



August 3, 2021

As the Senate considers Substitute Amendment #2137 to H.R. 3684, the INVEST in America Act, NTU urges all Senators to support initiatives that reduce wasteful spending, increase accountability and transparency, and uphold free market principles. The underlying bill is a flawed product that is too expensive and burdensome, but lawmakers should still work diligently to improve it.

Note: This is the first of several Vote Alerts that NTU intends to issue on amendments to the bipartisan infrastructure legislation.

NTU urges all Senators to vote “**YES**” on the following amendments to S. Amdt. 2137, should the amendments receive consideration on the Senate floor:

Tax/Finance

- **Amendment #2153 from Sen. Joni Ernst (R-IA):** This provision would require grantees or subgrantees of funds from the Departments of Energy or Transportation to briefly state, in public documents about grant-funded programs and projects, the percentage of program/project costs covered by federal funds. This is a simple spending transparency measure that would help taxpayers in states and municipalities across the country determine how federal taxpayer dollars are being put to use.

Transportation/Infrastructure

- **Amendments #2249, #2250, #2251, #2252, #2253, & #2267 from Sen. Mike Lee (R-UT):** These amendments would result in meaningful, positive reforms to the broken National Environmental Policy Act. Fifty years after its enactment, it’s clear that NEPA’s negative effects on the economy and the ability to complete construction projects far outweigh any positive impacts it has in environmental protection. Broadly, NEPA regulations are unnecessarily burdensome, lengthy, and open to costly lawsuits - all of which either increase the total cost of a project or result in needless delays. If passed, these amendments would allow more taxpayer-funded projects to come online cheaper and faster - a win-win for taxpayers, builders, and users of transportation infrastructure.
- **Amendment #2154 from Sen. Joni Ernst (R-IA):** This amendment would prohibit transit or rail projects from receiving new assistance from the federal government if the “overall cost projection to complete the project” is \$1 billion over the original cost projection, or if the “costs of the service provided by the project are projected to exceed the revenues generated” from annual ridership. This is a sensible measure to ensure federal dollars are not devoted to wasteful infrastructure projects.
- **Amendment #2289 from Sen. John Barrasso (R-WY):** This amendment would repeal the electric vehicle (EV) tax credit. NTU has supported legislation from Sen. Barrasso and Rep. Jason Smith (R-MO) to repeal the EV credit, which currently overwhelmingly benefits six-figure households. Broad-based tax reforms are superior to targeted incentives like the EV credit.

Labor/Employment

- **Amendment #2256 from Sen. Mike Lee (R-UT):** This amendment would finally repeal the disastrous Davis-Bacon Act (DBA), which requires contractors to use prevailing union wage scales for construction projects. On average, DBA wage rates average 22 percent higher than market wages for the same work, costing taxpayers about \$13 billion annually, according to CBO. Moreover, DBA gives unionized firms an advantage when bidding on infrastructure projects, keeping taxpayer costs unnecessarily high and competition to a minimum.
- **Amendment #2272 from Sen. Mike Lee (R-UT):** This amendment would strike prevailing wage requirements from the bill, delivering cost relief to builders and taxpayers.

Technology

- **Amendment #2148 from Sen. Roger Wicker (R-MS):** This amendment would make changes to the “Digital Discrimination” provision by tasking the Federal Communications Commission (FCC) with initiating a notice of inquiry, rather than adopting rules, examining obstacles to equal broadband access.
- **Amendment #2159 from Sen. Roger Wicker (R-MS):** This amendment would prohibit rate regulation on broadband service by any Federal or State agency or entity. A market-driven approach to lower costs for consumers is far superior to onerous price controls.
- **Amendment #2215 from Sen. John Thune (R-SD):** This amendment improves the spectrum auction (Sec. 90008) provision. Notably, this amendment strikes the provision transferring \$50 million from the Spectrum Relocation Fund to the Department of Defense and requires 350 megahertz in the 3.1-3.45 GHz Band be made available for shared Federal and non-Federal commercial use.
- **Amendment #2258 from Sen. Mike Lee (R-UT):** This amendment would require an audit of spectrum assigned to or allocated to each federal entity. Spectrum is a finite resource, and freeing up unused or underutilized spectrum currently held by the federal government will be an important tool to move to 5G technology.
- **Amendment #2265 from Sen. Mike Lee (R-UT):** This amendment would require an audit of spectrum allocated or assigned to the Department of Defense, culminating in a report to Congress. This would give insight to the spectrum that is currently being underutilized or not utilized.
- **Amendment #2282 from Sen. Steve Daines (R-MT):** This amendment would require an annual report to be conducted on federal spending on broadband. Specifically, the report would seek to determine the efficacy of broadband spending and the extent to which federal spending was used to overbuild.

Trade

- **Amendment #2266 from Sen. Mike Lee (R-UT):** This amendment would repeal “Buy American” requirements in federal law. Buy American mandates are inefficient for federal purchasers, contractors, and grantees, risk inviting retaliation from U.S. trading partners, and ultimately cost taxpayers money. NTU strongly supports Sen. Lee’s effort to remove these onerous requirements from law.

NTU urges all Senators to vote “**NO**” on the following amendments to S. Amdt. 2137, should the amendments receive consideration on the Senate floor:

Defense

- **Amendment #2127 from Sen. Roger Wicker (R-MS):** This amendment would provide \$25.35 billion in funding to public and private shipyards servicing the Navy and U.S. Coast Guard. NTU has [previously warned](#) that this legislation - the SHIPYARD Act - is irresponsible and would put taxpayer dollars at risk. Lawmakers should consider this proposal in the National Defense Authorization Act (NDAA) and defense appropriations process, not an infrastructure bill.
- **Amendment #2193 from Sens. Joni Ernst (R-IA) and Roger Wicker (R-MS):** This amendment would fund \$800 million of U.S. Coast Guard unfunded priorities and would offset the spending increase by removing proposed funding for the Natural Gas Distribution Infrastructure Safety and Modernization Grant Program. While NTU appreciates the Senators' effort to offset a proposed increase in funding, debate about the unfunded priorities list of the U.S. Coast Guard belongs in the NDAA and appropriations processes. Furthermore, NTU has [criticized](#) the wasteful "unfunded priorities" process in defense budgeting and believes lawmakers should repeal unfunded priorities list requirements.

Transportation/Infrastructure

- **Amendment #2170 from Sen. Jack Reed (D-RI):** This amendment, the Reopen and Rebuild America's Schools Act, would increase authorizations of appropriations in the legislation by at least \$100 billion, with no apparent offsets.

Energy/Environment

- **Amendment #2208 from Sen. Kirsten Gillibrand (D-NY):** This amendment, the PEAKER Act of 2021, would increase authorizations of appropriations by up to \$11 billion, with no apparent offsets.
- **Amendment #2239 from Sens. Ron Wyden (D-OR) and Maria Cantwell (D-WA):** This amendment would increase funding for wildfire risk reduction (Section 40803) and ecosystem restoration (Section 40804) by a combined \$16.7 billion, with no apparent offsets.

Technology

- **Amendment #2151 from Sen. Roger Wicker (R-MS):** This amendment would provide \$5 billion in new authorizations of appropriations for broadcast internet and public television grants, with no apparent offsets.
- **Amendment #2167 from Sens. Raphael Warnock (D-GA) and Alex Padilla (D-CA):** This amendment would increase funding for the Reconnecting Communities Pilot Program by \$4.5 billion, with no apparent offsets.
- **Amendment #2168 from Sen. Raphael Warnock (D-GA):** This amendment, the "Device Access for Every American Act," would increase authorizations of appropriations in the infrastructure legislation by \$2 billion, with no apparent offsets.