

THE GOVERNOR

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Executive Order

RP 72

Relating to the American Recovery and Reinvestment Act of 2009 and federal funding for Texas.

WHEREAS, Texas strongly believes in accountable and transparent government; and

WHEREAS, Congressional enactment of the American Recovery and Reinvestment Act of 2009 (ARRA) will provide federal funding for Texas; and

WHEREAS, many Texas state agencies and institutions of higher education shall act as stewards and administrators of a large share of these funds; and

WHEREAS, guidelines with regard to expenditure of ARRA funds necessitate implementation of additional controls by state agencies and institutions of higher education; and

WHEREAS, the federal government has mandated requirements on how job creation and retention is to be counted under the ARRA; and

WHEREAS, the 81st Texas Legislature has placed certain requirements on state agencies relating to the expenditure and reporting of ARRA funds;

NOW, THEREFORE, I, RICK PERRY, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas as the Chief Executive Officer, do hereby direct the following:

Goals. All state agencies and institutions of higher education that engage in the management and administration of ARRA funds are directed to:

- maintain transparency and accountability in all cases throughout the processes involving receipt, deployment, management, administration and reporting of ARRA funds; and

- develop strategies that maximize the use of ARRA funds without creating ongoing expenses to the state or localities after stimulus funds expire; and

- adhere to all state and federal statutes, rules and policies relating to ARRA and maintain current and proficient knowledge of them, including any training necessary to certify compliance with state and federal law.

Requirements. All state agencies and institutions of higher education that engage in the management and administration of ARRA funds are directed to:

- require that grant recipients and sub-recipients certify that ARRA funds will be used in accordance with state and federal laws as a condition of receiving funds; and

- require that grant recipients and sub-recipients track all ARRA funds and their projected statuses separately from all other funds, and comply with Section 1512 of the ARRA and other state and federal reporting requirements; and

- submit plans for expenditure of ARRA funds to the Office of the Governor and the Legislative Budget Board, as directed in Article XII of the General Appropriations Act, Senate Bill No. 1, Acts of the 81st Legislature, Regular Session, 2009; and

- report all ARRA-related grant applications of state agencies and institutions of higher education to the Comptroller of Public Accounts, using a database created by that office.

Job Creation Numbers. In accordance with federal mandates, each state agency or institution of higher education involved in the management and administration of ARRA funds shall report job creation and retention numbers attributed solely to ARRA funds in a manner that neither inflates nor underreports those numbers.

Coordination and reporting. All state agencies and institutions of higher education that engage in the management and administration of ARRA funds are directed to:

- designate responsible and qualified individuals as points of contact with the governor or his designee to maintain a flow of current information relating to the receipt, deployment, management and use of funds received by the state and any of its political subdivisions or contractors under ARRA; and

- confer regularly with the Office of the Governor and other appropriate state and federal entities regarding the use, management and administration of ARRA funds with the intent of establishing sound strategies, coordinated approaches and cooperative communication; and

- post all ARRA-funded job openings in state agencies and institutions of higher education on WorkinTexas.com and distinguish ARRA-funded positions from positions funded through other sources of revenue; and

- encourage all sub-recipients of ARRA funds to post all ARRA-funded job openings on WorkinTexas.com and distinguish ARRA-funded positions from positions funded through other sources of revenue; and

• report all job creation and retention resulting from expenditure of ARRA funds as specified by Section 1512 of the ARRA and subsequent guidance from the federal Office of Management and Budget and or other federal oversight agencies.

This executive order supersedes all previous orders on this matter that are in conflict or inconsistent with its terms, including Executive Order RP-70, and this order shall remain in effect and in full force until modified, amended, rescinded or superseded by me or a succeeding governor.

Given under my hand this the 25th day of August, 2009.

Rick Perry, Governor

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