

**TITLE 43 - FOREIGN AFFAIRS, CITIZENSHIP AND IMMIGRATION
CHAPTER 11 - RIGHT OF FIRST REFUSAL (GRANTING & FACILITATION)
ACT, 2023**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**RIGHT OF FIRST REFUSAL (GRANTING &
FACILITATION) ACT, 2023**

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**RIGHT OF FIRST REFUSAL (GRANTING &
FACILITATION) ACT, 2023**

AN ACT to grant the Right of First Refusal of the Government of the Republic of the Marshall Islands with the Government of the United States of America to Kwajalein Atoll Local Government (KALGOV), and Kwajalein Atoll Development Authority (KADA) for the purchase of equipment, materials or other moveable properties decommissioned or disposed by the USA Army Garrison-Kwajalein Atoll (USAG-KA).

Commencement:

April 10, 2023

Source:

P.L. 2023-66

§101. Short title.

This Act may be cited as the Right of First Refusal (Granting & Facilitation) Act, 2023.

§102. Purpose.

- (a) The purpose of this Act is to grant the RMI Government's authority to the Right of First Refusal between the United States Government to the Kwajalein Atoll Local Government (KALGOV) and the Kwajalein Atoll Development Authority (KADA) for the purchase of any equipment, materials or other moveable properties decommission or disposed by the USA Army Garrison – Kwajalein Atoll (USAG-KA) pursuant to the Status of Forces Agreement Concluded Pursuant to

Section 323 of the Compact of the Compact of Free Association between the two Governments.

- (b) The Kwajalein Atoll Local Government (KALGOV) and the Kwajalein Atoll Development Authority (KADA) shall exercise the Right of First Refusal pursuant to this Act for the purchase of equipment, materials or other moveable properties decommission or disposed by the USA Army Garrison – Kwajalein Atoll (USAG-KA)

§103. Definition.

- (a) “Agreement” means the Status of Forces Agreement Concluded Pursuant to Section 323 of the Compact of the Compact of Free Association between the Government of the United States and Government of the Republic of the Marshall Islands, or hereinafter referred to as “SOFA”;
- (b) “Right of First Refusal” or “ROFR” means agreement which gives priority to the RMI Government the ROFR first offer of access and purchase of equipment, materials or other moveable properties decommission or disposed by the USA Army Garrison – Kwajalein Atoll (USAG-KA).

§104. Right of First Refusal: Granting & Facilitation

- (1) The Government of the Republic of the Marshall Islands hereby grants its Right of First Refusal, pursuant to Article XI of the SOFA, to the Kwajalein Atoll Local Government (KALGOV) and the Kwajalein Atoll Development Authority (KADA).
- (2) Pursuant to Subsection 1 of this Section, Kwajalein Atoll Local Government (KALGOV) and Kwajalein Atoll Development Authority (KADA) shall exercise the option of Right of First Refusal to access and purchase any equipment, materials or other moveable properties decommissioned or disposed by the USA Army Garrison – Kwajalein Atoll (USAG-KA) at an agreed upon price, after the Government of the United States has fulfilled its statutory and regulatory responsibilities including first offering such equipment to other agencies of the Government of the United States.

- (3) Within twenty one (21) business days after USAGKA executes a bona fide contract of sale, USAGKA shall offer a ROFR to purchase equipment, materials or other moveable properties decommissioned or disposed by the USA Army Garrison – Kwajalein Atoll (USAG-KA) at an agreed upon price, to Kwajalein Atoll Local Government (KALGOV), and Kwajalein Atoll Development Authority (KADA).
- (4) The Kwajalein Atoll Development Authority (KADA) may promulgate regulation for the facilitation of the ROFR between Kwajalein Atoll (USAG-KA) at an agreed upon price, to Kwajalein Atoll Local Government (KALGOV), and Kwajalein Atoll Development Authority (KADA).

§105. Effective Date.

This Act shall take effect on the date of its certification in accordance with the Constitution and the Rules of Procedures for the Nitijela.