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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240
April 22, 1980

Memorandum

To: Acting Deputy Assistant Secretary
Territorial and International Affairs

From: Assistant Solicitor, Territories

Subject: Contribution by NMI to funding for the NMI Federal Laws
Commission

Section 504 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America provides:

"The President will appoint a Commission on Federal Laws to survey the laws of the United States and to make recommendations to the United States Congress as to which laws of the United States not applicable to the Northern Mariana Islands should be made applicable and to what extent and in what manner, and which applicable laws should be made inapplicable and to what extent and in what manner . . . The United States will bear the cost of the work of the Commission."

In interpreting the last sentence of Section 504 the Marianas Political Status Commission, in its section by section analysis stated:

"The United States will bear the cost of the work of the Commission. It is understood that this provision means that the United States will pay for the staff work which will be necessary as well as for the expenses and salaries of the members from the United States. However, the United States will not be responsible for the salary of the four commissioners who are domiciled in the Northern Marianas."

For statements of like import see the report of the Joint Drafting Committee, the Senate Committee Report and the Administration Memorandum. The Covenant was enacted into law (P.L. 94-241) by the United States Congress. Thus the United States is required by law to pay the cost of the work of the Commission, except the salaries of the four Northern Marianas commissioners.

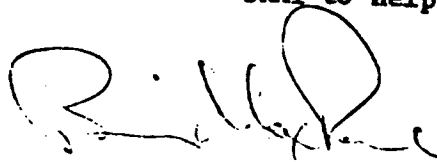
The Department requested \$300,000 in FY 1980 to fund the Commission. This sum is to pay the salaries of the staff, United States commissioners, travel, and personnel benefits for the Commission. Congress appropriated the requested sum in Department of the Interior and Related Agencies' appropriations for Fiscal Year 1980 (P.L. 96-126).

The Government of the Northern Mariana Islands in FY 1980, budgeted \$20,000 to pay for the meeting and travel expenses of the NMI members of the Commission. Furthermore, GNMI had budgeted \$31,000 in FY 1979 and are budgeting \$30,000 in FY 1981 for the Commission. The GNMI is required to present a unified budget (Constitution of the Northern Mariana Islands, section 9(a)), to the Legislature. This budget includes the anticipated revenue from all sources and the proposed expenditures. In FY 1980 the GNMI presented a budget of \$27.2 million to the United States Congress of which \$20.2 million is grants from the United States and \$7 million in locally raised revenues. The NMI funds for the Commission is from local revenues. Once the Legislature approves the budget, the Governor may only spend the funds for the purposes for which it was appropriated unless otherwise provided by law.

The GNMI has offered to contribute a portion of the amounts budgeted to the Department to help defray the costs of the Commission. The question is whether or not the Department may accept the contribution. In our opinion the Department may not accept the contribution.

The Commission is an official organization of the United States for which Congress has appropriated funds so that it may carry out its duties. Part of its duties is for the commissioners to travel and hold meetings. The expenses so incurred are incident to official travel performed under appropriate orders issued by the Commission. As such, the Commission's appropriation would be chargeable with such expenses and in the absence of statutory authority for the Commission to accept gifts, any augmentation of the Commission's appropriation by acceptance of a gift or contribution would be unauthorized and improper. We know of no authority that the Department or the Commission has to accept gifts to cover the expenses of the Commission. The Comptroller General has ruled on numerous occasions that an agency may not accept gifts or contributions to augment its appropriations unless authorized to do so by law. In this regard see 46 Comp. Gen. 689 (B-128527), 16 Comp. Gen 195 (A-78463), 33 Comp. Gen. 423 (B-119341), and 57 Comp. Gen. 662 (B-164031(1)).

For the above reasons, it is our opinion that neither the Department nor the Commission may accept a contribution from the GNMI to help defray the expenses of the Commission.



Billy Max Paul