NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
45TH CONSTITUTION REGULAR SESSION, 2024

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

SUPPLEMENTAL APPROPRIATIONS (FINANCIAL YEAR 2024 - 2023 COMPACT, AS AMENDED, FUNDING) ACT OF 2024

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SUPPLEMENTAL APPROPRIATIONS (FINANCIAL YEAR 2024 - 2023 COMPACT, AS AMENDED, FUNDING) ACT OF 2024

A BILL FOR AN ACT to

(a) authorize, in accordance with Article VIII Section 8 of the Constitution for Supplemental Appropriations, from the funds provided under the 2023 Compact of Free Association (as amended), a total sum of $467,753,764.

(b) for delegation of approved expenditure under Article VIII, Section 5, of the Constitution; and

(c) for control on reprogramming and transfer of funds within program areas.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short title.

This Act may be cited as the Supplemental Appropriations (Financial Year 2024 - 2023 Compact, As Amended, Funding) Act of 2024.

§102. Statement of National Objective.

(1) It is the intention of the Government of the Republic of the Marshall Islands to enact and implement a supplemental appropriation, to authorize certain special appropriations and capital expenditures

over and above that which was authorized by P.L. 2023-74 in the manner set out in the Schedule attached to this Act as Appendix A.

§103. Interpretation.

In this Act:

(1) "program area" means program areas set out in Schedules 1 as indicated by the headings in those schedules.

§104. Compact Funds.

(1) Total Appropriations.

All Funds provided under the 2023 Compact of Free Association (As amended) in the amount **$467,753,764**shall be credited to the General Fund and shall be appropriated in accordance with the relevant provisions set out under Schedule 1 of this Act.

(2) Restrictions on Reprogramming of Compact Funds.

Fund received under the Compact of Free Association, as amended shall not be transferred to any other activity, or reprogrammed or expended for any purpose during the Financial Year other than the permissible uses of those funds as provided for in the 2023 Compact of Free Association (As Amended) and its Subsidiary Agreements.

(3) Compact Funds shall not lapse.

All moneys received under the 2023 Compact of Free Association, as Amended and appropriated herein shall not lapse at the end of the Financial Year. However, any unspent funds thereof shall be returned to US Department of Interior and shall be re-granted in the subsequent year.

(4) Unaudited entities and organizations.

Notwithstanding the provisions of any other law or agreement, any entity or organization receiving funds under the 2023 Compact of Free Association as Amended, shall not receive such funding if the Auditor – General or its contractors have determined that the books, accounts and financial records of any such entity or organization have not been auditable for the past three preceding fiscal years until such time as the Auditor – General or its contractor determine that such entity or organization has taken necessary corrective action to render such books, accounts and financial records in an auditable condition to permit a financial audit to proceed.

§105. Funding of the Office of the Auditor –General.

(1) The Secretary of Finance shall withhold and deposit in the special account in the Marshalls Islands General Fund, zero point eight percent (0.8%) of all amounts appropriated in Schedules 1, and the sum so withheld and deposited may be withdrawn and expended by the Auditor–General in accordance with the budget approved for his/her office by the Cabinet, for the operations and activities of his/her office, provided, that such withdrawal and expenditure by the Auditor – General shall be made in consultation with the Secretary of Finance.

§106. Unanticipated Income.

Where, during the Financial Year, an amount of unanticipated income is received by the Government for a specified program area, that amount is appropriated for the corresponding program area in the Schedule as the case may be, and the amount of the appropriation for that program area is increased accordingly.

§107. Notification to the Cabinet by the Minister.

When any money is received under Section 106 herein above, the Minister of Finance shall notify the Cabinet of the receipt of such money, and such money shall not be expended without the approval of the Cabinet.

§108. Lapsing of Certain Appropriations.

(1) Except for the amounts appropriated under Schedule 1 shall lapse at the end of the financial year to which this Act applies. Provided however, for multi-year projects funded under Schedule 1 that extend beyond December 31, 2024, the amounts identified to be carried over from FY 2024, approved by the Finance Secretary, shall not lapse.

(2) The appropriation made for Capital Projects as listed under Schedule 1 of this Act shall not lapse at the end of the Financial year 2024 but shall remain until either:

(a) the purpose of the appropriation are satisfied, or

(b) the funds are expended, whichever comes first.

§109. Delegation of Authority to Approve.

(1) For the purposes of Article VIII, Section 5 (1) of the Constitution, the authority to approve expenditure in a program area in accordance with Schedules 1 is hereby delegated to:

(a) The member of the Cabinet primarily responsible for that program area and;

(b) If the responsible member of the Cabinet so directs by instrument in writing, and subject to any limitations imposed by the instrument and to general control by the member, an appropriate person, authority, or agency; or subject in either case to any limitations imposed by the Cabinet.

(2) Any expenditure otherwise than in accordance with Schedules 1 shall require the approval of the Cabinet in accordance with Article VIII, Section 5(1) of the Constitution.

(3) Any expenditure for prior year liabilities made under Schedule 1 shall not be available for expenditure as reprogrammed expenditure but shall be withheld and paid directly by the Secretary of Finance to vendor or service provider.

§110. Budget Estimates.

The Budget Estimates for expenditures for the relevant program areas are set out in Schedule 1 of this Act.

§111. Reprogramming and Transfers.

No funds may be reprogrammed or transferred to any other program areas or disbursed in any other manner except as set out in Schedule 1 of this Act.

§112. Effective Date.

This act shall take effect on the date of certification in accordance with Article IV, Section 21 of the Constitution and the Rules of Procedures of the Nitijela.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 17 was passed by the Nitijela of the Republic of the Marshall Islands on the 12th day of April 2024; and

2. That I am satisfied that Nitijela Bill No: 17 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 14th day of April 2024.

Brenson S. Wase
Speaker
Nitijela of the Marshall Islands

Attest:

Morean S. Watak
Clerk
Nitijela of the Marshall Islands

SCHEDULE

SCHEDULE APPROPRIATIONS

REVENUE	SCHEDULE 1
2023 Compact (as amended) Total Revenue	**$467,753,764**
EXPENDITURES	**SCHEDULE 2**
Section 261(a) Compact Sector Grants	**$$935,507,528.00**
Education	*5,082,329*
Health	*4,201,941*
Capacity Building	*244,676*
Environment	*137,635*
Public Infrastructure	*4,737,183*
Enhanced Reporting	*1,250,000*
Enewetak Development	*2,400,000*
Disaster Assistance Emergency Fund	*200,000*
Section 261(b) Infra Maintenace Fund	**2,500,000**
Section 261(e) Additional Education Assistance	**22,000,000**
Section 261(f) Additional Environment Assistance	**30,000,000**
Section 261(g)(1) US Supplemental Health Fund	**20,000,000**
Section 261(g)(2) US Supplemental Health Fund	**8,000,000**
Section 261(h) Climate Fund and Working Group	**20,000,000**
Section 261(i) Kwajalein Development Plan Fund	**132,000,000**
Section 261(j) Nuclear Testing Transparency (Archiving)	**10,000,000**
Section 261(j) Nuclear Testing Museum	**5,000,000**
Trust Fund Contribution	**200,000,000**
Total Compact Expenditures	**$467,753,764**