

TITLE 51 – MANAGEMENT OF MARINE RESOURCES
CHAPTER 1 - MARSHALL ISLANDS MARINE RESOURCES AUTHORITY



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

MARSHALL ISLANDS MARINE RESOURCES ACT 1997

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AN ACT to establish the Marshall Islands Marine Resources Act (Authority). [This Chapter codifies Parts I, II and XI of P.L. 1997-60]

<i>Commencement:</i>	<i>Not Specified</i>
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PART I- INTRODUCTION

§101. Short Title.

This Chapter may be cited as the Marshall Islands Marine Resources Act 1997. [P.L. 1997-60, §1.]

§102. Interpretation.

In this Title:

- (1) **“Access agreement”** means a treaty, agreement or arrangement entered into by the Authority pursuant to the Constitution and this Title in relation to access to the Fishery Waters for fishing by foreign or domestic-based fishing vessels, and includes bilateral and multilateral instruments applicable at the national, sub-regional, regional or international level;

- (2) “**administrator**” means the director of a regional fisheries agency or any other organization or person authorized to administer an access agreement or fisheries management agreement;
- (3) “**agent**” includes a person appointed or designated by a foreign fishing company or other entity or person to act as its legal representative within the Republic of the Marshall Islands, pursuant to Section 407 of Chapter 4 of this Title;
- (4) “**aircraft**” means any craft capable of self-sustained movement through the atmosphere and includes helicopters;
- (5) “**artisanal fisheries**” or “**artisanal fishing**” means in-shore fishing by citizens using vessels powered by outboard engines, and which could include commercial fishing;
- (5A) “**areas beyond the fisheries waters**” means areas of high seas and any other waters under the jurisdiction of another coastal State;
- (6) “**atoll**” means a naturally formed coral reef system forming a geographic and ecologic unit which is crowned by at least one island;
- (7) “**Attorney-General**” means the Attorney- General of the Republic of the Marshall Islands;
- (8) “**Authority**” means the Marshall Islands Marine Resources Authority established by Section 111 of this Chapter.
- (9) “**authorized observer**” means any person authorized in accordance with Section 507 Chapter 5 of this Title, to act as an observer on fishing vessels for the purposes of this Title, including any observer authorized pursuant to the provisions of an access agreement or a fisheries management agreement;
- (10) “**authorized officer**” means any person or category of persons designated pursuant to Section 503 as an authorized officer;
- (11) “**based in the Republic of the Marshall Islands**” means using land-based facilities in the Republic of the Marshall Islands to support fishing, including location of the home port of a vessel in the Republic of the Marshall Islands, landing or transhipping all fish harvested within the exclusive economic zone and/or operating under a joint venture arrangement in the Republic of the Marshall Islands, or under arrangements where the operator of a vessel is participating in shore based developments or is otherwise making a

substantial contribution to the development of the domestic tuna industry;

- (12) “**buy**” includes:
- (a) barter or attempt to barter;
 - (b) purchase or attempt to purchase;
 - (c) receive on account or consignment;
 - (d) purchase or barter for future goods or for any consideration of value;
 - (e) purchase or barter as an agent for another person, and “**buyer**” shall have a corresponding meaning;
- (13) “**citizen**” means a person who is a citizen or legal resident of the Republic of the Marshall Islands, and “**non-citizen**” shall have a corresponding meaning;
- (14) “**closed season**” means a period of time during which fishing is prohibited;
- (15) “**commercial fishing**” means any fishing resulting or intending or appearing to result in selling or trading any fish which may be taken during the fishing operation, and does not include subsistence fishing.
- (16) “**commercial pilot fishing**” means any fishing for the purpose of testing the commercial viability of:
- (a) new fishing methods;
 - (b) developing new stocks of fish: or
 - (c) fishing in previously unexploited areas;
- (16A) “**competent Authority**” means the Authority exercising the functions in accordance with Section 119(1)(g) of this Title;
- (17) “**Court**” means the High Court of the Republic of the Marshall Islands, (18) “**Director**” means the Director of the Marshall Islands Marine Resources Authority;
- (19) “**domestic based fishing**” means any fishing by foreign fishing vessels based in the Republic of the Marshall Islands, but not including commercial pilot fishing;
- (20) “**domestic based fishing vessel**” means any fishing vessel based in the Republic of the Marshall Islands;

- (21) **“domestic fishing”** means any commercial fishing by a local fishing vessel, but not including commercial pilot fishing;
- (22) **“drift-net”** means a gill-net or other net or arrangement of nets which is more than 2.5 kilometers (1.56 miles) in length the purpose of which is to enmesh, entrap or entangle fish, (23) **“drift-net fishing activities”** includes fishing with the use of a drift-net and any related activities including transporting, transshipping and processing any fish caught with the use of a drift-net, and the provisioning of food, fuel and other supplies for vessels used or outfitted for drift-net fishing;
- (24) **“exclusive economic zone”** means the exclusive economic zone as defined in the *Marine Zones (Declaration) Act 1984*;
- (25) **“export”** means to:
 - (a) send or take out of the country;
 - (b) attempt to send or take out of the country;
 - (c) receive on account or consignment for purposes of (a) or (b);
 - (d) act as an agent for another person for purposes of (a) - (c);
 - (e) carry or transport anything for purposes of (a) - (d), (f) to send to another country after transshipment at sea port; and **“exporter”** shall have a corresponding meaning;
- (26) **“fish”** means any means any aquatic plant or animal, whether piscine or not, and included any oyster or other mollusk, crustacean, coral, sponge, holthurian (bech-de-mer), or other echinoderm, turtle and marine mammal, and includes their eggs, spawn, spat and all juveniles stages and any of their parts;
- (27) **“fish aggregating device”** means any man-made or partly man-made floating or semi-submerged device, whether anchored or not, intended for the purpose of aggregating fish, and includes any natural floating object on which a device has been placed to facilitate its location;
- (28) **“fish processing”** means the producing of any substance or article from fish by any method and includes the cutting up, dismembering, cleaning, sorting, loining, freezing, canning, salting, preserving and reduction of fish;

- (28A) **“fish processing establishment”** means any place where fish are cut up, dismembered, cleaned, sorted, loined, canned, dried, gutted, salted, iced, chilled, frozen or otherwise preserved or processed for sale;
- (28B) **“fish product”** means any product in which fish is an ingredient or component;
- (29) **“fisheries management agreement”** means any agreement, arrangement or treaty in force to which the Republic of the Marshall Islands is party which has as its purpose cooperation in or coordination of fisheries management measures in all or part of the region, or implementation of a multilateral access agreement, including but not limited to fisheries monitoring, control and surveillance and establishing criteria or requirements for fishing and fisheries access but which does not include any access agreement;
- (30) **“fishery”** or **“fisheries”** means one or more stock of fish or any fishing operation based on such stocks which can be treated as a unit for purposes of conservation and management, taking into account geographical, scientific, technical, recreational, economic and other relevant characteristics;
- (31) **“Fishery Waters”** means the exclusive economic zone, the territorial sea and internal waters, including lagoons, as described in the Marine Zones (Declaration) Act, 1984, and any other waters within the jurisdiction of the Republic of the Marshall Islands;
- (32) **“fishing”** means:
- (a) the actual or attempted searching for, catching, taking or harvesting of fish;
 - (b) any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
 - (c) the placing, searching for or recovering of any fish aggregating device or associated electronic equipment such as radio beacons;
 - (d) any operation at sea directly in support of or in preparation for any activity described in this paragraph except for operations defined as related activities in Subsection (50) of this Section;

- (e) the use of an aircraft in relation to any activity described in this paragraph except for flights in emergencies involving the health or safety of crew members or the safety of a vessel;
- (33) **“fishing gear”** means any equipment, implement, or other thing that can be used in the act of fishing, including any fishing net, rope, line, float, trap, hook, winch, boat, beacon or locating device, aircraft or helicopter.
- (34) **“fishing trip”** covers the time a vessel enters the Fishery Waters to begin fishing until such time as any fish which have been taken are offloaded;
- (35) **“fishing vessel”** means any vessel, boat, ship or other craft which is used for, equipped to be used for or of a type that is normally used for fishing;
- (36) **“foreign fishing”** means any fishing not defined as domestic fishing or domestic based fishing, and not including commercial pilot fishing;
- (37) **“foreign fishing vessel”** means any fishing vessel other than a local fishing vessel or a domestic based fishing vessel;
- (38) **“foreign party”** means a party to an access agreement other than the Authority;
- (39) **“foreign recreational fishing”** means fishing using a foreign fishing vessel for recreational or sport purposes;
- (40) **“Fund”** means the Marshall Islands Marine Resources Authority Fund established in accordance with this Title;
- (41) **“Government”** means the government of the Republic of the Marshall Islands;
- (41A) **“Historic preservation site”** has the same meaning as in the Historic Preservation Act, 1991;
- (42) **“island”** means a naturally formed area of land surrounded by water, which is above water at high tide;
- (42A) **“Illegal fishing”** means fishing activities: (a) conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations; or (b) conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization

but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law, or (c) in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization;

- (42B) **“International conservation and management measures”** means a measure to conserve and manage one or more species of living marine resources that is adopted and applied, in accordance with the relevant rules of international law;
- (43) **“license”** means any license issued in accordance with this Title;
- (44) **“local fishing vessel”** means any fishing vessel registered in the Republic of the Marshall Islands and wholly owned and controlled by:
- (a) the Government of the Republic of the Marshall Islands, or any agency thereof;
 - (b) one or more natural persons who are citizens and permanently domiciled in the Republic of the Marshall Islands;
 - (c) any corporation, company, society, or other association of persons incorporated or established under the laws of the Republic of the Marshall Islands and which is wholly owned and controlled by one or more of the entities or persons described in paragraphs (a) or (b) of this Subsection;
 - (d) any combination of persons or entities described in paragraphs (a) through (c) of this Subsection; and shall exclude any fishing vessel which may be so owned and controlled which does not have a genuine and effective link with the Republic of the Marshall Islands, including where it is not based in the Republic of the Marshall Islands, and where a substantial portion of its financial and economic profits and other benefits arising from its operations in the Fishery Waters do not directly benefit the owners or the economy of the Republic of the Marshall Islands;
- (44A) **“Marshall Islands Record of Fishing Vessels”** means the record established under Section 503 of this Title;

- (45) “**master**”, in relation to any fishing vessel, means the person in charge or apparently in charge of that vessel;
- (46) “**Minister**” means the Minister of Resources and Development;
- (46A) “**Mobile Transceiver Unit**” means a device approved by the Authority and placed on a fishing vessel that transmits, either in conjunction with another device or devices or independently, information concerning the position, fishing and such other activities of the vessel as may be required;
- (47) “**multilateral access agreement**” means an access agreement between a foreign party and one or more States in the region, to which the Republic of the Marshall Islands is party;
- (48) “**officer**” means any authorized officer or national police officer, and includes any officer of a vessel or aircraft used for the enforcement of this Title in accordance with its provisions, whether or not such officer is an official of the Government or whether or not such vessel or aircraft is registered in the Republic of the Marshall Islands;
- (49) “**operator**” means any person who is in charge of or directs or controls a fishing vessel, or fishing processing establishment or for whose direct economic or financial benefit a vessel or establishment is being used, including the master, owner, manager and charterer;
- (50) “**owner**” in relation to a fishing vessel or a fish processing establishment means any person exercising or discharging or claiming the right or accepting the obligation to exercise or discharge any of the powers or duties of an owner whether on his own behalf or on behalf of another and includes a person who is the owner jointly with any other person or persons and any manager, director or secretary of any body, corporate or company;
- (51) “**person**” means any natural person or business enterprise and includes but is not limited to a corporation. Partnership, cooperative, association, the government of the Republic of the Marshall Islands, or any subdivision or agency thereof, and any foreign government, subdivision or agency of such government or other entity;
- (52) “**recreational fishing**” means non commercial fishing for leisure or relaxation and may include sport fishing;
- (53) “**region**” means that area of land and ocean which falls substantially within the jurisdiction and sovereign rights of the member countries

of the South Pacific Forum Fisheries Agency, whose headquarters are located in Honiara, Solomon Islands, and includes high seas areas within such area, and for the purposes of, inter alia, fisheries management and data collection also means that area of the Western and Central Pacific Ocean which falls within the jurisdiction and sovereign rights of the member countries of the South Pacific Commission located in Noumea, New Caledonia, and “**regional**” shall have a corresponding meaning;

- (54) “**regional access license**” means a regional access license issued to any fishing vessel of a Party to a multilateral access agreement or fisheries management agreement, in accordance with such agreement;
- (55) “**regulation**” or “**regulations**” means any regulation which may be promulgated by the Authority pursuant to this Title;
- (56) “**related activities**” in relation to fishing means:
 - (a) transshipment;
 - (b) refueling or supplying fishing boats selling or supplying fishing equipment or performing either activity in support of fishing;
 - (c) on-shore storing, buying or processing fish or fish products from the time they are first landed;
 - (d) attempting or preparing to do any of the above;
- (57) “**sell**” includes exchanging any fish or fish product or other thing for cash or for anything which has value or which can be exchanged for cash, and bartering;
- (58) “**sport fishing**” means the use or hiring out of a fishing vessel or services thereof for recreational fishing purposes, but does not include commercial fishing;
- (59) “**stock of fish**” means a species, subspecies or other category of fish identified on the basis of geographical, scientific, technical, recreational and economic characteristics which can be treated as a unit for purposes of conservation and management;
- (60) “**subsistence fishing**” means fishing by a citizen substantially for personal consumption, and does not include any fishing resulting or intending or appearing to result, directly or indirectly, in selling or

trading for profit any fish which may be taken during the fishing operations;

- (61) **“transshipment”** means the transfer of any or all fish or fish products to or from any fishing vessel for the purposes of transporting such fish or fish products elsewhere, and **“transship”** shall have a corresponding meaning;
- (62) **“transponder”** means any device or machine placed on a fishing or other vessel, which is designed to transmit, whether in conjunction with other machine or machines elsewhere or not, information or data concerning the position, fishing and other activities of the vessel as may be required, and shall include any automatic location communicator;
- (63) **“United Nations Agreement”** means the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1992 Relating to the Conservation and Management of Straddling Fish Stocks and highly Migratory Fish Stocks;
- (64) **“United Nations Convention”** means the United Nations Convention on the Law of the Sea, 1982;
- (64A) **“unregulated fishing”** means fishing activities (a) in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or (b) in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law;
- (64B) **“unreported fishing”** means fishing activities which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws, and regulations, or undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported in contravention of the reporting procedures of that organization;

- (65) “**vehicle**” means any car, truck, van, bus, trailer or other powered land conveyance;
- (66) “**vessel**” means any boat, ship, canoe or other water going craft
- (66A) “**vessel monitoring system information**” means all data and information generated, obtained or collected in respect to the operation of the vessel monitoring system as required under this Title. [P.L. 1997-60, §2.][new definitions inserted by P.L.2011-63]

§103-110. Reserved.

PART II- MARSHALL ISLANDS MARINE RESOURCES AUTHORITY

§111. Marshall Islands Marine Resources Authority.

- (1) There is established a Marshall Islands Marine Resources Authority (“the Authority”).
- (2) The Authority shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its own name.
- (3) Article VII of the Constitution shall not apply to or in relation to the Authority. [P.L. 1997-60, §3.]

§112. Management of the Authority.

The powers and functions of the Authority shall be vested in and exercised by a Board of Directors (“the Board”), which shall consist of seven members. [P.L. 1997-60, §4.][Number of Board members increased to 7 by P.L. 2001-22, §2.]

§113. Board of Directors.

- (1) The Board shall consist of the following members:
 - (a) three members, consisting of the Minister of Resources and Development, the Secretary of Foreign Affairs and the Attorney-General;
 - (b) four other members appointed by the President, who have knowledge of and experience in the fisheries sector of the Republic of the Marshall Islands;

- (c) the Director, who shall be a member ex officio and shall serve as the Secretary of the Board.
- (2) The Chairman shall be elected by the Board for a term of two years. The Authority shall meet at such time and place as may be designated by the Chairman or by the Authority. The Authority shall adopt its own rules of procedure and regulations by majority vote.
- (3) The term of office of the members appointed under Subsection (1)(b) shall be two years.
- (4) Upon the expiration of the term of an appointed member, his or her rights and powers of membership shall lapse and the Director shall declare the vacancy and notify the President in writing of such vacancy. Vacancies occurring before the expiration of a member's term shall be filled in the same manner as the original appointment for the remainder of the term of office of the vacancy
- (5) The Board may act notwithstanding any vacancy in membership, provided that there is a quorum in accordance with this Title.
- (6) Notwithstanding the provisions of Subsection (3) of this Section, the President may, with the concurrence of Cabinet, remove any member appointed under Subsection 1(b) of this Section.
- (7) The Authority may delegate any of its powers to the Chairman or the Director. [P.L. 1997-60, §5.][subsection (1) (b) amended by P.L. 2001-22 increasing the number to four.]

§114. Cabinets policy direction to the Board.

The Cabinet may give to the Board in writing directions with respect to policy matters, and the Board shall give effect to such direction. [P.L. 1997-60, §6.]

§115. Meetings of the Board.

- (1) The Board shall meet at such times and places as may be designated by the Chairman, provided that the Board shall meet at least once every quarter.
- (2) The Board shall, by majority vote, adopt its own rules of procedure and regulations for transactions of business and for carrying out the purposes of this Title.
- (3) The quorum for a meeting of the Board shall be four members. [P.L. 1997-60, §7.][P.L. 2001-22 set quorum at four]

§116. Director and Staff.

- (1) Subject to any direction by Cabinet, the Authority shall employ a full-time Director of Marine Resources, possessing such qualifications as may be established by the Authority, who shall be in charge of and responsible for the management and administration of the Authority.
- (2) The Director may act for and on behalf of the Authority subject to any direction the Board may give.
- (3) The Authority may employ up to two Deputy Directors, who shall be appointed taking into account the recommendation of the Director.
- (4) Except as provided in Subsection (3), the Authority may delegate to the Director the power to employ such other employees, consultants and advisers as he or she may deem necessary. Any employee, consultant or adviser employed under this Section shall be exempt from Article VII of the Constitution. [P.L. 1997-60, §8.]

§117. Employment of public servants.

At the request of the Authority, the Public Service Commission may make the services of members of the Public Service available to the Authority on such terms and conditions as the Commission may determine. [P.L. 1997-60, §9.]

§118. Annual Report.

The Minister shall report to the Nitijela on the Authority's activities and planned programs on an annual basis, and may provide additional reports and information from time to time. [P.L. 1997-60, §10.]

§119. Powers and Functions of the Authority.

- (1) Unless otherwise provided in this Title, the Authority shall have the exclusive powers and functions to:
 - (a) conserve, manage and sustainably develop all resources in the Fishery Waters and seabed and subsoil thereunder, in accordance with the principles and provisions in this Title and in sub-regional, regional and international instruments to which the Republic of the Marshall Islands is party;
 - (b) establish management plans and programs to manage the resources in the Fishery Waters;

- (c) issue licenses in accordance with this Title;
- (d) issue licenses for the exploration and exploitation of the seabed and subsoil of the Fishery Waters;
- (e) negotiate and conclude access agreements and fisheries management agreements on behalf of the Government in accordance with Article V, Section 1(d) of the Constitution and Part I of Chapter 4 of this Title;
- (f) implement by regulation or otherwise as appropriate access agreements or fisheries management agreements to which the Republic of the Marshall Islands is party;
- (g) act as the Competent Authority for the purpose of implementing the international fisheries and related obligations of the Marshall Islands;
- (h) coordinate and manage fisheries monitoring, control and surveillance and, in consultation with the Attorney-General, enforcement of this Title;
- (i) appoint authorized officers and observers in accordance with this Title;
- (j) cooperate in the conservation and management of highly migratory fish stocks as appropriate with other coastal States in the region and States fishing in the region and high seas area and participate in appropriate sub-regional, regional and international organizations or arrangements relating to fisheries;
- (k) participate in the planning and execution of projects, programs or other activities related to fisheries or fishing, or the exploration or exploitation of the nonliving resources of the Fishery Waters, seabed or subsoil thereunder, in which the Government or any agency or instrumentality that has a proprietary interest, direct or indirect, by way of stock ownership, partnership, joint venture or otherwise;
- (l) regulate the processing, marketing and export of fish and fish products;
- (m) seek technical assistance for the determination of the Fishery Waters zones and boundaries;

- (n) submit the budget and a report regarding the expenditure of its funds to the Nitijela on an annual basis, (o) perform such other duties and functions as may be necessary to carry out the purposes and provisions of this Title.
- (2) The Authority shall, in exercising its powers and functions, cooperate with other agencies of the Government with competence, given under authority of law, in any related area. [P.L. 1997-60, §11.][amended by P.L.2011-63]

§119A. Giving effect to international conservation and Management measures and international agreements.

The Authority may, for the purpose of giving effect to decisions of a regional fisheries management organization or arrangement to which the Marshall Islands is a member, make such regulations or attach such conditions to a permit, license or authorization to fish as the Authority may consider necessary or expedient for this purpose. [new section inserted by P.L.2011-63].

§120. Power to make regulations and standards.

- (1) Subject to the provisions of this Title, the Authority may make regulations and standards to carry out the purposes and provisions of this Title, and in particular but without restricting the generality of the foregoing, may adopt regulations in relation to:
 - (a) the conservation, management and sustainable development of fish in the Fishery Waters, including but without restricting the generality of the foregoing the catching, loading, landing, handling, transporting, possession, inspection, disposal and export of fish;
 - (b) related activities in the Fishery Waters;
 - (c) the operation of fishing vessels or any other vessel which may enter the Fishery Waters for any purpose which falls within this Title;
 - (d) the use and protection of fishing gear and equipment, including fish aggregating devices and artificial reefs;
 - (e) licensing for fishing, fish processing establishments and other activities falling within this Title;
 - (f) pollution or the environmental quality of the Fishery Waters;

- (g) fisheries monitoring, control and surveillance;
 - (h) prescribing the powers and duties of persons engaged in the administration or enforcement of this Title and providing for the carrying out of those powers and duties;
 - (i) compliance by citizens and fishing vessels of the Republic of the Marshall Islands which engage in fishing outside the Fishery Waters with applicable laws of other States or regional fisheries management organizations or arrangements, and applicable access agreements or fisheries management agreements;
 - (j) the processing of fish and fish products;
 - (k) the export of fish and fish products; and
 - (l) prescribing any other matter to carry out the purposes and provisions of this Title.
- (2) In promulgating regulations, the Authority shall comply, *mutatis mutandis*, with the procedures the Cabinet is required to take in promulgating regulations under the *Administrative Procedures Act, 1994*.
- (3) Any regulation promulgated by the Authority in accordance with this Title shall have the full force and effect of law and shall form an integral part of this Title. [P.L. 1997-60, §12.][amended by P.L.2011-63].

§121. Compensation.

- (1) Members of the Board shall be compensated at such rate as may be set by decision of the Authority when actually on the business of the Authority.
- (2) All members of the Board shall receive per diem and travel expenses at established Government rates while on the business of the Authority.
- (3) The Director shall receive a remuneration for his or her services, the amount of which shall be fixed by the Authority.
- (4) The Director shall be appointed by the Authority. [P.L. 1997-60, §13.]

§122. Finance: Marshall Islands Marine Resources Authority Fund.

- (1) There shall be established a Marshall Islands Marine Resources Authority Fund.
- (2) The Fund shall be a fund other than the General Fund within the meaning and for the purposes of Article VIII, Section 3 of the Constitution. [P.L. 1997-60, §14.]

§123. Payments into the Fund.

- (1) There shall be deposited into the Fund:
 - (a) all monies appropriated by the Nitijela for the purposes of the Authority;
 - (b) all monies designated by the Compact for fisheries or related activities, including monitoring, control and surveillance;
 - (c) all monies received by the Authority by way of loans, grants, aid, advances, contributions, gifts or other assistance;
 - (d) all payments for fisheries access;
 - (e) in the case of goods and services received under any access agreement, all monies realized on such goods and services;
 - (f) all civil and criminal fines and administrative penalties and proceeds of forfeitures or settlements collected by the Government pursuant to violations of or offenses committed against this Title;
 - (g) the proceeds of sale of fish seized and forfeited pursuant to violations of or offenses against this Title;
 - (h) such other monies as may be generated or otherwise received by the Authority pursuant to this Title.
- (2) The Secretary of Finance shall keep within a separate account all monies referred to in Subsection 1(b) of this Section. [P.L. 1997-60, §15.]

§124. Payments out of the Fund.

- (1) Payment may be made out of the Fund only for:
 - (a) carrying Out the powers and functions of the Authority, and in particular but not to restrict the generality of the foregoing;
 - (i) fisheries monitoring, control and surveillance:

- (ii) training;
 - (iii) research;
 - (iv) fisheries development;
 - (v) such other activities as the Director may designate in accordance with this Title;
 - (b) the costs and expenses of the Authority, including administration;
 - (c) where an individual provides the necessary information leading to a civil or criminal fine or forfeiture against a commercial fishing vessel pursuant to this Title, such individual or individuals shall receive, or where more than one individual is involved, share, five percent of the amount of the fine or \$2,000 whichever is lesser, and the necessary information required for such reward and the procedures for disbursement shall be provided for by rules and regulations promulgated by the Authority;
 - (d) the purposes of working capital and petty cash, and other related purposes;
 - (e) giving effect to the provisions of this Title and any regulations made under this Title.
- (2) The Fund shall be administered by the Director and such Board member as the Board may designate in accordance with:
- (a) financial regulations which may be adopted by the Authority; and
 - (b) a budget approved on an annual basis by the Secretary of Finance.
- (3) In addition to Subsection (1) above, the Board shall, where required, to transfer to the RMI General Fund, such amount(s) as may be appropriated by the Nitijela for expenditures under the General Fund;
- (4) Furthermore, the Board may, at any time during the fiscal year where the Nitijela is not then in session, and at the request of Cabinet, approve the transfer to the General Fund of any surplus funds from the MIMRA Fund to meet a Cabinet request.

- (5) In considering any such requests from Cabinet, the Board shall have regard to ability of the Authority to continue to discharge its functions efficiently, and as such, may only approve the transfer of funds considered 'surplus,' to meet the requirements of a Cabinet request. To this end, the Minister of Finance and the Board may hold consultations to determine the available level of funding. Surplus funds transferred to the RMI General Fund in this manner shall be considered unanticipated revenue in accordance with Article VIII of the Constitution, and may be apportioned by Cabinet among the different program areas in the RMI General Fund;
- (6) 'Surplus' funds as used in Subsection (4) above refers to funds then available in the MIMRA Fund and Accounts, in excess of the funds approved by the Board each year for the annual budget of the Authority, generated from fisheries licenses, the Vessel Day Scheme, any joint ventures between the Authority and any fishing operator.
- (7) Fundings provided by:
 - (a) donors to assist the Authority in its operations, or to administer certain projects, and placed in the MIMRA Fund and Accounts, or in special accounts in any banking institutions in the Republic under the management of the Authority;
 - (b) Community Based Development Fund;
 - (c) Observers Fund; and
 - (d) Enforcement Fund
- (8) The provisions of subsection (3), (4), (5) and (6) above shall take effect retrospectively, from January 1, 2016.
- (9) The Director shall make quarterly financial reports to the Board.
[P.L. 1997-60, §16.][subsection 3,4,5,6,7 and 8 inserted by P.L 2016-23.]

§125. Taxation.

- (1) Except as set out under subsection (2) herein, the income, property and transactions of the Authority shall not be subject to any tax, rates or charges imposed under any other law.
- (2) All goods imported by the Authority are subject to tax under the Import Duties Act, 1989. [P.L. 1997-60, §17.][Amended by P.L. 2006-64, repealing the exemption].

§126. Restrictions on borrowing.

Where any money is borrowed or any advance, grant, aid or other assistance is received for a specific purpose or subject to any condition, it shall be expended or used only for that purpose or subject to those conditions. [P.L. 1997-60, §18.]

§127. Accounts.

- (1) The Director shall maintain proper accounts and records of:
 - (a) the Fund; and
 - (b) the disposition of monies paid into or out of the Fund.
- (2) The accounts and records of the Fund shall be audited annually by such auditor as the Authority shall appoint. [P.L. 1997-60, §19.]

§128-140. Reserved.**PART III - GENERAL****§141. Immunities.**

No civil or criminal action shall lie against any member of the Board, the Director, any employee of the Authority, any authorized officer or authorized observer or any other person appointed pursuant to this Title with respect to anything done or omitted to be done by him or her in pursuance or intended pursuance of the powers or functions conferred on him or her by or under this Title, whether on the ground of want of jurisdiction, mistake of law or fact, or on any other ground, unless he or she has acted, or omitted to act, in bad faith without reasonable cause. [P.L. 1997-60, §121.]

§142. Severability.

If any provision of this Title or amendments or additions thereto, or the application thereof to any person, thing or circumstance is held invalid, the invalidity does not affect the provisions, application, amendments or additions that can be given effect without the invalid provisions or application, and to this end the provisions of this Title and the amendments or additions thereto are severable. [P.L. 1997 -60, §122.]

§143. Exclusion of Administrative Procedures Act.

The provisions of the *Marshall Islands Administrative Procedures Act 1979* shall not apply to this Title or to any actions taken or required to be taken under this Title. [P.L. 1997-60, §123.]

§144. Repeals.

The following Acts are repealed in their entirety:

- (a) The *Marshall Islands Marine Resources Authority Act 1988*;
- (b) The *Marine Resources (Trochus) Act 1983*;
- (c) The *Marshall Islands Marine Resources Act 1966*. [P.L. 1997-60, §124.]

§145. Transitional.

- (1) All assets, liabilities, rights and obligations of the Marshall islands Marine Resources Authority established under the Marshall Islands Marine Resources Authority Act.