



August 4, 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 second of several Vote Alerts that NTU intends to issue on amendments to the bipartisan infrastructure legislation. The first Vote Alert on amendments can be found [here](#).

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 #2388 from Sens. Ted Cruz (D-TX), John Barrasso (R-WY), & John Cornyn (R-TX):** This amendment would strike the inclusion of the Superfund Excise Tax, which is a charge on the producers of certain chemicals. This \$13 billion levy would be a direct tax increase on American producers and would represent a significant expense for businesses. In July, NTU led a coalition of nearly a dozen taxpayer, consumer, and free market advocacy groups in a letter opposing the inclusion of this tax in an infrastructure package.
- **Amendment #2440 from Sen. Mike Lee (R-UT):** This amendment is similar to the above Cruz amendment, and would remove the Superfund Tax from the Substitute Amendment. A tax increase on job creators, individuals, or consumers is always a precarious endeavor, but a tax hike now could threaten our ability to recover from the COVID-19 pandemic.
- **Amendment #2441 from Sen. Mike Lee (R-UT):** This amendment would strike an extension of a unique fee the two government-sponsored enterprises (GSEs) place on mortgages, known as a “guarantee fee,” or g-fee. It is wrong to use revenue from g-fee dollars to pay for hard infrastructure rather than relying on more direct funding mechanisms. While homeowners certainly benefit from infrastructure, the connection between g-fees and roads, bridges, and broadband, among other items, is remote at best.
- **Amendment #2346 from Sen. Joni Ernst (R-IA):** This amendment would prohibit clean energy mandates if it results in higher energy prices. Clean energy mandates distort electricity markets, typically resulting in higher prices paid by consumers. With the clear rise in inflation, it makes little economic sense to accelerate price increases in electricity.
- **Amendment #2466 from Sen. Ted Cruz (R-TX):** This amendment would strike the provision relating to information reporting for cryptocurrency brokers and digital assets. Congress should look to provide clear and workable rules for reporting digital assets to tax authorities. Unfortunately, the inclusion of this provision undermines both of these goals.

## **Budget**

- **Amendment #2338 from Sens. Rick Scott (R-FL), Ron Johnson (R-WI), Tommy Tuberville (R-AL), and Marsha Blackburn (R-TN):** This provision would ensure that additional federal funds are not disbursed until the Congressional Budget Office (CBO) certifies that doing so would not lead to an increase in inflation. If such spending would increase inflation, the funds provided in the infrastructure bill would go instead toward deficit reduction. While lawmakers should reauthorize the highway bill before its expiration in October, this commonsense measure would guard against excessive federal spending leading to runaway and regressive inflation that would raise prices for all taxpayers and consumers.
- **Amendment #2425 from Sen. Rick Scott (R-FL):** This amendment would ensure that the federal government does not spend more in the infrastructure bill than revenue “collected or realized,” and provides for spending reductions if the government collects less revenue than expected from the bill. This provision could help prevent the infrastructure bill from adding to record-level federal debt.
- **Amendment #2429 from Sen. Rick Scott (R-FL):** This provision would strike three proposed offsets from the legislation: 1) the largely-fictional extension of the mandatory sequester, 2) a new requirement that pharmaceutical manufacturers of products in single-dose containers provide rebates for discarded drugs, and 3) the further delay of implementation on a Medicare Part D regulation from the Trump administration that the Biden administration has already delayed. NTU has criticized several of these proposed offsets as [gimmicks](#). It is important that lawmakers fully offset the costs of an infrastructure bill, but they should do so with [real spending reductions](#) rather than phantom offsets.

## **Transportation/Infrastructure**

- **Amendment #2375 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. NTU supported a similar amendment in our [first vote alert](#) on amendments to the infrastructure bill.
- **Amendment #2332 from Sen. Marsha Blackburn (R-TN):** This amendment would result in meaningful, positive reform to the broken National Environmental Policy Act (NEPA). 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, this amendment would allow more taxpayer-funded projects to come online cheaper and faster - a win-win for taxpayers, builders, and users of transportation infrastructure.

## **Technology**

- **Amendment #2342 from Sen. Mark Kelly (D-AZ) and Sen. Steve Daines (R-MT):** This amendment would streamline the regulatory process for broadband deployment, including requiring the federal government to respond to permits on federal rights-of-way in a timely manner and ensure those permits are fairly priced. Lawmakers should continue to examine ways to cut the regulatory cost that can make building broadband infrastructure more difficult and expensive.

- **Amendment #2387 from Sen. Ted Cruz (R-TX):** This amendment would require a Government Accountability Office (GAO) report on broadband spending at the federal, state, and local level. Additionally, a report would be issued annually on the amount of spending on broadband and the return on investment from government spending.

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

### **Taxation**

- **Amendment #2384 from Sens. Steve Daines (R-MT) and Debbie Stabenow (D-MI):** This recently-reintroduced provision, also called the Charitable Conservation Easement Program Integrity Act, is of great concern to NTU. As we noted in a recent [statement](#) on the proposed legislation, this measure “would create dangerous precedents for the entire system of tax administration” and would effectively ratify a host of heavy-handed IRS tactics. For more, read NTU’s updated statement on the proposed amendment [here](#).

### **Defense**

- **Amendment #2468 from Sen. Ted Cruz (R-TX):** This amendment would remove \$150 million in Amtrak funding and designate such funding to the Department of Defense for “expedit[ing] the deployment of heavy armored divisions and associated equipment from United States military installations to naval ports by rail.” While NTU is deeply concerned with the level of Amtrak funding in the infrastructure legislation, we believe that any reductions in proposed Amtrak funding go towards deficit reduction. Further, any proposed increases to the Department of Defense budget should be debated in the National Defense Authorization Act (NDAA) and defense appropriations process.

### **Transportation/Infrastructure**

- **Amendment #2312 from Sens. Chris Coons (D-DE), Lisa Murkowski (R-AK), and Robert Menendez (D-NJ):** This provision would increase funding for passenger ferry grants by \$1.25 billion, with no apparent spending offsets.
- **Amendment #2454 from Sens. Dianne Feinstein (D-CA) and Alex Padilla (D-CA):** This amendment would allow for significant increases in federal support to “a new fixed guideway capital project, a core capacity improvement project, or a small start project,” authorizing “such sums as are necessary” for these spending increases without any apparent offsets.

### **Energy/Environment**

- **Amendment #2345 from Sen. Marco Rubio (R-FL):** This amendment would increase funding for South Florida ecosystem restoration by \$5 billion, with no apparent spending offsets.
- **Amendment #2360 from Sen. Jeff Merkley (D-OR):** This provision would permanently reauthorize the Collaborative Forest Landscape Restoration Program, currently authorized to be funded at a rate of \$80 million per year. This could put taxpayers on the hook for an additional \$640 million over the next decade, since as of now the Program is [not authorized beyond fiscal year \(FY\) 2023](#), and contains no apparent offsets for the increased authorizations of appropriations.

- **Amendment #2361 from Sen. Jeff Merkley (D-OR):** This amendment would increase funding for Watershed and Flood Prevention Operations by \$500 million, without any spending offsets.
- **Amendment #2399 from Sen. Catherine Cortez Masto (D-NV):** This amendment would create new spending accounts within the Treasury, Agriculture, and Interior Departments, and would authorize appropriations of up to \$4.8 billion per year. There are no apparent spending offsets in this proposal.
- **Amendment #2430 from Sen. Cory Booker (D-NJ):** This provision would authorize up to \$1 billion in new funding for the Milestone-Based Fusion Development Program, without any apparent offsets.

## **Technology**

- **Amendment #2362 from Sens. Ron Wyden (D-OR), Patty Murray (D-WA), Gary Peters (D-MI), Alex Padilla (D-CA), and Michael Bennet (D-CO):** This provision, the State and Local Digital Service Act of 2021, would authorize more than \$700 million to be spent by the Administrator of the General Services Administration (GSA) on grants to state, local, and Tribal governments. There are no apparent offsets for the proposed increases in authorizations of appropriations.
- **Amendment #2460 from Sen. Ben Ray Lujan (D-NM):** This amendment would strike section 60506 (Digital Discrimination) and replace it with language on “Digital Redlining.” Furthermore, this amendment would require the Federal Communications Commission (FCC) to adopt rules to prevent broadband discrimination and would prohibit deployment discrimination based on the income level of an area or “other factors” that the FCC determines to be relevant. Expanding broadband access is important, but like most services provided by private companies, it requires paying customers. This amendment gives broad authority to the FCC to define “digital redlining” and adopt new rules that would expand the power of the agency.