

RESETTLEMENT TRUST FUND  
FOR THE  
PEOPLE OF BIKINI  
SEPTEMBER 30, 2009  
AND  
SEPTEMBER 30, 2008

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MILLER, ENGEL & TIERNEY LLP  
CERTIFIED PUBLIC ACCOUNTANTS

THIS REPORT CONSISTS OF 10 PAGES

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**MILLER, ENGEL & TIERNEY LLP**

CERTIFIED PUBLIC ACCOUNTANTS

January 5, 2010

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Rockville, Maryland 20852*

INDEPENDENT AUDITORS' REPORT

M & T Bank, Trustee  
Resettlement Trust Fund for the  
People of Bikini

We have audited the accompanying Statement of Financial Condition of the RESETTLEMENT TRUST FUND FOR THE PEOPLE OF BIKINI as of September 30, 2009 and 2008, and the related Statements of Income, Trust Equity, and Cash Flows for the years then ended. These financial statements are the responsibility of the Trust's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with U.S. generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the RESETTLEMENT TRUST FUND FOR THE PEOPLE OF BIKINI as of September 30, 2009 and 2008, and the results of its operations and its cash flows for the years then ended, in conformity with generally accepted accounting principles.

  
MILLER, ENGEL & TIERNEY LLP

RESETTLEMENT TRUST FUND FOR THE PEOPLE OF BIKINI  
STATEMENT OF FINANCIAL CONDITION

ASSETS

	<u>As Of</u>	
	<u>SEPTEMBER</u> <u>30, 2009</u>	<u>SEPTEMBER</u> <u>30, 2008</u>
Cash on Deposit — Short Term Investment Funds	\$ 2,109,941	\$ 1,971,178
Dividends Receivable	19,791	20,981
Interest Receivable	10,550	11,424
Investment in Marketable Equity Securities — Note 2	69,057,975	73,605,765
Investment In Marketable Debt Securities — Note 3	546,920	588,017
Prepaid Expenditures	<u>134,431</u>	<u>193,435</u>
 <u>TOTAL ASSETS</u>	 <u>\$ 71,879,608</u>	 <u>\$ 76,390,800</u>

LIABILITIES AND TRUST EQUITY

Accrued Expenditures	\$ 102,674	\$ 133,090
Payroll Taxes Withheld and Accrued	<u>130,569</u>	<u>170,066</u>
<u>TOTAL LIABILITIES</u>	\$ 233,243	\$ 303,156
 <u>TRUST EQUITY — EXHIBIT "B"</u>	 <u>71,646,365</u>	 <u>76,087,644</u>
 <u>TOTAL LIABILITIES AND TRUST EQUITY</u>	 <u>\$ 71,879,608</u>	 <u>\$ 76,390,800</u>

The accompanying notes are an integral part of this financial statement

## RESETTLEMENT TRUST FUND FOR THE PEOPLE OF BIKINI

## STATEMENT OF TRUST EQUITY

	<u>TRUST EQUITY</u>	ACCUMULATED OTHER <u>COMPREHENSIVE</u> <u>INCOME</u>	<u>TOTAL</u>
Balance — September 30, 2007	<u>\$ 87,678,191</u>	<u>\$ 19,140,378</u>	<u>\$106,818,569</u>
<u>COMPREHENSIVE INCOME:</u>			
Excess of Revenue Over Expenditures	\$ (9,975,124)	\$ — —	\$ (9,975,124)
Net Increase in Unrealized gains on securities	— —	(10,468,876)	(10,468,876)
<u>Total Comprehensive Income (Loss)</u>	<u>\$ (9,975,124)</u>	<u>\$ (10,468,876)</u>	<u>\$ (20,444,000)</u>
Expenditures from Corpus	\$ (1,615,423)	\$ — —	\$ (1,615,423)
Balance — September 30, 2008	<u>\$ 76,087,644</u>	<u>\$ 8,671,502</u>	<u>\$ 84,759,146</u>
<u>COMPREHENSIVE INCOME:</u>			
Excess of Expenditures Over Revenue	\$ (3,077,919)	\$ — —	\$ (3,077,919)
Net Decrease in Unrealized gains on securities	— —	(7,814)	(7,814)
<u>Total Comprehensive Income (Loss)</u>	<u>\$ (3,077,919)</u>	<u>\$ (7,814)</u>	<u>\$ (3,085,733)</u>
Expenditures from Corpus	\$ (1,363,360)	\$ — —	\$ (1,363,360)
Balance — September 30, 2009	<u>\$ 71,646,365</u>	<u>\$ 8,663,688</u>	<u>\$ 80,310,053</u>

The accompanying notes are an integral part of this financial statement

RESETTLEMENT TRUST FUND FOR THE PEOPLE OF BIKINI  
STATEMENT OF INCOME

	<u>FOR THE YEARS ENDED</u>	
	<u>SEPTEMBER</u> <u>30, 2009</u>	<u>SEPTEMBER</u> <u>30, 2008</u>
<u>REVENUE</u>		
Interest and Dividends	\$ 1,791,848	\$ 2,532,841
Net Gain (Loss) on Sale of Marketable Equity Securities	1,294,603	4,454,765
Net Gain (Loss) on Sale of Marketable Debt Securities	(370,386)	(52,468)
Miscellaneous Income	<u>55,105</u>	<u>26,524</u>
<u>Total Revenue</u>	\$ 2,771,170	\$ 6,961,662
 <u>EXPENDITURES FROM INCOME</u>	 (5,849,089)	 (8,163,989)
 <u>OTHER REDUCTIONS</u>		
Net Loss from Market Value Decline — Equity Securities	—	(8,750,089)
Net Loss from Market Value Decline — Debt Securities	<u>—</u>	<u>(22,708)</u>
 <u>NET INCOME (LOSS) — EXHIBIT "B"</u>	 <u>\$ (3,077,919)</u>	 <u>\$ (9,975,124)</u>

The accompanying notes are an integral part of this financial statement

RESETTLEMENT TRUST FUND FOR THE PEOPLE OF BIKINISTATEMENT OF CASH FLOWS

	<u>FOR THE YEARS ENDED</u>	
	<u>SEPTEMBER</u> <u>30, 2009</u>	<u>SEPTEMBER</u> <u>30, 2008</u>
<u>CASH FLOW FROM TRUST ACTIVITIES</u>		
Net Income (Loss) — Exhibit "C"	\$ (3,077,919)	\$ (9,975,124)
Expenditures from Corpus	(1,363,360)	(1,615,423)
Adjustment for Market Value Decline / (Recovery)	(4,189,257)	8,772,797
(Increase) Decrease in:		
Dividends Receivable	1,190	(10,630)
Interest Receivable	874	6,785
Investment in Marketable Securities	8,778,144	480,842
Prepaid Expenses	59,004	152,424
Increase (Decrease) in:		
Accrued Expenditures	(30,416)	(205,059)
Payroll Taxes Withheld and Accrued	<u>(39,497)</u>	<u>48,918</u>
<u>Net Cash From (Used By) Trust Activities</u>	\$ 138,763	\$ (2,344,470)
<u>CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR</u>	<u>1,971,178</u>	<u>4,315,648</u>
<u>CASH AND CASH EQUIVALENTS AT END OF YEAR</u>	<u>\$ 2,109,941</u>	<u>\$ 1,971,178</u>

The accompanying notes are an integral part of this financial statement

RESETTLEMENT TRUST FUND FOR THE PEOPLE OF BIKININOTES TO FINANCIAL STATEMENTSNOTE 1 — THE TRUST AND A SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The Resettlement Trust Fund for the People of Bikini (the Trust) was established by the U.S. Congress under Public Law No. 97-257 on October 16, 1982 and a Trust Agreement which was approved by the people of Bikini and the Secretary of the Interior effective October 18, 1982. The Trust was amended effective October 26, 1988 in order to comply with Public Law No. 100-446.

Assets and liabilities and revenues and expenditures are recognized on the accrual basis of accounting.

Public Law No. 97-257 provides that the Trust is to be exempt from all Federal and local taxes. Therefore, the Trust has no tax liability and has paid no income taxes.

The Statement of Financial Condition has not been segregated between current and noncurrent classifications. The classifications between current and noncurrent investments cannot be determined as the Trust buys and sells investments depending on market conditions.

Recognized gain or loss on the sale of marketable securities is recorded utilizing the first-in, first-out method of accounting.

Cash per the Statement of Cash Flows is considered to include all cash held by the Trust including cash reserves and short-term investment funds held in various brokers' accounts. Cash flows from Trust activities include all investment activities of the Trust.

The Trust maintains its cash balances with MTB Funds. The balances are not insured by the Federal Deposit Insurance Corporation. At September 30, 2009 and September 30, 2008, the Trust's uninsured cash balances total \$2,109,941 and \$1,971,178 respectively.

The Trust paid no interest during the year ended September 30, 2009 or September 30, 2008.

All expenditures of the Trust are deemed distributed to the Bikini/Kili/Ejit Local Government Council (the Council). These amounts are allocated as expenditures from corpus or as expenditures from income. These allocations are determined by the Council, the trustee and the Trust's legal counsel.

The preparation of the financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Investments are stated at cost; if a decline in market value is considered other than temporary the cost is adjusted for the impairment.



RESETTLEMENT TRUST FUND FOR THE PEOPLE OF BIKINI  
NOTES TO FINANCIAL STATEMENTS

NOTE 2 — INVESTMENT IN MARKETABLE EQUITY SECURITIES

The market value of the marketable equity securities was \$77,692,215 at September 30, 2009 and \$82,276,259 at September 30, 2008. The Trust had unrealized gains in marketable equity securities of \$10,121,582 and unrealized losses of \$1,487,342 at September 30, 2009. The losses were considered temporary due to subsequent increases in value. The Trust had unrealized gains of \$8,676,250 and unrealized losses of \$5,757 at September 30, 2008.

NOTE 3 — INVESTMENT IN MARKETABLE DEBT SECURITIES

The market value of the marketable debt securities was \$576,369 at September 30, 2009 and \$589,025 at September 30, 2008. The Trust had unrealized gains in marketable debt securities of \$29,449 at September 30, 2009 and \$1,008 at September 30, 2008.

NOTE 4 — SECURITY AGREEMENTS

The Kili/Bikini/Ejit local governmental council acting in its capacity as the Bikini distribution authority entered into promissory notes in the original amounts of \$8,000,000.00, and \$1,250,000.00 dated October 28, 1997 and July 2, 1998 respectively, with the Allfirst Bank (now M&T Bank). As security, the trust has pledged the distributable income pursuant to Article IX of the Bikini Resettlement Trust Fund Agreement to secure repayment of the notes. In August 2001 these notes were refinanced into one note and an additional \$1,000,000 was borrowed. The outstanding balance on this new consolidated note as of September 30, 2009 was \$5,740,969.

## Additional Information

**MILLER, ENGEL & TIERNEY LLP**

CERTIFIED PUBLIC ACCOUNTANTS

January 5, 2010

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6110 Executive Boulevard  
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INDEPENDENT AUDITORS' REPORT  
ON ADDITIONAL INFORMATION

M & T Bank, Trustee  
Resettlement Trust Fund for the  
People of Bikini

Our report on our audit of the basic financial statements of the RESETTLEMENT TRUST FUND FOR THE PEOPLE OF BIKINI for the year ended September 30, 2009 appears directly preceding the Statement of Financial Condition. That audit was made for the purpose of forming an opinion on the basic financial statements taken as a whole. The following information is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and, accordingly, we express no opinion on it. The trustee and the Council have decided that the budget schedule should be presented on the cash basis of accounting. The cash basis of accounting is an other comprehensive basis of accounting.

  
MILLER, ENGEL & TIERNEY LLP

RESETTLEMENT TRUST FUND FOR THE PEOPLE OF BIKINI  
STATEMENT OF EXPENDITURES COMPARED TO BUDGET (CASH BASIS)  
FOR THE YEAR ENDED SEPTEMBER 30, 2009

	<u>Actual</u>	<u>Budget</u>	<u>Over or (Under) Budget</u>
Accounting and Auditing Fees	\$ 43,980	\$ 44,480	\$ (500)
Administrative Overhead	6,771	6,055	716
Automobile, Truck and Generator Expenses	28,596	24,883	3,713
Bank Charges	4,453	—	4,453
Benefit Payments	105,614	92,616	12,998
— Transportation of Remains	5,000	15,000	(10,000)
Bikini Atoll Rehabilitation Projects —			
Schedule "H-1"	1,000,080	1,020,380	(20,300)
Bikini Day	5,060	5,092	(32)
Departmental Expense	3,682	3,698	(16)
Education	67,659	57,677	9,982
Generator Fuel	756,223	756,223	—
Housing Allowance/Rent	39,155	48,629	(9,474)
Investment Management Fees	110,493	110,493	—
Kili/Ejit Improvement Projects	1,663,642	1,715,894	(52,252)
— Power Plant Maintenance	200,955	198,775	2,180
Legal Expenses	33,105	33,105	—
Legal Fees	168,084	234,129	(66,045)
Liaison Agent Fees	50,000	50,000	—
Meetings	5,560	2,605	2,955
Miscellaneous Expense	4,519	3,675	844
Payroll Taxes	237,809	209,184	28,625
Per Diems	100,442	100,401	41
Recreation	1,626	3,136	(1,510)
Scholarships	245,875	238,400	7,475
Telephone and Fax	12,305	7,907	4,398
Travel — Bikinians	114,714	110,828	3,886
— Legal	3,907	6,931	(3,024)
Trustee Fees	79,266	79,266	—
Wages	<u>2,171,235</u>	<u>2,076,488</u>	<u>94,747</u>
<u>Totals</u>	<u>\$ 7,269,810</u>	<u>\$ 7,255,950</u>	<u>\$ 13,860</u>

RESETTLEMENT TRUST FUND FOR THE PEOPLE OF BIKINI  
STATEMENT OF EXPENDITURES COMPARED TO BUDGET (CASH BASIS)  
FOR THE YEAR ENDED SEPTEMBER 30, 2009

## SCHEDULE "H-1"

BIKINI ATOLL REHABILITATION PROJECTS

	<u>Actual</u>	<u>Budget</u>	<u>Over or (Under) Budget</u>
Current Bikini Projects —			
Bikini Fuels and Oils	\$ 202,834	\$ 202,834	\$ —
Bikini Projects Department Administration	272,032	269,934	2,098
Building Lease Payments	130,500	130,500	—
Land Rental and Aggregate Payments	50,400	50,400	—
Labor Foreman and Advisors	69,300	101,402	(32,102)
Operations and Maintenance Cost	124,541	122,410	2,131
Supplemental Food	<u>150,473</u>	<u>142,900</u>	<u>7,573</u>
 <u>Totals</u>	 <u>\$ 1,000,080</u>	 <u>\$ 1,020,380</u>	 <u>\$ (20,300)</u>