### NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

32<sup>ND</sup> CONSTITUTIONAL REGULAR SESSION, 2011

BILL NO.: <u>98ND1</u>

		<u> </u>
1 2	To pr	ovide -
3	(a)	in accordance with Article VIII of the Constitution, for the issue from the Marshall
4		Islands General Fund, including funds provided under the Compact of Free Association,
5		as Amended and other funds, of a total sum of \$132,215,458 to meet the expenditures of
6		the Government for the Financial Year 2012, and to appropriate sums to program areas;
7		and
8	(b)	for a Contingencies Fund in accordance with Section 9 of Article VIII of the
9		Constitution; and
10	(c)	for contingent appropriation of amounts that may be received in the future; and
11	(d)	for delegation of expenditures approval under Section 5 of Article VIII of the
12		Constitution; and
13	(e)	for controls on reprogramming and transfer of funds within appropriation areas; and
14	(f)	for control on specific expenditures.
15		en de la comitación de la La completa de la comitación
4.7	T):	
16	В	E IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS:
17		ISLANDS:
18		
19	Section	on 1. Short Title.
20	This	Act may be cited as the Appropriations (Financial Year 2012) Act, 2011 and shall be
21	deem	ed to have come into effect on 1 October, 2011.
22	Section	on 2. Statement of National Objective.

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1	It is the intention of the Government of the Republic of the Marshall Islands to enact and
2	implement a national budget for the whole of the Financial Year 2012 as provided in the FY
3	2012 Budget Schedule attached as Appendix A.
4	
5	Section 3. Interpretation.
6	In this Act:
7	(1) "program area" means program areas set out in Schedules 1 to Schedule 4 as indicated by
8	the headings in those schedules.
9	(2) "unanticipated income" means any money, not being loan money, that:
10	(a) becomes available for expenditures from a source at a time when the Nitijela is
11	not meeting; and
12	(b) has not been specifically included in the budget estimates for the Financial Year,
13	which the Cabinet is satisfied should, in the interests of the Republic of the
14	Marshall Islands, be expended, in whole or in part, before the expenditures could
15	reasonably be authorized by an Appropriation Act or a Supplementary
16	Appropriation Act.
17	
18	Section 4. Appropriations from the Marshall Islands General Fund
19	Total Appropriation.
20	The sum of \$34,641,916 is hereby appropriated, and may be withdrawn from the
21	Marshall Islands General Fund and expended pursuant to Article VIII of the Constitution

1		for program areas as set out in Schedule 1. Out of the total, sum of \$3,600,000 is
2 :		allocated from the Republic of China (Taiwan) for budgetary support.
3	Section	on 5. Compact Funds.
4	(1)	Total Appropriations.
5		All Funds provided under the Compact of Free Association, as Amended, in the amount
6		\$71,249,852 shall be credited to the General Fund and shall be appropriated in
7		accordance with the relevant provisions and Schedule 2 of Appendix A of this Act.
8	(2)	Restrictions on Reprogramming of Compact Funds.
9		Fund received under the Compact of Free Association, as Amended shall not be
0		transferred to any other activity, or reprogrammed or expended for any purpose during
11		the Financial Year other than the permissible uses of those funds as provided for in the
12		Compact of Free Association as Amended and its Subsidiary Agreements.
13	(3)	Lapse of Compact Funds.
14		All moneys received under the Compact of Free Association, as Amended and
15		appropriated herein shall not lapse at the end of the Financial Year. However any unspent
16		funds thereof shall be returned to US Department of Interior and shall be regranted in the
17		subsequent year.
18	(4)	Unaudited entities and organizations.
19		Notwithstanding the provisions of any other law or agreement, any entity or organization
20		receiving funds under the Compact of Free Association as Amended, shall not receive
21		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

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for the past three preceding fiscal years until such time as the Auditor General or				neral or its	
contractor determine that such e	entity or	organization	has taken	necessary	corrective
action to render such books, acco	unts and	financial rec	ords in an	auditable c	ondition to
permit a financial audit to proceed	· · · · · · · · · · · · · · · · · · ·				

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#### Section 6. Appropriation of U.S. Agency and other Foreign Grants.

- 7 (1) The sum of \$18,409,085 (being the total amount of special U.S. Federal Agency and
  8 other Foreign Grants) including capital grants from the Republic of China (Taiwan) is
  9 appropriated and may be withdrawn from the Marshall Islands General Fund pursuant to
  10 Article VIII of the Constitution, for program areas in accordance with Schedules 4 and 5,
  11 during the Financial Year.
- 12 (2) The amounts set out in Schedules 4 and 5 are not available for expenditure as
  13 reprogrammed expenditure under Article VIII Section 7 of the Constitution, except as
  14 authorized by or under the agreements with the donor nation and/or institution.
- The appropriation made by Subsection (1) shall not lapse at the end of the Financial Year, but shall continue until either the grant expires or the funds are expended, whichever occurs first.

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### Section 7. Funding of the Office of the Auditor General.

20 (1) The Secretary of Finance shall withhold and deposit in the special account in the
21 Marshalls Islands General Fund, eight percent (0.8%) of all amounts appropriated in
22 Schedules 1, 5 and 7 and the sum so withheld and deposited may be withdrawn and

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1	expended by the Auditor-General in accordance with the budget approved for his/her
2	office by the Cabinet, for the operations and activities of his/her office.
3	(2) The eight percent (0.8%) of funds to be withheld and deposited under Subsection 1
4	shall apply only to the General Fund in Schedule 1, Republic of China (ROC) Capital
5	Grants in Schedule 5 and Special Revenue Funds in Schedule 7. Provided however, any
6	funds under Schedule 1 and Schedule 5 which are not subject to the eight percent
7	(0.8%) shall be identified by the Secretary of Finance with the concurrence of the
8	Minister of Finance pursuant to the Financial Management Act.
9	
10	Section 8. Contingencies Fund.
11	(1) In accordance with Article VIII, Section 9(1) of the Constitution, up to \$220,000 is
12	authorized to be advanced against the General Fund for purposes of the Contingencies
13	Fund.
14	(2) Where, during the Financial Year, an amount of unanticipated income is received by the
15	Government for the purpose of an urgent and unforeseen need, the amount prescribed in
16	Subsection (1) for the Contingencies Fund is increased by the amount of that
17	unanticipated income, to meet such need.
18	
19	Section 9. Unanticipated Income.
20	Where, during the Financial Year, an amount of unanticipated income is received by the
21	Government for a specified program area, otherwise than as set out in Section 8 (2), that amount

1	is appropriated for the corresponding program area in Schedules as the case may be, and the
2	amount of the appropriation for that program area is increased accordingly.
3	
4	Section 10. Notification to the Cabinet by the Minister.
5	When any money is received under Section 8 herein above, the Minister of Finance shall notify
6	the Cabinet of the receipt of such money, and such money shall not be expended without the
7	approval of the Cabinet.
8	
9	Section 11. Lapsing of Certain Appropriations.
0	Any increase in the amount prescribed for the Contingencies Fund provided for by Section 8 (2)
1	ceases, and any increase in the amount of an appropriation affected by Section 10 lapses:
2	(a) on the effective date of the next Appropriation Act or Supplementary
3	Appropriation Act enacted after the date referred to in Subsection (1); or
4	(b) on the adoption of a Resolution to that effect by the Nitijela, whichever occurs
5	
6	
7	Section 12. Delegation of Authority to Approve.
8	(1) For the purposes of Article VIII, Section 5 (1) of the Constitution, the authority to
9	approve expenditure in a program area in accordance with Schedules 1-5 is hereby
20	delegated to:
21	(a) The member of the Cabinet primarily responsible for that program area and;
22	(b) If the responsible member of the Cabinet so directs by instrument in

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1	writing, and subject to any limitations imposed by the instrument and to
2	general control by the member, an appropriate person, authority, or agency; or
3	(c) with respect to Special Appropriation under Schedule 1, the Minister of
4	Finance shall have the authority to approve expenditure of the funds subject to
5	any limitation imposed by law or by any instrument.
6	(2) The Chief Justice of the High Court is hereby vested with the authority to approve
7	expenditure of the Judiciary Fund in accordance with the provisions of 27 MIRC
8	Chapter 1.
9	(3) Any expenditure otherwise than in accordance with Schedule 1, 2, 3, 4 and 5 shall
10	require the approval of the Cabinet in accordance with Article VIII, Section 5(1) of the
11	Constitution.
12	
13	Section 13. Reprogramming of Funds.
14	Before any reprogramming of expenditure between program areas is approved under Article
15	VIII, Section 7 (1) of the Constitution, the Cabinet shall approve such reprogramming.
16	
17	Section 14. General.
18	(1) In the event the actual receipts into the Marshall Islands General Fund fall short of the
19	total amount appropriated in Schedules 6, 7, 8 and 9, the Cabinet may make the necessary
20	adjustments to Schedules 1, 2, 3, 4 and 5 to accommodate the shortfall.

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- All contracts awarded by the Government and associated agencies must comply with the provisions of the Republic of the Marshall Islands Procurement Code. Funds will only be released by the Ministry of Finance upon proof of compliance with the code.
- Gross Revenue Tax of 3% on all Government contracts will be withheld by the Ministry of Finance at the time of payment, and credited against the contractor's liability to pay gross revenue tax for the period of the payment. The contractor is still required to file a tax for return for the period.
- All Government Ministries, statutory corporations and agencies must have been audited and have complied with all the audit recommendations prior to receiving any quarterly allocation. Any Government Ministries, statutory corporations and agencies unable to comply with all the audit requirements must provide an expense report before release of any funds.

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- (5) No funds appropriated under this Act shall be released to any Local Government, statutory corporation or agency whose financial records have not been auditable for the past two preceding fiscal years, until such Local Government, statutory corporation or agency has taken the necessary steps to render such records auditable, or provides a full and complete report of its expenses to Cabinet.
- Any Government Ministry, statutory corporation and or agency that receive funds appropriated under this Act or any other Act, or subsidies or any other government funds shall enter into a Memorandum of Agreement with the Government in accordance with Regulations and guidelines established by the Secretary of Finance pursuant to the Financial Management Act.

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Section 15. Special Revenue Fund.
Any money in excess of an appropriation made in Schedule 3 (Special Revenue Funds) may be
expended during the Financial Year only in accordance with terms of the Act establishing such
Special Revenue Fund.
Section 16. Effective Date.
This act shall take effect on the date of certification in accordance with Article IV, Section 21 o
the Constitution and in accordance with the Rules of Procedures of the Nitijela.
CERTIFICATE I hereby certify:
1. That Nitijela Bill No. 98ND1 passed by the Nitijela of the Republic of the Marshall
Islands on the 23rd day of September, 2011; and
2. That I am satisfied that Nitijela Bill No. 98ND1 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 29 <sup>th</sup> day of September 2011
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4 Hor Alvin T. Jacklick
5 Speaker
6 Nitijela of the Marshall Islands
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Attest:

Gary Ueno

Clerk

Nitijela of the Marshall Islands.

RECURRENT GENERAL APPROPRIATIONS	
	SCHEDULE 1
	<del>di dina <mark>kika sa kalaj gi</mark>juj</del>
PRESIDENT & CABINET	1,854,76
Office of the President	351,63
President & Ministers	589,98
Cabinet Operations	420,25
Customary Law Commission	175,39
RMI/USP Joint Secondary Education Project	258,93
National Training Council	58,56
CHIEF SECRETARY	645,81
Administration	285,85
Deputy Chief Secretary-Ebeye	66,55
EPPSO	198,92
OEPPC	94,48
SPECIAL APPROPRIATION	8,451,53
Land Leases	923,44
Lease Housing	281,42
Marshall Islands Visitors Authority (MIVA)	247,80
Centralized Water Bills	85,05
International Subscriptions/Membership Fees	330,00
Copra Price Stabilization Subsidy (Tobolar)	1,200,00
ADB Loan Repayment	2,299,62
Constitution Day	20,00
Marshall Islands Shipping Corporation	807,59
Alele Corporation	64,81
Ebeye KALGOV	120,00
Majuro Landowners Electricity	434,60
Centralized Utility Bills - Majuro	821,10
Centralized Utility Bills - Ebeye	96,06
Prior Year Liabilities	300,00
General Election	270,00
Nuclear Claims Tribunal	75,00
Micronesian Legal Service Corporation	25,00
RMI Operating Vehicles	50,00
Trum Character Laurana	, J.
COUNCIL OF IROIJ	440,54
Council of Iroij - Administration	98,51
Council of Iroij Members	342,02
COMICH OF HOLI MOHOMS.	572,02

NITIJELA	1,625,624
Nitijela Operation	494,991
General Membership	879,888
Speaker's Contingency	79,791
Committee Expense	44,687
Legislative Counselors	126,267
AUDITOR GENERAL	351,189
Auditor General Administration (0.8%)	
Office of the Auditor General	58,239
Single Audit Match	292,950
FOREIGN AFFAIRS	2,445,525
Administration	528,644
Compact Office	299,085
Washington DC Embassy	290,154
USAKA LNO	73,500
Honolulu Office	160,129
RMI UN Mission - New York	261,002
Tokyo Embassy	324,859
Taipei Embassy	219,873
Fiji Office	145,132
Arkansas Consulate	143,147
PUBLIC SERVICE COMMISSION	462,258
Public Service Commission	93,385
PSC Administration	368,873
JUDICIARY	972,863
General Courts	722,419
Traditional Rights Court	147,075
Community Court	78,046
Judicial Service Commission	623
Judicial Fund	24,700
ATTORNEY GENERAL	767,497
Attorney General Office	580,044
Immigration Office - Majuro	136,641
Immigration Office - Ebeye	50,812

HEALTH	2,980,025
Majuro Administration	508,301
Health Planning & Statistics	126,108
Majuro Hospital Operation	991,379
Primary Health Care	787,237
Kwajalein Atoll Bureau	472,500
Kumit Wellness	94,500
ENVIRONMENTAL PROJECTION AUTHORITY	191,344
EPA Administration	191,344
EDUCATION	4,195,573
College of the Marshall Islands	1,890,000
Scholarship Board	123,223
MOE Administration	463,777
National Standards Office/Policy & Planning	236,155
Elementary Instructional & Support Services	206,429
Vocational Education	68,168
Property Maintenance	249,183
MOE Curriculum, Instructions & Assessment	458,638
MOE Food Program	425,000
Parents As Teachers (PAT) Program	75,000
TRANSPORTATION & COMMUNICATION	624,940
T & C Administration	363,260
Communication	28,908
Directorate of Civil Aviation	232,772
RESOURCES & DEVELOPMENT	664,496
R & D Administration	172,240
Agro-Forestry	226,036
Trade & Investment	101,460
Renewable Energy Office	66,787
RMI Commercial Office (Hawaii)	49,360
RMI Small Business Development Center	48,613
INTERNAL AFFAIRS	2,185,464
Administration Office	486,709
Historic Preservation Office	43,965
Land & Surveys	105,844
Local Government Affairs	126,682
Local Government Trust Fund	374,806

Grant in Aid	228,690
Community Development	83,211
Youth Bureau	59,775
Women in Development Bureau	77,376
Sports and Recreation Bureau	147,116
Volunteer Program	27,536
Electoral Administration	85,416
National Elections	25,004
V7AB Radio Station	161,846
Identification Division / ID Card	35,195
Registrar's Office	43,739
Print Shop	22,541
Central Adoption Administration	50,013
JUSTICE	2,712,456
Public Defender - Majuro	231,406
RMI Police Department - Majuro	1,480,340
RMI Police Department - Ebeye	443,007
Sea Patrol	477,710
Land Registration Authority	79,993
FINANCE	1,882,154
Secretary's Office	105,940
Accounting & Administration	298,310
EDP/Information Technology	107,739
Revenue Division - Majuro	253,163
Custom Division	234,632
Treasury Division	84,285
Budget and Office of the International Development & Assistance	198,448
Single State Agency	39,109
Procurement & Supply Division	167,884
Ebeye - Finance	117,381
Ebeye Revenue/Custom Office	148,114
Grant Writer's Office	127,149
BANKING COMMISSION	118,311
Administration	118,311
A A A TOROGRAPHY TO THE TOROGR	11.03.71.1
PUBLIC WORKS	1,069,539
Operation & Maintenance - Majuro	355,393

Outer Islands Projects	121,482
YFU 82	154,443
TOTAL GENERAL FUND RECURRENT EXPENDITURES	34,641,916
COMPACT SECTORAL GRANTS	SCHEDULE 2
AUDITOR GENERAL	500,000
Single Audit	500,000
HEALTH	6,834,858
MOH Utility	844,072
Lease Housing	804,542
Majuro Hospital	2,809,764
Outer Islands Dispensaries	951,440
Ebeye Health Administration	37,725
Ebeye Preventive Services	50,335
Ebeye Public Health	58,944
Ebeye Dental Services	115,090
Kwajalein Atoll Dispensaries	69,272
Ebeye Hospital Operations	804,028
MDR-TB Program	200,000
Leprosy Program	89,646
EBEYE SPECIAL NEEDS	1,722,546
Ebeye Special Needs (Ebeye Hospital)	1,722,546
EDUCATION	11,839,151
College of the Marshall Islands (Compact Designated)	1,000,000
MOE Lease Housing	315,000
MOE Administration	826,914
Scholarship Board	471,925
National Standards Office/Policy Planning	14,250
MOE Curriculum Instructions and Assessment	8,750
Elementary Support Services	49,178
Majuro Middle School	479,227
Elementary School - Uliga	239,610
Elementary School - Rita	390,642
Elementary School - Delap	387,877
Elementary School - Ajeltake	174,706
Elementary School - Woja	112,906

Elementary School - Laura	194,435
Elementary School - Rairok	268,732
Elementary School - Ejit	40,569
Elementary School - Ebeye	568,318
Elementary School - Outer Islands	2,497,269
Secondary Education & Support Services	256,475
Secondary Education - Marshall Islands High School	1,208,254
Secondary Education - Laura High School	292,036
Secondary Education - Jaluit High School	555,408
Secondary Education - Northern Islands High School	521,309
Secondary Education - Kwajalein High School	423,052
Aid to Private School	300,000
MOE Property & Maintenance	242,309
EBEYE SPECIAL NEEDS	1,792,854
Ebeye Special Need (MOE)	1,692,854
Ebeye Special Need (Scholarship)	100,000
SUPPLEMENTAL EDUCATION GRANT (SEG)	5,885,052
Elementary Text Books	279,349
Elementary Supplies, Materials and Instructional Aids	320,750
Secondary Text Books	150,000
Secondary Supplies, Materials and Instructional Aids	81,084
Instructional Service	159,306
Early Childhood Education	1,779,035
Music and Art Program	25,100
Close-up Program	40,000
School Enrichment Program	131,019
High School Practicum Program	20,000
National Training Council	425,000
National Vocational Training Institute	429,008
Adult Education and Literacy (CMI)	125,000
National Scholarship Board	707,076
Substitute Teachers	248,654
MOE Contractual Services	102,436
World Teach and Dartmouth Programs	407,000
Professional Development	375,235
School Accreditation	9,000
Student Exchange	6,000
High School Debate	15,000
Majolizing the Curriculum	

ENVIORNMENTAL SECTOR	551,800
Kwajalein Environmental Impact Assessment	226,800
Majuro Atoll Waste Company	325,000
PUBLIC SECTOR CAPACITY BUILDING	300,000
Office of the Compact Implementation	300,000
TOTAL COMPACT DESIGNATED	29,426,261
COMPACT CAPITAL FUND	9,958,191
College of the Marshall Islands	420,000
Elementary and High School Projects	7,390,281
Infrastructure Maintenance Fund	497,910
PMU Operation	400,000
Solid Waste Disposal Project	800,000
Water and Sewer Improvement Project	450,000
	A4.0CB.400
OTHER COMPACT DESIGNATED	31,865,400
Kwajalein Landowners	17,010,000
Kwajalein Development Fund	2,154,600
Compact Disaster Grant	226,800
Compact Trust Fund	12,474,000
TOTAL COMPACT EXPENDITURE	71,249,852
	SCHEDULE 3
SPECIAL REVENUE EXPENDITURE	7,646,267
Health Funds	6,785,000
Ministry of Internal Affairs Fund	80,000
Ministry of Justice Fund	250,000
National Training Council Fund	300,000
Sea Patrol Fund	41,267
Labor Special Revenue Fund	40,000
Public Works Fund	150,000
	SCHEDULE 4
U.S. FEDERAL GRANTS EXPENDITURE	11,009,085
MoH Federal and Other Grants	3,936,963
MoE Federal Grants	2,093,005
CMI Federal Grants	4,214,667

4-Atoll Feeding Program	575,000
MIA Federal Grants	189,450
	SCHEDULE 5
OTHER DONORS	
ROC PROJECTS EXPENDITURE	7,400,000
Disaster Matching	226,800
Outer-Island Runway Renovation	321,948
Infrastructure Capital Maintenance Fund (Compact Matching)	497,910
ADB Loan Repayment (Capital Projects)	900,000
Marshall Shipping Corporation Ship Repairs	600,000
National Energy Support Account	900,000
International Conventional Center (ICC) Maintenance	50,000
Capital Complex Project	800,000
RMI Trust Fund Contribution (D Account)	1,000,000
Ebeye Public Works	250,000
Tobolar Capital Improvement Projects	200,000
Health Care Project	200,000
RMI Contingency Fund	220,000
Pacific Island Development Bank	250,000
RMI Operating Vehicles	50,000
V7AB Antenna Project	90,000
Overseas Capital Improvement Project	57,000
Public Works Matching/Heavy Equipments	419,197
Outer Island Agriculture Project	150,000
YFU82 Vessel Repair	167,145
Micronesian Legal Service	50,000
MOH FUND	268,338
MOH Global Fund	268,338
TOTAL ALL EXPENDITURES	132,215,458
REVENUES	
	SCHEDULE 6
GENERAL FUND	34,641,916
Marshallese Income Tax	6,209,120
Expat Income Tax	3,354,936
Business Gross Revenue Tax	5,647,023

Non-resident Business Gross Income Tax	35,185
CMI Tax	900,000
Import Tax	6,100,000
Hotel & Resort Tax	51,005
Fuel Tax	650,000
Immovable Property Tax	242,668
Penalties and Interest Charges	54,123
Fishing Rights	2,500,000
Fees and Charges	204,032
Other Sales, Charges and Service Fees	193,824
Ship Registry	4,000,000
Tax Audit Adjustments	150,000
Ministry of Justice Fund	250,000
RMI Ports Authority	500,000
ROC (Taiwan) Grants	3,600,000
	SCHEDULE 7
SPECIAL REVENUE FUNDS	7,646,267
Health Funds	6,785,000
Ministry of Internal Affairs Fund	80,000
Ministry of Justice Fund	250,000
National Training Council Fund	300,000
Sea Patrol Fund	41,267
Labor Special Revenue Fund	40,000
Public Work Fund	150,000
	SCHEDULE 8
U.S. COMPACT REVENUE	71,249,852
Compact Base Grants	19,299,009
Compact Base Grants - Ebeye Special Needs	3,515,400
Compact Supplement Education Grant (SEG)	5,885,052
Compact Disaster Assistance Matching	226,800
Compact Single Audit	500,000
Compact Capital Funds	
	9,460,281
Infrastructure Maintenance Fund (IMF)	
Infrastructure Maintenance Fund (IMF)  Kwajalein Environmental Impact Assessment	497,910
	497,910 226,800
Kwajalein Environmental Impact Assessment	497,910 226,800 2,154,600
Kwajalein Environmental Impact Assessment Kwajalein Development Fund	9,460,281 497,910 226,800 2,154,600 17,010,000 12,474,000

	SCHEDULE 9
OTHER REVENUE	18,677,423
U.S. Federal Grants	11,009,085
ROC (Taiwan) Capital Grants	7,400,000
MOH Global Fund	268,338
TOTAL ALL REVENUES	132,215,458