

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
43RD CONSTITUTIONAL REGULAR SESSION, 2022



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

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AN ACT *to provide for the followings:*

- (a) in accordance with Article VIII, Section 8, of the Constitution, for the issuance from the Marshall Islands General Fund and Compact Fund, a total sum of **\$10,167,348** to meet certain special appropriations and capital expenditures of the Government as set out in the Schedules 1 and 2 of this Act;
- (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; and
- (d) to re-allocate certain program areas and activities also set out in the Schedule of this Act.

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

§101. Short Title.

This Act may be cited as the.

§102. Statement of National Objective.

It is the intention of the Government of the Republic of the Marshall Islands to hereby enact and implement a supplemental appropriation, to authorize

certain special appropriations and capital expenditures over and above that which was authorized by P.L.2021-32, in the manner set out in Schedules attached to this Act.

§103. Interpretation.

In this Act, unless the context otherwise requires:

- (a) "program area" means the program areas set out in Schedule 1 and 2 below.

§104. Appropriation from the Marshall Islands General Fund.

A total sum of \$5,167,348 is hereby appropriated, and may be withdrawn from the Marshall Islands General Fund being:

- (a) revenue from Marshall Islands Marine Resources Authority (MIMIRA), a total sum of \$1,600,000;
- (b) revenue from Trust Company of the Marshall Islands (TCMI), a total sum of \$2,000,000;
- (c) Unspent Special Revenues, a total sum of \$922,548;

§105. Appropriation and Re-allocation from the U.S. Federal Grant.

- (1) The sum of \$14,285,714, being that total, appropriated under Appropriation (Financial Year 2022) Act of 2021 for Corona Virus Capital Project for WUI, MOCIA and MOHHS, are hereby consolidated and re-allocated under the Ministry of Works, Utilities and Infrastructure (WUI) for its specific program area, and that any disbursement of fund shall be conditioned based on the procurement of cost estimate and the development of the design by the Ministry of Works, Utilities and Infrastructure and in consultation with Ministry of Health and Human Services and Ministry of Cultural and Internal Affairs, subject to the approval by the Cabinet.

§106. Compact Funds.

The total sum of \$5,000,000 under the Compact of Free Association (As Amended) for tax and Trade in the amount of \$5,000,000 shall be credited to the General Fund and shall remitted to the Marshall Islands Trust Fund (A Account) as set out in Schedule 2 of this Act.

§107. 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 eighth 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 office.
- (2) Subsection (1) above shall not apply to all re-allocated funds as set out in the Schedule of this Act provided that such withholding of 0.8% had withdrawn and expended under P.L. 2021-32.

§108. 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 Schedule 1 as the case may be, and the amount of the appropriation for that program area is increased accordingly.

§109. Notification to the Cabinet by the Minister.

When any money is received under Section 108 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.

§110. Lapsing of Funds

- (1) The appropriations made under Schedule 1 of this Act shall lapse at the end of the Financial Year 2022.

§111. Delegation of Authority.

- (1) For the purpose of Article VIII, Section 5(1), of the Constitution, the authority to approve expenditure in a program area in accordance with Schedule 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 Schedule 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 the vendor or service provider.

§112. Budget Estimates.

The Budget Estimates for expenditures for the relevant program areas are set out in Schedule 1 and 2 of this Act.

§113. 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 and 23 of this Act.

§114. General.

Under the Unspent Sector Financial Year 2019 and Financial Year 2020, Ministry of Education/Public School System and Ministry of Health and Human Service are strongly urged to utilize their unspent/carryover fund appropriated under Compact Fund (Financial Year 2022) to prioritize their utilities.

§115. Effective Date.

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

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 60ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 24th day of March 2022; and
2. That I am satisfied that Nitijela Bill No: 60ND1 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 25th day of March 2022.



Hon. Kenneth A. Kedi
Speaker
Nitijela of the Marshall Islands

Attest:



Morean S. Watak
Clerk
Nitijela of the Marshall Islands

SCHEDULE 1 & 2

FISCAL YEAR 2022 SUPPLEMENTAL BUDGET

| SUPPLEMENTAL GENERAL FUND APPROPRIATIONS | FY22 Supplemental |
|--|------------------------------|
| LINE MINISTRIES | SCHEDULE 1 |
| | |
| NITIJELA | \$130,000 |
| Nitijela Operation | \$130,000 |
| | |
| PUBLIC SERVICE COMMISSION | \$64,000 |
| Administration | \$64,000 |
| | |
| MINISTRY OF EDUCATION, SPORT AND TRAINING | 2,396,629 |
| PSS - Hot Lunch Feeding Program - Majuro | 948,575 |
| PSS - Hot Lunch Feeding Program - Kwajalein | 261,676 |
| PSS - Hot Lunch Feeding Program - Neighboring Islands | 441,578 |
| University of the South Pacific (RMI) | \$744,800 |
| MINISTRY OF FINANCE, BANKING AND POSTAL SERVICE | \$54,661 |
| Office of Secretary | \$40,000 |
| Budget Division | 9,698 |
| | |
| SPECIAL APPROPRIATION | \$1,068,362 |
| ConCon and other Activities | \$350,000 |
| Centralized Govt Utility - Majuro | \$300,000 |
| ADB Loan Payment | \$368,362 |
| Ebon Project | \$50,000 |
| | |
| STATE-OWN ENTERPRISES | \$450,000 |
| Marshall Islands Shipping Corporation | \$450,000 |
| | |
| MINISTRY OF JUSTICE, IMMIGRATION & LABOR | \$ 444,589 |
| Immigration Office - Majuro | \$5,000 |
| Public Safety | \$120,000 |
| Land Registration Authority | \$10,024 |

SCHEDULE 1 & 2

| | |
|---|--------------------|
| Public Defender | \$34,565 |
| Attorney General Office | \$270,000 |
| | |
| MINISTRY OF TRANSPORTATION, COMMUNICATION & IT | \$40,000 |
| Administration | \$40,000 |
| | |
| MINISTRY OF ENVIRONMENT | \$17,700 |
| Environment Protection Authority | \$17,700 |
| | |
| MINISTRY OF FOREIGN AFFAIRS & TRADE | \$ 466,300 |
| Administration | 50,000 |
| Washington DC Embassy | 40,000 |
| United Nations Mission - New York | 50,200 |
| Arkansas Consulate | 71,000 |
| RMI-USAKA Office | 9,000 |
| Honolulu Consulate | 22,850 |
| Japan Embassy - Tokyo | 59,250 |
| ROC Embassy - Taipei | 40,000 |
| Fiji Embassy - Suva | 29,000 |
| Geneva Mission | 95,000 |
| | |
| MINISTRY OF CULTURE AND INTERNAL AFFAIRS | \$20,070 |
| Administration | \$20,070 |
| | |
| MINISTRY OF WORKS, INFRASTRUCTURE & UTILITIES | \$20,000 |
| Carpentry Department | \$10,000 |
| Electrical & Plumbing | \$10,000 |
| | |
| TOTAL GENERAL FUND EXPENDITURES | \$5,167,348 |
| | |
| | |
| COMPACT FUNDS APPROPRIATION | SCHEDULE 2 |
| Trust Fund (Compact Contribution for Tax and Trade) | \$5,000,000 |
| TOTAL COMPACT FUND EXPENDITURES | \$5,000,000 |