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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

30TH CONSTITUTIONAL REGULAR SESSION

BILL NO: 34ND1

P.L. 2009-18

AN ACT

to establish a country coordinating mechanism to access and manage funding received from the Secretariat of the Pacific Community to fight HIV/AIDS and Tuberculosis in the Republic.

ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

Section 1. Short title.

This Act may be cited as the Global Fund Act 2009.

Section 2. Definitions.

In this Act, unless the context otherwise requires -

- (a) **“Accounts”** means accounts establish under this Act for HIV/AIDS and Tuberculosis.
- (b) **“Board”** means the Country Coordinate Board establish under this Act.
- (c) **“CCB”** means Country Coordinating Board.
- (d) **“Global Fund”** means fund established under this Act to receive funding from the Secretariat of the Pacific Community to fight HIV/AIDS and Tuberculosis in the Republic.
- (e) **“HIV/AIDS”** HIV means is a virus that infects the cells that make up the human body, and AIDS means Acquired Immune Deficiency Syndrome.
- (f) **“Ministry”** means Ministry of Health.
- (g) **“Republic”** means Republic of the Marshall Islands.
- (h) **“Secretary”** means the Secretary of Health.
- (i) **“SPC”** means Secretariat of the Pacific Community.

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1 (j) "Tuberculosis" means infectious disease caused by mycobacteria, which
2 usually attacks the lungs, the central nervous system, the lymphatic system,
3 the circulatory system, the genitourinary system, the gastrointestinal
4 system, bones, joints, and even the skin.

5 **Section 3. Establishment of Country Coordinating Board (CCB).**

6 (a) There is established under this Act and within the Ministry of Health and
7 Environment, a Country Coordinating Board (CCB) for HIV/AIDS and
8 Tuberculosis hereinafter referred to as the Board.

9 (b) The Board shall consist of 5 members, a chairman and four other members.

10 (c) The Cabinet shall appoint the members on the recommendation of the Minister
11 of Health.

12 (d) Each member of the Board shall be a citizen or a resident of the Republic.

13 **Section 4. Function and duties of the Board.**

14 It shall be the function and duty of the Board to:

15 (a) Receive funds from the SPC for HIV/AIDS and Tuberculosis;

16 (b) Report to the SPC on country activity and financial reports of the activities;

17 (c) Manage the disbursement, monitoring and reporting of funds use on country
18 activities;

19 (d) Responsible for compiling country report to SPC.

20 (e) Oversee the overall implementation of national activities under the Global Fund.

21 (f) Any other duties and functions that are necessary or which are consistent with
22 the provisions of this Act.

23

1 **Section 5. Powers of the Board.**

2 A Board shall have, in addition to any other powers conferred by this Act and any
3 other
4 laws of the Republic necessary and convenient for the carrying out its functions and duties
5 under this Act, the following powers:

- 6 (a) to transact all business and enter into contracts and other financial instruments;
- 7 (b) to authorize the expenditure and investment of funds;
- 8 (c) to accept any gifts, grants or bequest of any money or property of any kind for
9 the purposes designated by SPC;
- 10 (d) To employ on contractual basis, accountants, actuaries, attorneys, and such other
11 professional advisors as the Board may deem necessary to assist the Board in the
12 administration of its programs;
- 13 (e) To promulgate regulations which are necessary to give effect to the Act, including
14 but not limited to, procedures for conducting meetings and determination of
15 sitting fees;
- 16 (f) To open and maintain two separate accounts, one for HIV/AIDS and the other
17 for Tuberculosis.

18 **Section 6. Global Fund.**

19 A Global Fund is hereby established. The Global Fund shall be a fund other than
20 the
21 Marshall Islands General Fund as anticipated under Article VIII Section 3(2) of the
22 Constitution.

23 **Section 7. Payments into the Global Fund.**

1 (a) There shall be deposited into the Global Fund, funds received from the Secretariat
2 of the Pacific Community to fight HIV/AIDS and Tuberculosis in the Republic of
3 the Marshall Islands;

4 (b) Separate accounts shall be kept within the Global Fund in respect of:

5 (i) Each particular purpose for which the money is contributed; and

6 (ii) Purposes and functions of the Administration under this Act.

7 **Section 8. Payments out of the Global Fund.**

8 No money shall be withdrawn from the Fund except pursuant to:

9 (a) Budget and procedures approved by the Board;

10 (b) The authority of the Board who shall satisfy itself that withdrawal is
11 made in accordance with the provisions of this Act and in agreement with the
12 SPC and the Global Fund Secretariat.

13 **Section 9. Accounts and Records.**

14 (1) The Board shall maintain records and accounts in accordance with generally
15 accepted accounting principles for similar entities; as such principles are defined and
16 occasionally modified by the Government Accounting Standard Board and any other
17 standards approved by the SPC. The Board shall maintain accounts and records of:

18 (a) Payments into the Global Fund;

19 (b) Payments out of the Global Fund;

20 (c) The property and financial transactions of the Global Fund.

21 (2) The accounts and records maintained under Subsection (1) of this section shall
22 be subject to audit by the Auditor-General as provided for under Article VIII, Section 15 of
23 the Constitution.

1 (3) The Board shall as soon as practicable after the close of the fiscal year, submit
2 the financial reports of the Global Fund and the Auditors report to the Minister of Health
3 for presentation to the Cabinet and the Nitijela.

4
5 **Section 10. Taxation.**

6 The fund and related transactions are not subject to any tax, rates, charge or impost
7 under any law of the Republic, local governments or subdivisions thereof.

8 **Section 11. Bank Accounts.**

9 The Board shall open and maintain two separate bank accounts with respect to the
10 Global Fund,

11 (a) HIV/AIDS account; and

12 (b) Tuberculosis accounts.

13 **Section 12. Rules and regulations.**

14 The Minister of Health may, in accordance with the Marshall Islands
15 Administrative Procedure Act 1979, adopt any rules or regulations as are deemed
16 necessary to give effect to this Act.

17 **Section 13. Effective date.**

18 This Act shall take effect on the date of certification in accordance with Article IV of
19 the
20 Constitution and Rules and Procedures of the Nitijela.

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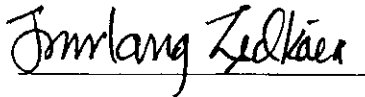
CERTIFICATE

I hereby certify:

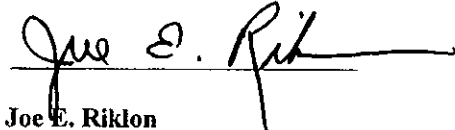
- (1) That Nitijela Bill No: 34ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 13th day of May, 2009; and
- (2) That I am satisfied that Nitijela Bill No.: 34ND1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 5th day of June, 2009.

Attest:



Hon. Jurelang Zedkaia
Speaker
Nitijela of the Marshall Islands



Joe E. Riklon
Clerk
Nitijela of the Marshall Islands