso that all authority now or subsequently extended under subchapter II shall be effective for any fiscal year only to such extent and amounts as are provided for in advance in appropriation Acts.

Pub. L. 94-100 extended termination date from Sept. 30, 1975, to Nov. 30, 1975.

Pub. L. 94-42 extended termination date from June 30, 1975, to Sept. 30, 1975.

1974—Subsec. (a). Pub. L. 93-426 extended termination date from June 30, 1974, to June 30, 1975.

Pub. L. 93-367 extended termination date from July 30, 1974, to Sept. 30, 1974.

Pub. L. 93-323 extended termination date from June 30, 1974, to July 30, 1974.

1972—Subsec. (a). Pub. L. 92-325 substituted “June 30, 1974” for “June 30, 1972”.

1971—Subsec. (a). Pub. L. 92-15 inserted parenthetical reference to section 4558 of this title.

1970—Subsec. (a). Pub. L. 91-379 extended termination date from Aug. 15, 1970, to June 30, 1972, and inserted

reference to section 719 of act Sept. 8, 1950, ch. 932, after reference to section 714 of such act.

Pub. L. 91-371 extended termination date from July 30, 1970, to Aug. 15, 1970.

Pub. L. 91-300 extended termination date from June 30, 1970, to July 30, 1970.

1968—Subsec. (a). Pub. L. 90-370 extended termination date from June 30, 1968, to June 30, 1970.

1966—Subsec. (a). Pub. L. 89-482 extended termination date from June 30, 1966, to June 30, 1968.

1964—Subsec. (a). Pub. L. 88-343 extended termination date from June 30, 1964, to June 30, 1966.

1962—Subsec. (a). Pub. L. 87-505 extended termination date from June 30, 1962, to June 30, 1964.

1960—Subsec. (a). Pub. L. 86-560 extended termination date from June 30, 1960, to June 30, 1962.

1958—Subsec. (a). Pub. L. 85-471 extended termination date from June 30, 1958, to June 30, 1960.

1956—Subsec. (a). Act June 29, 1956, extended termination date from June 30, 1956, to June 30, 1958.

1955—Subsec. (a). Act Aug. 9, 1955, extended termination date from July 31, 1955, to June 30, 1956.

Act June 30, 1955, extended termination date from June 30, 1955, to July 31, 1955.

1953—Subsec. (a). Act June 30, 1953, ch. 171, §11, extended termination date of subchapters I to III from June 30, 1953, to June 30, 1955.

Subsec. (c). Act June 30, 1953, ch. 171, §12, inserted “or the taking of any action (including the making of new guarantees) deemed by a guaranteeing agency to be necessary to accomplish the orderly liquidation, adjustment or settlement of any loans guaranteed under this chapter, including actions deemed necessary to avoid undue hardship to borrowers in reconverting to normal civilian production; and all of the authority granted to the President, guaranteeing agencies, and fiscal agents, under section 4531 of this title shall be applicable to actions taken pursuant to the authority contained in this subsection”.

Act June 30, 1953, ch. 170, added second par.

1952—Subsec. (a). Act June 30, 1952, §121(b), extended termination dates from Apr. 30, 1952, to Apr. 30, 1953, and from June 30, 1952, to June 30, 1953.

Subsec. (d). Act June 30, 1952, §120, added subsec. (d).

1951—Subsec. (a). Acts July 31, 1951, §111, and June 30, 1951, Act July 31, 1951, struck out subsec. (a) relating to termination of certain titles of act Sept. 8, 1950, and substituted present subsec. (a). Act June 30, 1951, extended termination date from June 30, 1951, to July 31, 1951.

Subsec. (b). Act July 31, 1951, redesignated subsec. (c) as (b) and struck out former subsec. (b) which related to termination date of certain titles of act Sept. 8, 1950. Former subsec. (b) was amended by act June 30, 1951, to extend termination date from June 30, 1951, to July 31, 1951.

Subsecs. (c), (d). Act July 31, 1951, §111, redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-558 deemed to have become effective Mar. 1, 1992, see section 304 of Pub. L. 102-558, set out as a note under section 4502 of this title.

#### EFFECTIVE DATE OF 1991 AMENDMENTS

Pub. L. 102-193, §2, Dec. 6, 1991, 105 Stat. 1593, provided that: “This Act [amending this section] shall take effect on September 30, 1991.”

Amendment by Pub. L. 102-99 effective Oct. 20, 1990, see section 7 of Pub. L. 102-99, set out as a note under section 4511 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-294 effective June 30, 1980, see section 107 of Pub. L. 96-294, set out as a note under section 4502 of this title.

#### EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94-152 effective at close of Nov. 30, 1975, see section 9 of Pub. L. 94-152, as amended, set out as a note under section 4558 of this title.

## EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act Aug. 9, 1955, effective as of close of July 31, 1955, see section 11 of act Aug. 9, 1955, set out as a note under section 4502 of this title.

**§ 4565. Authority to review certain mergers, acquisitions, and takeovers**

**(a) Definitions**

For purposes of this section, the following definitions shall apply:

**(1) Committee; chairperson**

The terms “Committee” and “chairperson” mean the Committee on Foreign Investment in the United States and the chairperson thereof, respectively.

**(2) Control**

The term “control” has the meaning given to such term in regulations which the Committee shall prescribe.

**(3) Covered transaction**

The term “covered transaction” means any merger, acquisition, or takeover that is proposed or pending after August 23, 1988, by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States.

**(4) Foreign government-controlled transaction**

The term “foreign government-controlled transaction” means any covered transaction that could result in the control of any person engaged in interstate commerce in the United States by a foreign government or an entity controlled by or acting on behalf of a foreign government.

**(5) Clarification**

The term “national security” shall be construed so as to include those issues relating to “homeland security”, including its application to critical infrastructure.

**(6) Critical infrastructure**

The term “critical infrastructure” means, subject to rules issued under this section, systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on national security.

**(7) Critical technologies**

The term “critical technologies” means critical technology, critical components, or critical technology items essential to national defense, identified pursuant to this section, subject to regulations issued at the direction of the President, in accordance with subsection (h).

**(8) Lead agency**

The term “lead agency” means the agency, or agencies, designated as the lead agency or agencies pursuant to subsection (k)(5) for the review of a transaction.

**(b) National security reviews and investigations**

**(1) National security reviews**

**(A) In general**

Upon receiving written notification under subparagraph (C) of any covered transaction,

or pursuant to a unilateral notification initiated under subparagraph (D) with respect to any covered transaction, the President, acting through the Committee—

(i) shall review the covered transaction to determine the effects of the transaction on the national security of the United States; and

(ii) shall consider the factors specified in subsection (f) for such purpose, as appropriate.

**(B) Control by foreign government**

If the Committee determines that the covered transaction is a foreign government-controlled transaction, the Committee shall conduct an investigation of the transaction under paragraph (2).

**(C) Written notice**

**(i) In general**

Any party or parties to any covered transaction may initiate a review of the transaction under this paragraph by submitting a written notice of the transaction to the Chairperson of the Committee.

**(ii) Withdrawal of notice**

No covered transaction for which a notice was submitted under clause (i) may be withdrawn from review, unless a written request for such withdrawal is submitted to the Committee by any party to the transaction and approved by the Committee.

**(iii) Continuing discussions**

A request for withdrawal under clause (ii) shall not be construed to preclude any party to the covered transaction from continuing informal discussions with the Committee or any member thereof regarding possible resubmission for review pursuant to this paragraph.

**(D) Unilateral initiation of review**

Subject to subparagraph (F), the President or the Committee may initiate a review under subparagraph (A) of—

(i) any covered transaction;

(ii) any covered transaction that has previously been reviewed or investigated under this section, if any party to the transaction submitted false or misleading material information to the Committee in connection with the review or investigation or omitted material information, including material documents, from information submitted to the Committee; or

(iii) any covered transaction that has previously been reviewed or investigated under this section, if—

(I) any party to the transaction or the entity resulting from consummation of the transaction intentionally materially breaches a mitigation agreement or condition described in subsection (l)(1)(A);

(II) such breach is certified to the Committee by the lead department or agency monitoring and enforcing such agreement or condition as an intentional material breach; and