

# United States Senate

WASHINGTON, DC 20510

April 26, 2020

The Honorable Steven Mnuchin  
Secretary  
Department of the Treasury  
1500 Pennsylvania Avenue, N.W.  
Washington, D.C. 20220

Dear Secretary Mnuchin:

We write regarding the Treasury Department's Coronavirus Relief Fund Guidance to urge you to promptly revise your interpretation so states, Tribal, and local governments can use these funds to prevent further economic damage.

While the term "lost revenue" does not appear specifically in Title V of the Coronavirus Aid, Relief and Economic Security (CARES) Act, a plain text reading of the law leads to the logical conclusion that lost or delayed revenues are a direct cost created by the coronavirus that were never accounted for in any budget. Therefore, we believe it is fully within your authority and the intent of the CARES Act that these funds may be used to replace lost or delayed tax revenues and maintain public services. In the midst of an economic collapse, the intent of the entire CARES Act is to provide flexible help to a wide range of Americans. To prevent the flexible use of these relief funds is a choice that is neither required nor intended by law.

We are not alone in this view. Governors and Senators from both sides of the aisle have set aside ideology and urged you to follow the law as written instead of creating more bureaucratic red tape in the middle of a public health emergency and ensuing economic crisis. Of all the regulations that this Administration seeks to cut, it should start with this one.

We all have a common interest in preserving as much of our economy as possible so that we are well positioned for a robust recovery. A critical component of our economy is our state, Tribal, and local governments as they not only serve as customers for our local businesses, but also provide the essential services, such as effective law enforcement, public infrastructure, a strong education system, and other necessary conditions that provide the business certainty that make our country attractive to businesses and investors throughout the world. We should preserve and maintain this critical comparative advantage.

To avoid distracting states, Tribes, and localities from meeting the crisis at hand, the Treasury Department should publicly confirm that states, Tribes and localities may use these funds to maintain their essential services as the CARES Act clearly permits.

We thank you for your consideration and urge you to act promptly.

Sincerely,

Jack Reed  
United States Senator

Charles E. Schumer  
United States Senator

Patrick Leahy  
United States Senator

Sherrod Brown  
United States Senator

Tim Kaine  
United States Senator

Doug Jones  
United States Senator

Sheldon Whitehouse  
United States Senator

Martin Heinrich  
United States Senator

Mazie Hirono  
United States Senator

Angus S. King, Jr.  
United States Senator

Jon Tester  
United States Senator

Amy Klobuchar  
United States Senator

Kirsten Gillibrand  
United States Senator

Edward J. Markey  
United States Senator

Thomas R. Carper  
United States Senator

Robert P. Casey, Jr.  
United States Senator

Richard Blumenthal  
United States Senator

Mark R. Warner  
United States Senator

Ron Wyden  
United States Senator

Chris Van Hollen  
United States Senator

Tom Udall  
United States Senator

Richard J. Durbin  
United States Senator

Patty Murray  
United States Senator

Bernard Sanders  
United States Senator

Jeffrey A. Merkley  
United States Senator

Tina Smith  
United States Senator

Dianne Feinstein  
United States Senator

Robert Menendez  
United States Senator

Benjamin L. Cardin  
United States Senator

Tammy Baldwin  
United States Senator

Catherine Cortez Masto  
United States Senator

Brian Schatz  
United States Senator

Tammy Duckworth  
United States Senator

Christopher A. Coons  
United States Senator

Christopher S. Murphy  
United States Senator

Jacky Rosen  
United States Senator

Elizabeth Warren  
United States Senator

Cory A. Booker  
United States Senator

Margaret Wood Hassan  
United States Senator

Jeanne Shaheen  
United States Senator

Kamala D. Harris  
United States Senator

Joe Manchin III  
United States Senator

Michael F. Bennet  
United States Senator

Kyrsten Sinema  
United States Senator

Gary C. Peters  
United States Senator

Debbie Stabenow  
United States Senator