



NCSL Q&A on Sec. 1607 Certification

(These responses are based on meetings with the Office of Management and Budget (OMB))

Sec. 1607 of the American Recovery and Reinvestment Act (ARRA) requires the governor to certify within 45 days that the state will request the funds and use funds provided by the act to create jobs and promote economic growth. If funds in any division of the act are not accepted for use by the governor, then acceptance by the legislature, by means of the adoption of a concurrent resolution, shall be sufficient to provide funding to such state.

Question: Does the expiration of the 45 days (April 3), trigger a state legislature's involvement?

Answer: No. If a legislature wants to, it can submit its resolution to OMB for the funds at any point in time. If the Governor then submits a certification, OMB would just disregard (for lack of a better word) the legislature's request.

Question: How much time does the legislature have to certify?

Answer: There is no timeline in which the legislature needs to act. Having said that, there are specific deadlines as it relates to some of the different funding streams. For example, some of the funds need to be spent within a certain timeframe (120 days for example), so a legislature obviously would not want to wait 120 days if they wanted to request those funds.

Question: Could the legislature access all of the funds?

Answer: A legislature's certification is just the first step in the process. This would not change requirements as it relates to the necessary applications that may need to be made by a Governor for receipt of ARRA funds. Governors would still need to make these applications.

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