

**Congress of the United States**  
**Washington, DC 20515**

June 28, 2021

The Honorable Janet Yellen  
Secretary  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue NW  
Washington, DC 20220

Dear Secretary Yellen:

We write to comment on the interim final rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act. With no Republican support, we approved \$350 billion in the American Rescue Plan for eligible state, local, territorial, and Tribal governments to assist local leaders, who confronted pandemic challenges, and to assist with economic and job recovery. We are concerned by the prospect of Texas Governor Greg Abbott's potential misuse of these funds to continue the misguided plans of President Trump to extend a wall along the border between Texas and Mexico.

The Department of Treasury has clearly outlined a variety of compelling uses for Coronavirus State Fiscal Recovery Funds, including premium pay to essential workers, assistance for small businesses, public health measures to respond to COVID-19, and investments in government services, including public facilities and infrastructure. Given the clear statutory directive to use these funds to respond to the pandemic, there is no justification for the use of Coronavirus State Fiscal Recovery Funds to construct a border wall. There never has been and never will be a constructive purpose served by Trump's ideologically motivated, wasteful, destructive wall. We urge the Department of Treasury to make clear in the interim final rule that these Recovery Funds cannot be used for a border wall, fence, or similar installation.

This rule should also be clear that this prohibition cannot be subverted by accounting tricks that use Recovery Funds to supplant state funds, which are then used to construct a wall. Governor Abbott has already unilaterally directed a wasteful \$250 million general revenue transfer from the Texas Department of Criminal Justice for his wall. While this amount is insufficient to actually construct more than a token, symbolic portion of this costly monstrosity, it certainly should not be paid for directly or indirectly with federal Recovery Funds in defiance of President Biden's direction to cease wall construction.


Following the Trump Administration's effort to wrongfully divert \$3.6 billion from essential military installations to pay for his border wall,<sup>1</sup> any new Abbott diversion would both ignore federal policy and deny Texans the infusion of federal resources needed to respond to the pandemic and rebuild a stronger, more equitable economy. Any such Abbott diversion would be particularly egregious since Texas actually has a state revenue surplus. With regard to any claim that Texas may make of revenue loss, please note that the Texas Comptroller has recently estimated that state revenue increased \$1.67 billion for the current fiscal year and \$3.12 billion for the 2022-23 biennium.

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<sup>1</sup> Grisales, Claudia. "Trump Administration Diverts \$3.6 Billion From Military Projects To Border Wall." *NPR*, NPR, 3 Sept. 2019, [www.npr.org/2019/09/03/757262799/trump-administration-diverts-3-6-billion-from-military-projects-to-border-wall](http://www.npr.org/2019/09/03/757262799/trump-administration-diverts-3-6-billion-from-military-projects-to-border-wall).

As you consider the interim final rule, we urge the Department of Treasury to act clearly on behalf of all Texans to ensure Coronavirus State Fiscal Recovery Funds are devoted to responding to the pandemic and its economic fallout, while laying the foundation for a strong and equitable recovery.

Sincerely,



Lloyd Doggett  
Member of Congress



Veronica Escobar  
Member of Congress



Filemon Vela  
Member of Congress



Marc Veasey  
Member of Congress



Henry Cuellar  
Member of Congress



Lizzie Fletcher  
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Sheila Jackson Lee  
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Joaquin Castro  
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Eddie Bernice Johnson  
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Sylvia R. Garcia  
Member of Congress