

CHAPTER 19**GLOBAL FUND****ARRANGEMENT OF SECTIONS****Section.**

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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.

Commencement: June 5, 2009
 Source: P.L. 2009-18

ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS:**§1901. Short title.**

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

§1902. Interpretation.

In this Chapter, unless the context otherwise requires:

- (a) “Accounts” means accounts established under this Chapter for HIV/AIDS and Tuberculosis;
- (b) “Board” means the Country Coordinate Board established under this Chapter;
- (c) “CCB” means Country Coordinating Board;
- (d) “Global Fund” means fund established under this Chapter 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;
- (j) “Tuberculosis” means infectious disease caused by mycobacteria, which usually attacks the lungs, the central nervous system, the lymphatic system, the circulatory system, the genitourinary system, the gastrointestinal system, bones, joints and even the skin.

§1903. Establishment of Country Coordinating Board (CC B).

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

- (2) The Board shall consist of 5 members, a chairman and four other members.
- (3) The Cabinet shall appoint the members on the recommendation of the Minister of Health.
- (4) Each member of the Board shall be a citizen or a resident of the Republic.

§1904. Function and duties of the Board.

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

- (a) receive funds from the SPC for HIV/AIDS and Tuberculosis;
- (b) report to the SPC on country activity and financial reports of the activities;
- (c) manage the disbursement, monitoring and reporting of funds use on country activities;
- (d) responsible for compiling country report to SPC.
- (e) oversee the overall implementation of national activities under the Global Fund.
- (f) any other duties and functions that are necessary or which are consistent with the provisions of this Chapter .

§1905. Powers of the Board.

The Board shall have, in addition to any other powers conferred by this Chapter and any other laws of the Republic necessary and convenient for the carrying out its functions and duties under this Chapter , the following powers:

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

§1906. Global Fund.

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

§1907. Payments into the Global Fund.

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

- (2) Separate accounts shall be kept within the Global Fund in respect of:
 - (a) each particular purpose for which the money is contributed; and
 - (b) purposes and functions of the Administration under this Chapter .

§1908. Payments out of the Global Fund.

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

- (1) Budget and procedures approved by the Board;
- (2) The authority of the Board who shall satisfy itself that withdrawal is made in accordance with the provisions of this Chapter and in agreement with the SPC and the Global Fund Secretariat.

§1909. Accounts and Records.

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

- (a) payments into the Global Fund;
- (b) payments out of the Global Fund;
- (c) the property and financial transaction of the Global Fund.

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

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

§1910. Taxation.

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

§1911. Bank Accounts.

(1)The Board shall open and maintain two separate bank accounts with respect to the Global Fund,

- (a) HIV/AIDS account.
- (b) Tuberculosis account.

§1912. Rules and regulations.

The Minister of Health may, in accordance with the Administrative Procedures Act 1979, adopt any rules or regulations as are deemed necessary to give effect to this Chapter .

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