

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
86-38 (COR)	Vincent A. V. Borja Tina Rose Muña Barnes	AN ACT TO ADD A NEW § 3135 TO ARTICLE 1, OF CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE CREATION AND TO THE ADMINISTRATION OF THE AMERICAN RESCUE PLAN ACT (ARPA) UPFRONT PAYMENT FUND; AND TO APPROPRIATE THIRTY MILLION DOLLARS (\$30,000,000) FROM THE RAINY DAY FUND TO THE ARPA UPFRONT PAYMENT FUND.	3/7/25 4:41 p.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÁHAN
2025 (FIRST) Regular Session

Bill No. 86-38 (COR)

Introduced by:

Vincent A. V. Borja 
Tina Rose Muña Barnes 

AN ACT TO ADD A NEW § 3135 TO ARTICLE 1, OF CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE CREATION AND TO THE ADMINISTRATION OF THE AMERICAN RESCUE PLAN ACT (ARPA) UPFRONT PAYMENT FUND; AND TO APPROPRIATE THIRTY MILLION DOLLARS (\$30,000,000) FROM THE RAINY DAY FUND TO THE ARPA UPFRONT PAYMENT FUND.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new § 3135 is hereby *added* to Article 1 of Chapter 3 of Title 17
Guam Code Annotated to read:

“§ 3135. ARPA Upfront Payment Fund. There is hereby created the
ARPA Upfront Payment Fund, which shall be accounted for separately from
the Rainy Day Fund, and shall not lapse at the end of a fiscal year but shall
rollover until fully expended by the Guam Department of Education, or
pursuant to (e) of this Section. This Fund is to be established and administered
by the Department of Administration (DOA). Notwithstanding any other
provision of law, monies deposited into this fund shall be used exclusively for
the purpose of providing upfront payments for expenditures approved
pursuant to the Federal Government’s Public Law 117-2, the American
Rescue Plan Act of 2021. Monies derived from reimbursements for these

1 local, upfront payments made from the Federal Government shall be deposited
2 into the ARPA Upfront Payment Fund. All monies in the Fund are hereby
3 appropriated, and shall continue to be deemed appropriated to the Guam
4 Department of Education, to be expended in accordance with this Section and
5 with the applicable procurement laws. The monies deposited into the Fund
6 shall not be subject to the transfer authority of *I Maga'hågan/Maga'låhen*
7 *Guåhan*.

8 **(a) Definitions.** As used in this Section:

9 (1) “ARP” or “ARPA” means the American Rescue
10 Plan Act, which is cited in the United States Code as Public Law
11 117-2.

12 (2) “Board” or “GEB” means the Guam Board of
13 Education

14 (3) “Department” or “GDOE” means the Guam
15 Department of Education.

16 (4) “Fund” means the ARPA Upfront Payment Fund.

17 (5) “Rainy Day Fund” means the Rainy Day Fund
18 established in Article 9 of Chapter 22 of Title 5 of the Guam Code
19 Annotated

20 (6) “Superintendent” means the Superintendent of
21 Education.

22 **(b) Appropriation.** Notwithstanding any other provision of
23 law, the sum of Thirty Million Dollars (\$30,000,000) is appropriated
24 from the Rainy Day Fund to the ARPA Upfront Payment Fund for the
25 uses and purposes specified in this Section.

1 **(c) Administering Authority.** The Board shall be the
2 administering authority of the Fund. Following a recommendation or
3 request from the Superintendent to expend monies from the Fund, the
4 Board shall approve, by majority vote, the recommendation or request
5 before any such monies are expended. Within two (2) days of receipt of
6 federal reimbursements for ARPA expenditures, GDOE will deposit
7 such monies into the Fund.

8 **(d) Reporting Requirements.** The Department of
9 Administration shall prepare and transmit to GDOE, GEB, and *I*
10 *Liheslaturan Guåhan* a monthly report on the current balance and
11 transactions of the Fund. The Guam Department of Education shall post
12 this information on its website as it becomes available. Independent
13 records and accounts for the Fund shall be maintained by the
14 Department. GDOE shall submit a monthly report of expenditures from
15 this Fund to *I Liheslaturan Guåhan*.

16 **(e) Reversion to Rainy Day Fund.** On March 31, 2026, any
17 balance of the Fund shall revert to the Rainy Day Fund, except in the
18 event that GDOE receives formal approval by the U.S. Department of
19 Education to expend funds beyond March 31, 2026. Upon transmittal
20 of the aforementioned approval by GDOE to *I Liheslaturan Guåhan*
21 and *I Maga'hågan/Maga'låhen Guåhan*, the reversion to the General
22 Fund shall be paused, and GDOE may continue to expend monies from
23 the Fund until the extended deadline communicated by the U.S.
24 Department of Education, upon which time the balance of the Fund
25 shall revert to the Rainy Day Fund.”