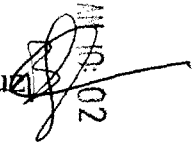


**I MINA' TRENTA I UNO NA LIHESLATURAN GUÅHAN**  
**2011 (First) Regular Session**

2011 AUG 19 AM 10:02

Bill No. 291<sup>31</sup> (LS)

Introduced by:

B.J.F. Cruz 

**AN ACT TO CREATE THE SECTION 2718 FUND BY ADDING  
A NEW §4302.3 TO CHAPTER 4 OF TITLE 4 OF THE GUAM  
CODE ANNOTATED FOR PROCEEDS FROM REBATES  
REQUIRED BY §2718(b)(1)(A) OF THE PUBLIC HEALTH  
SERVICES ACT AS AMENDED BY U.S. PUBLIC LAW 111-148,  
THE PATIENT PROTECTION AND AFFORDABLE CARE  
ACT**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Creation of the Section 2718 Fund.** A new §4302.3. is hereby *added* to Chapter 4 of Title 4 of the Guam Code Annotated to read:

**“§ 4302.3. Creation of Section 2718 Fund.**

(a) There is hereby created, separate and apart from other funds of the government of Guam, a fund known as the Section 2718 Fund (hereinafter *Fund*). The fund shall be separate and apart from all other funds of the government of Guam, *shall* be kept in a separate bank account, and *shall not* be subject to any transfer authority of *I Maga'lahaen Guåhan* or any interfund transfers.

(b) All proceeds from rebates paid to and entitled to the government of Guam pursuant to Section 2718 (b)(1)(A) of the Public Health Services Act, as amended by the Patient Protection and Affordable Care Act (PPACA), Public Law 111-148, shall be deposited in the Section 2718 Fund.

1 (c) All proceeds from reductions in quarterly premiums for non-  
2 compliance with the requirements of Public Law 30-93 relative to the  
3 disclosure of detailed claims utilization and cost information, shall be  
4 deposited in the Section 2718 Fund.

5 (d) Notwithstanding the general provisions of 5 GCA § 22406 which  
6 require that unused and de-appropriated funds revert to the General Fund, or  
7 any other provision of Guam law to the contrary, all de-appropriated or  
8 unused funds appropriated from the Section 2718 Fund shall, in all  
9 circumstances, and whether in whole or in part, be returned to the Section  
10 2718 Fund and not the General Fund.

11 (e) Notwithstanding the provisions of 5 GCA §21103, §21107 and  
12 §21110 or any other provision of Guam law to the contrary, all interest  
13 earned on the Section 2718 Fund shall be returned to the Section 2718 Fund.

14 (f) The Director of Administration shall submit a report on a quarterly  
15 basis to the Speaker of *I Liheslaturan Guåhan* of the revenues and interest  
16 earned collected and expended from the Section 2718 Fund and shall post  
17 such report on the Department’s website.”

18 **Section 2. Payment of Subscriber Rebates.** A new §4302.4 is  
19 hereby added to Chapter 4 of Title 4 of the Guam Code Annotated to read as  
20 follows:

21 **“§4302.4. Payment of Subscriber Rebates.** The Insurance &  
22 Banking Commissioner of Guam, in a manner compliant with the  
23 Patient Protection and Affordable Care Act, *shall* pay or cause to be  
24 paid, rebates to all eligible subscribers of the Government of Guam  
25 Group Health Insurance Program as required by §2718(b)(1)(A) of the  
26 Public Health Services Act, as amended by U.S. Public Law 111-148,  
27 the Patient Protection and Affordable Care Act (PPACA).”