

1
2

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

3
4

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

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

5

Index

6

Section

Page

7

§101. Short title..... 3

8

§102. Purpose. 3

9

§103. Definition. 4

10

§104. Right of First Refusal: Granting & Facilitation..... 4

11

§103. Effective Date. 5

12

NB No. 86

1 **NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**
2 **44TH CONSTITUTION REGULAR SESSION, 2023**

3 Republic of the Marshall Islands
4 *Jepilpilin Ke Ejukaan*

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

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

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

12 **§101. Short title.**

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

15 **§102. Purpose.**

16 (a) The purpose of this Act is to grant the RMI Government’s authority
17 to Right of First Refusal between the United States Government to the
18 Kwajalein Atoll Local Government (KALGOV) and the Kwajalein
19 Atoll Development Authority (KADA) for the purchase of any
20 equipment, materials or other moveable properties decommission or
21 disposed by the USA Army Garrison – Kwajalein Atoll (USAG-KA)
22 pursuant to the Status of Forces Agreement Concluded Pursuant to
23 Section 323 of the Compact of the Compact of Free Association
24 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 it's 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

1 equipment, materials or other moveable properties decommissioned
2 or disposed by the USA Army Garrison – Kwajalein Atoll (USAG-
3 KA) at an agreed upon price, to Kwajalein Atoll Local Government
4 (KALGOV), and Kwajalein Atoll Development Authority (KADA).

5 (4) The Kwajalein Atoll Development Authority (KADA) may
6 promulgate regulation for the facilitation of the ROFR between
7 Kwajalein Atoll (USAG-KA) at an agreed upon price, to Kwajalein
8 Atoll Local Government (KALGOV), and Kwajalein Atoll
9 Development Authority (KADA).

10 **§105. Effective Date.**

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

13
14
15
16
17
18

1 **NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**
2 **44TH CONSTITUTION REGULAR SESSION, 2023**

RIGHT OF FIRST REFUSAL (GRANTING &
 FACILITATION) ACT 2023

3 **BILL SUMMARY**

4 This Bill proposes to grant the RMI Government’s authority to Right of First Refusal
5 between the United States Government to Kwajalein Atoll Local Government
6 (KALGOV) and the Kwajalein Atoll Development Authority (KADA) for the
7 purchase of any equipment, materials or other moveable properties
8 decommissioned or disposed by the USA Army Garrison – Kwajalein Atoll (USAG-
9 KA) pursuant to the Status of Forces Agreement Concluded Pursuant to Section 323
10 of the Compact of the Compact of Free Association between the two Governments.

11
12 Article XI of the Status of Forces Agreement Concluded Pursuant to Section 323 of
13 the Compact of the Compact of Free Association between the Government of the
14 United States and Government of the Republic of the Marshall Islands (“SOFA”)
15 provides to the Government of the Marshall Islands, the Right of First Refusal to
16 purchase equipment, materials or other moveable properties disposed by the USA
17 Army Garrison – Kwajalein Atoll (USAG-KA).

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

RIGHT OF FIRST REFUSAL (GRANTING &
FACILITATION) ACT 2023

SIGNATURES

DATE: _____ INTRODUCED BY Christopher I. Latta [Signature]
Print Name Signature

DATE: _____ INTRODUCED BY Michael Kabua [Signature]
Print Name Signature

DATE: _____ INTRODUCED BY David Kabua [Signature]
Print Name Signature

DATE: _____ INTRODUCED BY DAVID PANG [Signature]
Print Name Signature

DATE: _____ INTRODUCED BY _____
Print Name Signature