

**,NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
44TH CONSTITUTIONAL REGULAR SESSION, 2023**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

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

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Republic of the Marshall Islands  
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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).

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**BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**

**§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 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.

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**CERTIFICATE**

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**I hereby certify:**

1. That Nitijela Bill No: **86** was passed by the Nitijela of the Republic of the Marshall Islands on the **24<sup>th</sup>** day of **March** 2023; and
2. That I am satisfied that Nitijela Bill No: **86** 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 **10<sup>th</sup>** day of **April** 2023.



**Kenneth A. Kedi**

Speaker

Nitijela of the Marshall Islands

**Attest:**



**Morean S. Watak**

Clerk

Nitijela of the Marshall Islands