

City of Brady Sends Back \$1.3 Million in Coronavirus Funding to Avoid Federal Government Strings Attached

The 5,000-person town in the heart of Texas rejected its coronavirus recovery funds due to concerns over the funding's accompanying conditions.

Brad Johnson October 25, 2021 (The Texan News)

The City of Brady declined its \$1.3 million allotment in American Rescue Plan Act (ARPA) funding. The city council did so to avoid the conditions that accompany the funding.

By a unanimous vote last week, the Brady City Council elected to send back its nearly \$657,000 in federal coronavirus aid and decline the second tranche set to land next year.

At the root of the concern is a provision within the U.S. Department of the Treasury's contract for the funding, which states that the recipient must comply with the Treasury's list of stipulations.

More importantly, it specifies, "Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award."

The concern, activist Sheila Hemphill expressed to council, is that "all other applicable" directives could encompass things like vaccine mandates, contract tracing programs, and anything else the federal government issues. Upon agreement to the contract, Hemphill stated in an interview with The Texan, all city employees would then be treated as "contract workers" in the eyes of the federal government and thus bound to such employment directives.

On October 15, Attorney General Ken Paxton sent a letter to state agencies addressing concerns about the issue of federal contractors, the Biden administration's order, and who falls under that definition.

"My position is this," the letter reads, "the Texas Attorney General has a constitutional and statutory responsibility to uphold state law."

It continues, "This obligation does not diminish in the face of federal overreach. On the contrary, my office is charged with a duty to vindicate Texas' laws and interests when the federal government intrudes on the sovereignty of our State or the liberties of the millions of people who call Texas home."

"Accordingly, I must — and will — take legal action against the federal government to protect Texas state agencies and their employees from COVID-19 vaccination mandates."

No suit has yet been filed, but Paxton did sign onto a coalition letter with 23 other state attorneys general threatening legal action.

The Treasury's document lists out the specific statutes and regulations already in place that are applicable to the funding, but the "executive orders" item does not contain such specification.

Brady is now one of 65 municipalities in Texas with under 50,000 population to decline the funding, according to the Texas Department of Emergency Management.

According to the unofficial meeting minutes provided by the City of Brady, in expressing opposition to accepting the funds Councilwoman Jane Huffman said at the meeting, "We live here in Brady because we want to be left alone. We want to control what happens in our community."

The same Treasury contract applies to any state or local governmental that chooses to take the recovery funds. The Texas legislature appropriated \$16.3 billion in ARPA funds during the third special session.

Senate Bill 8, the legislature's appropriation bill, was passed to engrossment on October 19 and Governor Greg Abbott must sign or veto the legislation, otherwise it will go into effect automatically.