

**AMENDMENT TO H.R. 1366, AS REPORTED
OFFERED BY MS. LEGER FERNANDEZ OF NEW
MEXICO**

Add at the end the following:

1 SEC. 3. EXCEPTION.

2 (a) IN GENERAL.—This Act and the amendments
3 made by this Act do not apply with respect to a project
4 that is owned or operated by—

5 (1) a foreign entity of concern; or

6 (2) an entity that is a subsidiary of a foreign
7 entity of concern.

8 (b) DEFINITIONS.—In this section:

9 (1) COVERED NATION.—The term “covered na-
10 tion” has the meaning given the term in section
11 4872(f) of title 10, United States Code.

12 (2) FOREIGN ENTITY OF CONCERN.—

13 (A) IN GENERAL.—The term “foreign enti-
14 ty of concern” has the meaning given the term
15 in section 40207(a)(5) of the Infrastructure In-
16 vestment and Jobs Act (42 U.S.C.
17 18741(a)(5)).

18 (B) CLARIFICATION.—For purposes of this
19 section, a foreign entity of concern is subject to

1 the jurisdiction or direction of a government of
2 a foreign country that is a covered nation with-
3 in the meaning of section 40207(a)(5)(C) of the
4 Infrastructure Investment and Jobs Act (42
5 U.S.C. 18741(a)(5)(C)) if the foreign entity of
6 concern is more than 10 percent owned, di-
7 rected, controlled, or financed, directly or indi-
8 rectly, individually or in aggregate, by any indi-
9 vidual that is the citizen, national, or perma-
10 nent resident, or is an entity subject to the ju-
11 risdiction, of the government of a covered na-
12 tion.

