

**AMENDMENT TO H.R. 8446, AS REPORTED
OFFERED BY MS. LEGER FERNANDEZ OF NEW
MEXICO**

Add at the end the following:

1 SEC. 3. NO FEDERAL BENEFITS TO FOREIGN ADVERSARIES
2 FOR CRITICAL MINERAL PROJECTS.

3 (a) PROHIBITION.—Notwithstanding any other provi-
4 sion of law, the Federal Government may not provide any
5 critical mineral related Federal benefit to an entity that—

6 (1) is a foreign entity of concern; or

7 (2) is a subsidiary of a foreign entity of con-
8 cern.

9 (b) DEFINITIONS.—In this section:

10 (1) COVERED NATION.—The term “covered na-
11 tion” has the meaning given such term in section
12 2533c(d) of title 10, United States Code.

13 (2) CRITICAL MINERAL RELATED FEDERAL
14 BENEFIT.—The term “critical mineral related Fed-
15 eral benefit” means any tax credit, grant, loan, loan
16 guarantee, or expedited permitting that is available
17 on the basis of the designation of a mineral, ele-
18 ment, substance, or material as critical pursuant to

1 section 7002 of the Energy Act of 2020 (30 U.S.C.
2 1606).

3 (3) FOREIGN ENTITY OF CONCERN.—The term
4 “foreign entity of concern” has the meaning given
5 such term in section 40207(a)(5) of the Infrastruc-
6 ture Investment and Jobs Act (42 U.S.C.
7 18741(a)(5)).

