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A Bill
for
An Act

To provide -

(a) in accordance with Article VIII of the Constitution, for the issue from the Marshall Islands General Fund, including funds provided under the Compact of Free Association and other funds, of a total sum of \$106,582,000 to meet the expenditures of the Government for the Financial Year 2002, and to appropriate sums to program areas; and

(b) for a Contingencies Fund in accordance with Section 9 of Article VIII of the Constitution; and

(c) for contingent appropriation of amounts that may be received in the future; and

(d) for delegation of expenditure approval under Section 5 of Article VIII of the Constitution; and

(e) for controls on reprogramming and transfer of funds within appropriation areas; and

(f) for control on specific expenditures.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

Section 1. Short Title.

1 This Act may be cited as the Appropriations
2 (Financial Year 2002) Act, 2001, and shall be deemed to
3 have come into effect on 1 October, 2001.

4 Section 2. Statement of National Objective.

5 It is the intention of the Government of the
6 Republic of the Marshall Islands to hereby enact and
7 implement a national budget for the whole of the
8 Financial Year 2002.

9 Section 3. Interpretation.

10 In this Act -

11 (1) "program area" means program areas set out
12 in Schedules 2-9 as indicated by the headings in those
13 schedules

14 (2) "unanticipated income" means any money, not
15 being loan money, that -

16 (a) becomes available for expenditure from
17 a source at a time when the Nitijela is not meeting;
18 and/or

P.L. 2001-28

1 (b) has not been specifically included in
2 the budget estimates for the Financial Year, which the
3 Cabinet is satisfied should, in the interests of the
4 Republic of the Marshall Islands, be expended, in whole
5 or in part, before the expenditure could reasonably be
6 authorized by an Appropriation Act or a Supplementary
7 Appropriation Act.

8 Section 4. Appropriations from the Marshall
9 Islands General Fund.

10 (1) Total Appropriation. The sum of **\$48,186,548**
11 is hereby appropriated, and may be withdrawn from the
12 Marshall Islands General Fund and expended pursuant to
13 Article VIII of the Constitution for program areas in
14 accordance with Schedule **2, Column 1**, Recurrent Cost,
15 during the Financial Year as provided for in this
16 Section.

17 (2) Nonrecurrent/Development. All Capital
18 Account Funds provided under the Compact of Free
19 Association shall be credited to the General Fund.

P.L. 2001-28

1 Where the use of such Capital Account Funds represents
2 a direct charge on the General Fund such funds shall be
3 deemed to be appropriated to the Ministry of Finance or
4 to Debt Service Fund, as appropriate.

5 (3) Restrictions on Reprogramming of Compact
6 Funds. Funds received and appropriated pursuant to
7 Sections 111, 177, 211, 213, 214, 215, 216, 217, and
8 221 of the Compact of Free Association shall not,
9 during the Financial Year, be transferred to any other
10 activity, or reprogrammed or expended for any purpose
11 other than the permissible uses of those funds as
12 provided for in the Compact of Free Association and its
13 Subsidiary Agreements.

14 (4) Compact Communications Operation. All
15 moneys received under Section 215(a)(1) of the Compact
16 of Free Association and appropriated shall not lapse at
17 the end of the Financial Year, but shall continue until

P.L. 2001-28

1 either the purpose of the appropriation is completed or
2 funds are expended, whichever occurs first.

3 (5) Section 216 Compact Funds.

4 (a) The appropriation of \$797,400 referred to
5 in Schedule 2 shall be credited to the Scholarship Fund
6 established by the Scholarship Board. The Fund shall
7 be utilized for post secondary programs as authorized
8 by the Cabinet.

9 (b) All monies received under paragraphs
10 216(a)(1), (2), and (3) of the Compact and appropriated
11 shall not lapse at the end of the Financial Year, but
12 shall continue until either the purpose of the
13 appropriation is completed or funds are expended,
14 whichever occurs first.

15 Section 5. Appropriation of U.S. Agency and
16 Other Foreign Grants.

17 (1) Subject to Sections (4) and (6), the sum of
18 **\$26,450,000** (being the total amount of special U.S.
19 Agency and other foreign grants) is appropriated and

P.L. 8001-28

1 may be withdrawn from the Marshall Islands General Fund
2 pursuant to Article VIII of the Constitution, for
3 program areas in accordance with Schedule 5, during the
4 Financial Year.

5 (2) The amounts set out in Schedule 5 are not
6 available for expenditure as reprogrammed expenditure
7 under Article VIII Section 7 of the Constitution,
8 except as authorized by or under the agreements with
9 the grantor nation.

10 (3) The appropriation made by Subsection (1)
11 shall not lapse at the end of the Financial Year, but
12 shall continue until either the grant expires or the
13 funds are expended, whichever occurs first.

14 Section 6. Funding of the Office of the
15 Auditor-General.

16 The Secretary of Finance shall withhold and
17 deposit in a special account in the Marshall Islands
18 General Fund, one half of one percent (0.5%) of all
19 amounts appropriated in Schedule 2 and 3 and the sum so

P.L. 2001-28

1 withheld and deposited may be withdrawn and expended by
2 the Auditor-General in accordance with the budget
3 approved for his/her office by the Cabinet, for the
4 operations and activities of his office.

5 Section 7. Contingencies Fund.

6 (1) In accordance with Article VIII, Section 9
7 of the Constitution, there is hereby established a
8 Contingencies Fund.

9 (2) The amount of the Contingencies Fund
10 prescribed, for the duration of the Financial Year, for
11 the purposes of Article VIII, Section 9(1) of the
12 Constitution is \$200,000.

13 (3) Where, during the Financial Year, an amount
14 of unanticipated income is received by the Government
15 for the purpose of an urgent and unforeseen need, the
16 amount prescribed in Subsection (2) for the
17 Contingencies Fund is increased by the amount of that
18 unanticipated income, to meet such need.

P.L. 2001-28

1 Section 8. Unanticipated income.

2 Where, during the Financial Year, an amount of
 3 unanticipated income is received by the Government for
 4 a specified program area, otherwise than as set out in
 5 Section 7(3), that amount is appropriated for the
 6 corresponding program area in Schedules 2, 3, 4, or 5
 7 as the case may be, and the amount of the appropriation
 8 for that program area is increased accordingly.

9 Section 9. Notification to the Cabinet by the
 10 Minister.

11 **When any money is received under Section 7(3)**
 12 **or Section 8,** the Minister of Finance shall notify the
 13 Cabinet of the receipt of such money, and such money
 14 shall not be expended without the approval of the
 15 Cabinet.

16 Section 10. Lapsing of Certain Appropriations.

17 Any increase in the amount prescribed for the
 18 Contingencies Fund provided for by Section 7(3) ceases

P.L. 2601-28

1 and any increase in the amount of an appropriation
2 affected by Section 9 lapses -

3 (a) on the effective date of the next
4 Appropriation Act or Supplementary Appropriation Act
5 enacted after the date referred to in Subsection (1);
6 or

7 (b) on the adoption of a Resolution to that
8 effect by the Nitijela, whichever occurs first.

9 Section 11. Delegation of Authority to Approve.

10 (1) For the purposes of Article VIII, Section
11 5(1) of the Constitution, the authority to approve
12 expenditure in a program area in accordance with
13 Schedules 2-5 is hereby delegated to -

14 (a) the member of the Cabinet primarily
15 responsible for that program area; and

16 (b) if the responsible member of the
17 Cabinet so directs by instrument in writing, and
18 subject to any limitations imposed by the instrument

P.L. 2001-28

1 and to general control by the member, an appropriate
2 person, authority, or agency.

3 (2) Any expenditure otherwise than in
4 accordance with Schedules 2-5 shall require the approval
5 of the Cabinet in accordance with Article VIII, Section
6 5(1) of the Constitution.

7 Section 12. Reprogramming and Transfers Between
8 and Within Program Areas.

9 Before any reprogramming of expenditure between
10 program areas is approved under Article VIII, Section
11 7(1)(b) of the Constitution, the Cabinet shall approve
12 such reprogramming.

13 Section 13. General.

14 (1) In the event the actual receipts into the
15 Marshall Islands General Fund fall short of the total
16 amount appropriated in Schedule 6, 7, 8 and 9, the
17 Cabinet may reduce the amounts appropriated in Schedule
18 2, 3, 4, and 5.

PL. 2001-28

1 (2) All contracts awarded by the Government or
2 associated agencies must comply with the provisions of
3 the RMI Procurement Code ("the Code"). The Secretary
4 of Finance shall not authorise release of any funds to
5 any organization or agency that do not comply with the
6 Code. The Attorney General shall assist the Secretary
7 of Finance in enforcing the Code.

8 (3) Gross Revenue Tax of 3% on all Government
9 contracts will be withheld by the Ministry of Finance
10 at the time of payment, and credited against the
11 contractor's liability to pay gross revenue tax for the
12 period of the payment. The contractor is still required
13 to file a tax return for the period.

14 (4) All Government Ministries and Departments
15 must have been audited and have complied with all the
16 audit recommendations prior to receiving any quaterly
17 allocation. Any Ministry or Department unable to comply
18 with all the audit requirements must provide an expense

P.L. 2001-28

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Report to the Secretary of Finance before release of any funds, unless the Secretary of Finance is satisfied that the circumstances are such as to justify the release of funds.

Section 14. Special Revenue Fund.

Any moneys in access of an appropriation made in Schedule 7 (Special Revenue Funds) may be expended during the Financial Year only in accordance with terms of the Act establishing such Special Revenue Fund.

Section 15. Effective Date.

This Act shall take effect on the date of certification in accordance with Article IV, Section 21 of the Constitution.

CERTIFICATE

I hereby certify:

(1) that the Nitijela Bill No. 60 N.D. 1 has been passed by the Nitijela of the Marshall Islands on the 6th day of September, 2001; and

(2) that I am satisfied that Nitijela Bill No. 60 N.D. 1 has been passed in accordance with the Constitution of the Republic of the Marshall Islands and the Rules of the Nitijela .

I hereby place my signature before the Clerk of the Nitijela this 24th day of September, 2001.


Litokwa Tomeing, Speaker
Nitijela of the Marshall Islands

Attest


Joe E. Riklon
Clerk
Nitijela of the Marshall Islands

P.L. 2001-28

SCHEDULE 1
SUMMARY OF EXPENDITURE

Appropriations out of the M.I. General Fund:

Recurrent (as per Schedule 2 Column 1)	48,186,548
Non-recurrent/Development (as per Schedule 3)	27,565,452
Total Appropriation out of GF	<u>\$ 75,752,000</u>
Special Revenue & Expendable Funds (as per schedule 4)	<u>4,380,000</u>
Special U.S. Agency and other Foreign Grants (as per Schedule 5)	<u>26,450,000</u> 30,830,000
Grand Total New Appropriation	\$ 106,582,000

Charges on the M.I. General Fund/Prior Year Appropriation:

Debt Service	
Compensation (PSC Commission, Judge & Auditor General)	\$ (90,000) (210,000)
Compensation for Members of Council of Iroij	\$ (150,000)
Total Charges on M.I. General Fund	\$ (450,000)

GRAND TOTAL OF EXPENDITURES **\$ 106,582,000**

P.L. 2001-28

SCHEDULES

REPUBLIC OF THE MARSHALL ISLANDS

FY 2002 Expenditure Budget -

For the twelve month period ending 30 September, 2002

RECURRENT GENERAL APPROPRIATIONS**SCHEDULE 2**

10 - PRESIDENT & CABINET		Recurrent	Non Recurrent	
1020	President & Ministers	577,021		577,021
1030	Cabinet Operations	334,239	83,546	417,785
1031	Print Shop	45,588	4,412	50,000
1040	Office of the President	171,545	26,393	197,938
1041	Customary Law Commissions	145,000	-	145,000
		1,273,393	114,351	1,387,744

11 - CHIEF SECRETARY

1110	Administration	153,820	7,458	161,278
1140	Planning & Statistics	172,099	5,154	177,253
1170	Disaster Office	33,184	-	33,184
		359,103	12,612	371,715

12 - SPECIAL APPROPRIATION

1210	Government Electricity Bills	1,200,000		1,200,000
1211	Kajur Subsidy-Ebeye	0	400,000	400,000
1212	Marshal IS Visitor Authority	300,000	0	300,000
1213	SEDP	0	100,000	100,000
1216	ADB Counterpart Funding	1,000,000	0	1,000,000
1220	Land Leases	1,000,000		1,000,000
1221	MWSCO Subsidy/Water Bills	100,000	50,000	150,000
1223	Range System Engineering	0	101,000	101,000
1240	Contingencies Fund	201,000	0	201,000
1244	International Subscriptions Fee	300,000		300,000
1250	Disaster Matching	200,000	100,000	300,000
1256	Prior Year Liabilities	0	100,000	100,000
1257	KALGOV Grant	302,000	0	302,000
1271	Tobolar Copra Subsidy	954,235	0	954,235
1272	Government Electric Bills-Ebe	100,750	0	100,750
7801	May Day Celebration	5,000	0	5,000
1215	MLSC	50,000	0	50,000
		5,712,985	851,000	6,563,985

P.L. 8661-88**13 - COUNCIL OF IROIJ**

1300	Administration	64,352	0	64,352
1310	Council of Iroij Members	314,022	0	314,022
		378,374	0	378,374

15 - AUDITOR GENERAL

1500	Auditor General			
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17 - PUBLIC SERVICE COMMISSION

1710	Public Service Commission	103,144	0	103,144
1720	PSC Administration	733,085	3,907	736,992
		836,229	3907	840,136

18 - JUDICIARY

4111	Judicial Service Commission	3,757	0	3,757
4121	General Courts	507,869	0	507,869
4131	Community Court	100,873	0	100,873
4141	Traditional Rights Court	163,831	0	163,831
	Legal Aid Fund	50,000	0	50,000
		826,330		826,330

19 - ATTORNEY GENERAL

1060	Attorney General Office	644,148	23,776	667,924
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20 - HEALTH & ENVIRONMENT

2005	Administration	228,792	19,645	248,437
2006	Health Planning & Statistics	114,772	41,498	156,270
2011	Majuro Hospital Operation	2,679,634	150,233	2,829,867
2012	Ebeye Hospital Operations	740,848	20,526	761,374
2014	Ebeye Health Administration	31,841	0	31,841
2041	Dental Services - Majuro	207,270	13,855	221,125
2042	Dental Services - Ebeye	74,576	0	74,576
2061	Human Services	53,523	0	53,523
2063	Youth Adolescent Health	14,245	0	14,245
2068	Preventive Services - Administr	31,422	336	31,758
2069	Population Activities & Family	39,592	336	39,928
2081	Preventive Services - Ebeye	46,898	0	46,898
3550	EPA	216,032	0	216,032
		4,479,445	246,429	4,725,874

21- EDUCATION

1810	College of the Marshall Islands	613,205	150,000	763,205
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P.L. 8001-28

2110	Administration - Education	564,369	0	564,369
2165	MOE Closeup Foundation	50,250		50,250
2113	ADB Counter Fund	0	0	0
2121	Elementary Education - Majuro	1,110,473		1,110,473
2114	Elementary Admin.	200,000	0	200,000
2122	Elementary Education-Ebeye	449,989		449,989
2131	NTC	81,000	0	81,000
2123	School Improvements/Non-CB	1,851,912	-	1,851,912
	New Secondary Education-Ad	89,965	-	89,965
2134	Northern Islands High School	84,863	-	84,863
2155	Support Services	35,733		35,733
2156	USP/Secondary Education	274,995		274,995
2160	Aid to Private Schools	351,750	100,000	451,750
2173	Scholarship Third Country	275,500		275,500
2154	Testing Evaluation	48,465		48,465
		6,082,469	250,000	6,332,469

22 - TRANSPORTATION & COMMUNICATION

2210	Office of the Secretary T & C	424,128	7,015	431,143
2211	Directorate of Civil Aviation	199,102	17,756	216,858
7290	All Ships' Operation	510,206	0	510,206
		1,133,436	24,771	1,158,207

23 - RESOURCES & DEVELOPMENT

2310	R & D Administration	101,872	3,625	105,497
2340	Agro - Forestry	102,110	2,107	104,217
2370	Energy Office	40,502		40,502
2380	Trade and Investment	100,420	0	100,420
1610	MIDA Operation/Admin	80,075	26,000	106,075
2350	Jeljelatai Ship	136,640	5,830	142,470
	MIDB	153,000	50,000	203,000
		714,619	87,562	802,181

24 - INTERNAL AFFAIRS

2410	Administration (1A)	370,000	8,753	378,753
2412	Community Development	53,527	0	53,527
2413	Youth Bureau	19,961	448	20,409
2414	Women in Development	54,042	0	54,042
2415	Sports & Recreation	110,717	28,444	139,161
2421	Administration (Electoral)	64,449	1,312	65,761

P.L. 2001-98

2422	Elections (Electoral)	60,413	0	60,413
2430	Local Government Affairs	141,647	14,000	155,647
2460	Grant in Aid	400,000	0	400,000
2470	Lib/Historic Preservation	40,100	0	40,100
2480	Registrar's Office	22,146	0	595,747
2490	Language Commission	19,742	0	19,742
2492	ID Cards	13,113	0	13,113
2493	Peace Corps (Japan)	4,422	0	4,422
2498	Land & Surveys	116,612	0	116,612
2495	National Archives	24,718	0	24,718
2496	Historic Preservation Act	37,178	0	37,178
7600	Local Gov't Trust Fund	400,000	0	400,000
	V7AB	204,696	0	204,696
		2,157,483	52,957	2,210,440

25 - JUSTICE

1400	Public Defender - Majuro	229,089	35903	264,992
2521	Public Safety - Majuro	1,174,393	0	1,174,393
2522	Public Safety - Ebeye	300,898	0	300,898
		1,704,380	35,903	1,740,283

26 - FINANCE

1273	Banking Commissioner	67,137	23,628	90,765
2611	Finance Office - Majuro	443,446	0	443,446
2612	Finance Office - Ebeye	88,842	0	88,842
2613	EDP Division	28,710	0	28,710
2621	Revenue Office - Majuro	259,936	15,358	275,294
2622	Revenue Office - Ebeye	73,247	18,361	91,608
2630	Procurement & Supply	124,008	0	124,008
2640	OIDA	200,326	20,938	221,264
		1,285,652	78,285	1,363,937

27 - FOREIGN AFFAIRS

2720	Foreign Affairs	425,946	14,027	439,973
2730	Immigration - Ebeye	29,492	-	29,492
2731	USAKA Lno	86,734	1,000	87,734
2740	Majuro Immigration	92,414	7,067	99,481
2750	Washington Office	327,191	22,274	349,465
2752	RMI UN Office - New York	183,978	24,367	208,345
2760	Fiji Office	135,946	29,296	165,242
5780	Tokyo Embassy	236,621	7,970	244,591

P.L. 2001 - 28

2782	Taipei Embassy	167,898	36,161	204,059
2710	Honolulu Office	128,082	11,388	139,470
2792	Compact Review	163,848	54,862	218,710
		1,978,150	208,412	2,186,562

28 - PUBLIC WORKS

1219	OMIP Matching Fund	0		0
2360	Outer Islands Projects - LCU	182,567	65,180	247,747
2811	Operation & Maintenance - Ma	425,302	302,948	728,250
7901	CGMA	356,303	14,466	370,769
		964,172	382,594	1,346,766

31 - NITIJELA

3110	Nitijela Operation	275,734	10,493	286,227
3120	General Membership - Nitijela	908,124	-	908,124
3130	Speaker's Contingency	55,476	-	55,476
3140	Committee Expense	77,246	-	77,246
3150	Legislative Counselor's	50,000	-	50,000
		1,366,580	10,493	1,377,073

Total General Fund Recurrent Cost **31,896,948** **2,383,052** **34,280,000**

COMPACT DESIGNATED**21 EDUCATION** 216a2,221b

2132	MIHS			714,060
2133	JHS			534,107
	Food Services-jhs			168,607
2134	NIHS			380,226
	Scholarship			797,400
				2,594,400

HEALTH & ENVIRONMENT 216a3,221b

	OIDS			903,001
	Ebeye Operation			531,600
	Preventive Administration			248,299
	Preventive Administration-Ebeye			51,700
				1,734,600

SEA PATROL - 216A1

3510	Lomor operation			325,000
3520	Lomor refitting			90,000

P.L. 2001-28

	415,000
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COMMUNICATION-Sec 215a

Ministry of T&C	500,000
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TOTAL COMPACT DESIGNATED 5,244,000**KWAJALEIN COMPACT**

Current - Section 211	4,260,000
Section 213 - Kwajalein Impact	1,900,000
Inflation Impact - Section 217	2,385,600
Total Kwajalein	8,545,600
MOURA	2,500,000

Total Kwajalein Compact 11,045,600**NON-RECURRENT DEVELOPMENT****SCHEDULE 3**

KADA		
Capital-KADA - Section 211		2,840,000
Inflation-KADA Section 217		1,590,400
Total KADA Capital		4,430,400

CAPITAL ACCOU NT-211a,214a,217

MIITF	14,000,000
Prior Year Liabilities	500,000
Health Service	637,610
Education	1,436,375
Ministry of T&C	70,067
Ministry of R&D	98,094
<i>Internal Affairs</i>	21,020
Justice	35,033
Finance	175,743
Public Works	311,409
Inter Agency Dev Fund(see Committee report item 17 thereof).	3,466,649

Total Compact Capital 20,752,000**Total Non Recurrent** 25,182,400**Total COMPACT** 41,472,000**SPECIAL REVENUE****SCHEDULE 4**

HEALTH CARE FUND	4,000,000
JUSTICE	75,000

P.L. 2661-28

NATIONAL TRAINING COUNCIL	65,000
PUBLIC WORKS FUND	50,000
POSTAL SERVICE	190,000
Total Special Revenue	4,380,000

US AND OTHER GRANTS **SCHEDULE 5****CHIEF SECRETARY**

Disaster Preparedness	50,000
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EDUCATION

Special Education	1,765,000
Community Technology	917,000
Work Improvement Act	863,700
FASEGP	841,500
WIA Supplemental	305,000
School to Work	250,000
Goal 2000	135,000
PVIEP -PREL	120,000
Bi Lingual	100,000
Career Resources Net	68,000
BYRD Scholarship	60,000
Special Feeding Program	55,000
School Health	50,000

Total Education	5,530,200
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HEALTH SERVICES

Pacific Basin Ini	345,000
Substance Abuse	251,800
Maternal & Child Health	242,100
TB & Aids	140,700
Immunization	131,400
Sexually Transmitted Dis	121,500
Family Planning	109,200
SSDI	100,000
EPI Thyroid	96,700
Diabetes	90,300
HIV Prevention	68,100
CISS	50,000

Total Health Services	1,746,800
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INTERNAL AFFAIRS

P.L. 2601-28

	National Park	158,000
	Land & Survey	60,000
	Museum and Library	55,000
	Total Internal Affairs	273,000

FINANCE

Technical Assistance

250,000

Total Federal Grants

7,850,000

ADB LOAN

FINANCE	700,000
FOREIGN AFFAIRS	700,000
EDUCATION ADB skills training development	6,700,000
ATTORNEY GENERAL	1,000,000
MIITF	1,000,000
MISSA	1,500,000

Total ADB

11,600,000

OVERSEAS GRANTS

JUSTICE	50,000
Inter Agency Dev Fund(See Committee's report item 17)	6,950,000

Total overseas

7,000,000

TOTAL GRANTS (US, ROC, ADB)

26,450,000

Total All Expenditures

106,582,000

REVENUES**SCHEDULE 6****GENERAL FUND**

Compact Funding - Section 211/Non-Recurrent	2,383,052
Compact Funding - Section 21/ Recurrent	3,976,948
Anticipated Overseas Support	3,000,000
Fees and Charges	654,100
Fishing Rights	3,450,000
Fuel Tax	550,000
Gross Revenue Tax	4,255,000
Import Tax	5,000,000
Income Tax	8,815,000
Interest and Dividends	235,000

P.L. 9601-28

Other Revenue	10,900
Penalties and interest Charges	50,000
Ship Registry	1,400,000
ADB Loan Proceeds	500,000
Total Fund 100	34,280,000

SPECIAL REVENUE FUNDS**SCHEDULE 7**

Health Care Fund	4,000,000
Justice	75,000
National Training Council	65,000
Postal Service	190,000
Public Works	50,000
Total Special Revenue	4,380,000

U.S: COMPACT FUNDS**SCHEDULE 8**

Section 211 - Capital	8,973,333
Section 213	1,900,000
Section 214 (a)	1,866,667
Section 215 (see item 4 of Committee's report)	500,000
Section 216 (a1)(a2)(a3)	1,744,400
Section 217	13,888,000
Section 221 (b) Block Grant	3,000,000
Section 211 KADA & Kwajalein	7,100,000
MUORA/231/232	2,500,000
Compact Funds	41,472,400

OTHER GRANTS**SCHEDULE 9**

U.S. Grants	7,850,000
ADB Program Loan	4,900,000
ADB Loan 1791-RMI Skills Training Proj.	6,700,000
Overseas Grants	7,000,000
Total Grants	26,450,000
Total All Revenue	106,582,000