

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



Republic of the Marshall Islands
JepilpilinKeEjukaan

**RONGELAP ATOLL DEVELOPMENT AUTHORITY
(RADA) ACT 2023**

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1 NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
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3 Republic of the Marshall Islands
4 *JepilpilinKeEjukaan*

**RONGELAP ATOLL DEVELOPMENT AUTHORITY
(RADA) ACT 2023**

5 **A BILL FOR AN ACT** to create a new Chapter, Chapter 17 under MIRC to provide
6 for the administration of the Rongelap Atoll Development Authority and for related
7 matters.

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

9 **§1701. Short title.**

10 This Act may be cited as the Rongelap Atoll Development Authority
11 (RADA) Act 2023.

12 **§1702. Purpose.**

13 It is the intent of this legislation to create a vehicle by which the people of
14 Rongelap Atoll may themselves:

- 15 (a) develop and implement programs and projects for social,
16 economic and cultural betterment of the Rongelap Atoll;
- 17 (b) address the nuclear issues and other related issues affecting
18 Rongelap people; and
- 19 (c) address the special needs of the Rongelap Community at
20 Majuro Atoll and other Rongelap Communities within the
21 Marshall Islands and United States, with responsible and
22 appropriate review by the government of the Republic of the
23 Marshall Islands to ensure fiscal responsibility and consistency

1 with the development policies of the Government of the
2 Republic.

3 **§1703. RESERVED.**

4 **§1704. Interpretation.**

5 In this Chapter, unless the context otherwise requires:

- 6 (a) “**the Government**” means the Government of the Republic of
7 the Marshall Islands;
- 8 (b) “**the Authority or RADA**” means the Rongelap Atoll
9 Development Authority established under this Chapter;
- 10 (c) “**the Board**” means the Board established under Section 1707
11 of this Chapter;
- 12 (d) “**Government Agency**” means any corporation or statutory
13 body established by the Government for the purpose of
14 development generally or with respect to any particular
15 locality or subject;
- 16 (e) “**a member of the Board**” includes the chairman of the Board;
17 and

18 **§1705. Application of Article VII of the Constitution.**

19 Article VII of the Constitution shall not apply or relate to the Authority, its
20 Board or employees.

21 **PART II - CONSTITUTION, ORGANIZATION AND**
22 **MANAGEMENT**

23 **§1706. Constitution of the Authority.**

- 24 (1) There is hereby established the Rongelap Atoll Development
25 Authority (“the Authority”).
- 26 (2) The Authority:
- 27 (a) is a body corporate with perpetual succession;
- 28 (b) shall have a common seal;
- 29 (c) may acquire, hold, charge, and dispose of property; and

- 1 (d) may sue and be sued in its corporate name.
- 2 (3) Common Seal:
- 3 (a) all courts, judges and persons acting judicially shall take
- 4 judicial notice of the common seal of the Authority affixed to
- 5 any document and shall presume that it was duly affixed;
- 6 (b) the common seal of the Authority shall be in the custody of the
- 7 Authority;
- 8 (c) the common seal of the Authority may only be altered in such
- 9 a manner as may be determined by the Authority;
- 10 (d) the common seal of the Authority shall not be affixed to any
- 11 document except in the presence of (i) the Chairman of the
- 12 Board, or (ii) a member of the Board or an officer of the
- 13 Authority authorized by the Board to act on behalf of the
- 14 Chairman.
- 15 (4) The provisions of the Associations Law, Title 52 MIRC, shall not
- 16 apply or relate to the Authority.

17 **§1707. Organization and Management.**

- 18 (1) The powers and duties of the Authority are hereby vested in and
- 19 shall be exercised by the Board.
- 20 The Board shall consist of Nine (9) members nominated and
- 21 appointed as follows:
- 22 (a) Rongelap Atoll representative in the Nitijela or his designee;
- 23 (b) Two (2) Irojlaplap of Rongelap Atoll or their designees;
- 24 (c) Two (2) Alaps of Rongelap Atoll nominated by the Irojjs
- 25 and appointed by Rongelap Atoll representative to the Nitijela;
- 26 (d) One (1) council member of the Rongelap Atoll Local
- 27 Government, nominated by the Mayor and appointed by the
- 28 Rongelap Atoll representative to the Nitijela;
- 29 (e) One (1) community representative, nominated by Rongelap
- 30 representative to the Nitijela and appointed by the President;
- 31 (f) Executive Director of RADA pursuant to Section 1715(1)(a),
- 32 sitting as ex officio; and
- 33 (g) Chief Secretary or his designee, sitting as an ex officio.

- 1 (2) Meetings of the Board shall be held at such times and at such places
2 as may be designated by the Board.
- 3 (3) Every member of the Board shall, subject to Section 1709, hold office
4 for a term of four (4) years and shall, unless removed from office, be
5 eligible for re-appointment.
- 6 (4) The President shall appoint the initial Chairman of the Board, and
7 thereafter shall be appointed in accordance with the Bylaws.

8 **§1708. Compensation.**

- 9 (1) Any member of the Board, other than a member appointed under
10 Sections 1707(1)(a)(d)(f) and (g) of this Chapter, or a member who
11 otherwise holds a salaried Government office, shall be entitled to
12 receive such compensation for his services as the Board may
13 determine.
- 14 (2) Any member of the board shall be entitled to receive per diem and
15 travel expenses and other expenses at such rates and upon such
16 terms and conditions as may be determined by the Board;
- 17 (3) The duly elected and acting Chairman of the Board shall be paid an
18 annual salary in an amount to be determined by the Board; provided,
19 however, that the exceptions of Subsection (1) of this Section shall
20 apply, as determined by the Board.

21 **§1709. Vacation of office.**

- 22 (1) A member of the Board vacates his office:
23 (a) upon death;
24 (b) by submitting a letter of resignation as provided for in
25 Subsection (2) of this Section;
26 (c) by ceasing to hold that elective office which was basis for his
27 appointment; or
28 (d) by being removed from office as provided for in Subsection (3)
29 of this Section.
- 30 (2) A resignation under Subsection 1(b) of this Section shall take effect
31 when it is received by the Board Chairman or on such later date as
32 may be agreed by the Board Chairman and the member concerned.

1 A resignation by the Board Chairman shall take effect when it is
2 received by the President.

- 3
- 4 (3) The Board may, for cause, remove any member of the Board from
5 office; provided, however, that in the event good cause exists, and the
6 Board fails to take appropriate action, the President shall remove
7 such member. The Board, or President, in the event the Board does
8 not take appropriate action, may suspend any member of the Board
9 from office pending a decision for removal as provided herein above.
- 10 (4) In the event the vacation of office be any member, the President may
11 in accordance with Section 1707(1) of this Section, appoint another
12 person in his place. Any person appointed in place of such member
13 shall hold office during the period of the unexpired term of the
14 member who he succeeds.
- 15 (5) If any member of the Board is temporarily unable to discharge the
16 duties of his office on account of ill-health or absence from the
17 country, or any other cause, the President, may appoint another
18 person to act in his place.
- 19 (6) No act or proceeding of the Board shall be invalid by reason only of
20 the existence of any vacancy among its members of any irregularity
21 in the nomination or appointment of a member thereof.

22 **§1710. Delegation by the Board.**

- 23 (1) The Board may by written instrument, delegate any of its powers and
24 functions except the power to make by-laws under Section 1714 of
25 this Chapter, to any person.
- 26 (2) A delegation under Subsection (1) of this Section may relate:
- 27 (a) to the whole or any part of the RADA specified in the
28 instrument of delegation; or
- 29 (b) to all activities conducted by the Authority or in which the
30 Authority is concerned, or to such of them as are specified in
31 the instrument of delegation.
- 32 (3) A delegation under Subsection (1) of this Section, may be made
33 subject to limitations and conditions.

- 1 (4) a delegation under this Section shall be revocable at will by written
2 instrument, and no such delegation shall prevent the exercise or
3 performance of any power or function by the Board.

4 **§1711. Procedures of the Board.**

5 Subject to this Chapter and the by-laws made under Section 1714 of this
6 Chapter, the Board shall determine its own procedures.

7 **§1712. Disclosure of, and disqualification for, interest.**

- 8 (1) If a member of the Board has any personal interest in the subject
9 matter of any question before a meeting of the Board:
10 (a) he shall disclose such interest at the meeting; and
11 (b) he shall not participate in the deliberations (except as directed
12 by the Board), or in the decision of the Board on the question.
13 (2) A disclosure under Subsection (1) of this Section shall be recorded in
14 the minutes.
15 (3) Unless the Chief Secretary or designee under Section 1707 (1)(g) for
16 cause otherwise directs, failure to comply with the requirements of
17 Subsection (1) or (2) of this Section shall not invalidate any act or
18 proceedings of the Board.

19 **§1713. Misconduct in public office.**

20 A failure to comply with Section 1712 of this Chapter shall be deemed to be
21 misconduct in public office within the meaning of 31 MIRC §146.

22 **§1714. By-laws.**

- 23 (1) Subject to this Chapter, the Board shall adopt by-laws to govern and
24 regulate the operations of the Authority and the Board.
25 (2) The by-laws shall provide for:
26 (a) the quorum at, and the conduct of, meetings of the Board;
27 (b) the appointment and duties of officers of the Board; and
28 (c) any other matters relating to the Board and the operations of
29 the Authority which the Board may deem appropriate.

§1715. Staff of the Authority.

- (1) The Authority:
 - (a) shall employ an executive officer who shall be a person with a sound knowledge and experience of commerce, industry, administration, business management or investment; and
 - (b) may employ such other employees, agents, consultants, attorneys, accountants, or advisers as may be necessary to carry out the purpose of the Authority.
- (2) persons referred to in Subsection (1) of this Section shall be employed on such terms and conditions as may be determined by the Board.

§1716. Application of bribery law.

Every member of the Board and employee of the Authority shall be subject to the provisions of 31 MIRC §240.1 with respect to any act in the performance of his duties under the Authority, and any such act shall be deemed to be an official act within the meaning of the aforementioned provisions of the Marshall Islands Revised Code herein referred to.

§1717. Immunity for official acts.

- (1) No suit or prosecution shall lie:
 - (a) against the Authority for any act which in good faith is done, or purported to be done, by the Authority under this Chapter, or any regulation made under this Chapter; or
 - (b) against any member of the Board, officer, servant, or agent of the Authority for any act which in good faith is done, or purported to be done, by him under this Chapter, or any regulations made under this Chapter, or on the direction of the Authority.
- (2) Any expenses incurred by the Authority in any suit or prosecution brought by or against the Authority before any court shall be paid out of the Fund (as defined in §1721 of this Chapter) of the Authority, and any costs paid to or recovered by the Authority in any such suit or prosecution shall be credited to the Fund (as defined in §1721 in this Chapter) of the Authority.

- 1 (3) Any expenses incurred by any such person as is referred in
2 Subsection 1(b) of this Section in any suit or prosecution brought
3 against him before any court in respect of any act which is done or
4 purported to be done by him under this Chapter, or any regulations
5 made under this Chapter, or in the direction of the Authority shall, if
6 the court holds that such act was done in good faith, be paid out of
7 the Fund (as defined in §1721 if this Chapter) of the Authority unless
8 such expenses are recovered by him in such or prosecution.
- 9 (4) No writ against person or property shall be issued against a member
10 of the Board in any action brought against the Authority.

11 PART III - POLICIES, POWERS, AND FUNDS OF THE AUTHORITY

12 §1718. Policies of the Authority.

13 Subject to this Chapter, the Authority shall be responsible for determining
14 its own policies for carrying out its functions; provided, however, that such
15 policies shall be in conformity with the development policies of the
16 Government.

- 17 (1) The primary functions of the Authority under this Chapter shall be:
- 18 (a) to investigate, study, develop, implement, and provide
19 assistance in financing of health, education, social, economic
20 and cultural development programs and projects for the
21 betterment of the people of Rongelap by itself or jointly with
22 other government or private organizations or agencies; and
- 23 (b) to develop and implement a comprehensive Rongelap Atoll
24 Development Plan to develop and improve the quality of life
25 for people of Rongelap where they reside.
- 26 (2) For the purposes stated in Subsection (1) of this Section, the
27 Authority shall encourage or develop, and may conduct or manage
28 activities of health, education, social, economic or cultural importance
29 of the people of Rongelap.
- 30 (3) In the conduct of any activity under Subsection (2) of this Section, the
31 Authority shall comply with sound business and accounting
32 practices. In the conduct of any activity authorized by this Chapter.

- 1 (4) The Authority shall also perform any other function as required by
2 law.

3 **§1720. Powers of Authority.**

- 4 (1) Subject to this and any other law, the Authority shall have any power
5 as are necessary or convenient for carrying out its purposes.
- 6 (2) Without prejudice to the generality of the powers conferred by
7 Subsection (1) of this Section, the Authority may:
- 8 (a) identify, promote, assist, or engage in any new or existing
9 economic development projects designated to increase the
10 economic and social welfare of the people of Rongelap;
- 11 (b) acquire by lease, sublease, easement, or as otherwise allowed
12 by the law, any improved or unimproved land or interest in
13 land, within the area where people of Rongelap reside or may
14 reside, for the purpose of development, conservation, or
15 rehabilitation;
- 16 (c) acquire by purchase, lease, sublease, easement, or otherwise
17 allowed by law, any improved or unimproved land or interest
18 in land situated within the Republic of the Marshall Islands
19 and outside the Republic of the Marshall Islands for
20 investment purposes;
- 21 (d) erect any building or structure required or property belonging
22 to or administered by the Authority;
- 23 (e) alter or reconstruct any building or property belonging to or
24 administered by the Authority;
- 25 (f) construct any residential buildings or commercial buildings on
26 land belonging people of Rongelap or administered by the
27 Authority;
- 28 (g) dispose of by sale, lease, sublease, or easement, any building
29 or interest therein;
- 30 (h) dispose of by lease, sublease, or easement any land or interest
31 therein;
- 32 (i) acquire by purchase, lease, or sublease any personal property
33 or license which the Authority considers necessary or
34 convenient for carrying out its purposes;

- 1 (j) dispose of by sale, or any other manner allowed by law, any
- 2 personal property or license of the Authority;
- 3 (k) borrow money and accept advances, contributions, gifts, or
- 4 other assistance in accordance with Section 1725 of this
- 5 Chapter;
- 6 (l) lend money, invest or reinvest its funds from time to time and
- 7 take and hold any property as security for the payment of
- 8 funds loaned or invested;
- 9 (m) insure or provide for the insurance of any property, project, or
- 10 operation against any or all risks;
- 11 (n) expend funds for the study and implementation of programs
- 12 or projects determined by the Authority in the area of health,
- 13 education, social, economic or cultural which will benefit the
- 14 people of Rongelap;
- 15 (o) appoint agents, attorneys or accountants in the Marshall
- 16 Islands or abroad; and
- 17 (p) make contracts and other instruments that the Board may
- 18 consider necessary or convenient for the exercises and
- 19 performance of the powers and duties of the Authority.

20 **PART IV - FINANCE**

21 **§1721. Rongelap Atoll Development Authority Fund.**

- 22 (1) There shall be established the Rongelap Atoll Development Authority
- 23 Fund (in this Chapter also referred to as “the Fund”).
- 24 (2) the Fund shall be a fund other than the Marshall Islands General
- 25 Fund as same is defined in Article VIII, Section 3 of the Constitution.
- 26 (3) the fund shall be held in any bank(s) or trust company as may be
- 27 determined by the Board from time to time.
- 28 (4) Notwithstanding anything to the contrary, there shall be paid into
- 29 the Fund:
- 30 (a) any money received by the Government under the Compact of
- 31 Free Association between the Government of the Republic of
- 32 the Marshall Islands and the Government of the United States
- 33 of America (“the Compact”);

- 1 (b) any money appropriated by the Nitijela for the purposes of the
2 Authority, either generally or relating to any particular
3 purposes;
- 4 (c) any money received by the Authority through loans, advances,
5 contributions, gifts, or assistance in accordance with this
6 Chapter; and
- 7 (d) any money received by the Authority as profits, dividends or
8 raised by the Authority through sale, mortgage, lease,
9 sublease, easement, or otherwise from any other source,
10 including repayment of loans and income from any business,
11 investment or other enterprise.
- 12 (5) The Authority shall separately account for each of the sources of
13 money referred to in Subsection (4) of this Section.

14 **§1722. Funds to be Paid Promptly.**

15 Funds received by the RMI under Section 1721, and any and all other
16 Compact Funds intended for RADA shall be promptly transferred by the
17 RMI, within 3 months or less.

18 **§1723. Payments out of the Fund.**

- 19 (1) Payments may be made out of the Fund for the following:
- 20 (a) to carry out the purposes of the Authority;
- 21 (b) to pay the costs of any expenses of the Authority;
- 22 (c) to provide working capital, petty cash, and similar
23 purposes; and
- 24 (d) to pay the costs of administering this Chapter and any other
25 Act that confers any power or duty on the Authority.
- 26 (2) No money shall be withdrawn from the fund except:
- 27 (a) in accordance with the law and duly adopted by-laws of the
28 Authority; and
- 29 (b) with the approval of the Board which shall satisfy itself that
30 the withdrawal is made in accordance with the law and the
31 duly adopted by-laws of the Authority.

1 **§1724. RESERVED.**

2 **§1725. Borrowing, etc.**

- 3 (1) With the approval of the Cabinet, and subject to such conditions and
 4 with such limits as the Cabinet may impose, and subject to
 5 Subsections (3) and (4) of this Section, the Authority may borrow
 6 money from the Government, a bank, or any other lending institution
 7 or individual necessary and convenient to carry out its purposes.
- 8 (2) Except as provided in Subsection (3) of this Section, the Authority
 9 may accept advances, grants, contributions, gifts, and other forms of
 10 financial assistance to carry out its purposes from any person or
 11 organization in the Marshall Islands and abroad.
- 12 (3) No money may be borrowed nor may any advance, grant,
 13 contribution, gift and other assistance be accepted by the Authority
 14 from the Government of the United States or any of its agencies, or
 15 from any other source outside the Marshall Islands, except with the
 16 consent of the Cabinet.
- 17 (4) where any money is borrowed or any advance, grant, contribution,
 18 gift, or assistance is received for a specific purpose, or subject to any
 19 conditions as to its use, it may be expended or used only for that
 20 purpose or subject to those conditions.

21 **§1726. Bank accounts.**

- 22 (1) The authority shall open an account, or accounts with a banking
 23 institution, which is a member of the United States Federal Deposit
 24 Insurance Corporation or the United States Federal Savings & Loan
 25 Insurance Corporation.
- 26 (2) Separate accounts shall be maintained for each of the following:
- 27 (a) each business, enterprise, project, investment or program in
 28 which the Authority is actively engaged; and
- 29 (b) any other function which the Authority may perform and
 30 which involves expenditures by the authority.

§1727. Accounts and records.

- (1) The Authority shall maintain proper accounts and records, in a form satisfactory to the Secretary of Finance, for the following:
 - (a) the Fund;
 - (b) the expenditures of money from the fund; and
 - (c) the property and financial transactions of the Authority.
- (2) The accounts which shall be submitted to the Nitijela by the Minister of Finance pursuant to Article VIII, Section 5(4), of the Constitution, shall include all accounts relating to the Authority.
- (3) The accounts and records referred to in Section 1726 of this Chapter and Subsection (1) of this Section shall be audited by the Auditor-General as provided for in Article VII, Section 15, of the Constitution.

§1728. Investment.

With the approval of the Board, money in the Fund, or withdrawn from the Fund in accordance with Section 1723(2) of this Chapter, and not immediately expended, may be invested as follows:

- (a) on deposits or on call with a bank or other financial institution as provided for in this Chapter; or
- (b) in any other manner authorized by the Constitution or law for investment of the Fund.

§1729. Reports.

- (1) The Board shall, as soon as practicable after each thirtieth day of June occurring after the commencement of this Chapter, prepare and furnish to the Cabinet a report on the operations of the Authority during the preceding year, together with financial statements for that year in such form as the Secretary of Finance approves.
- (2) The Authority shall also submit a copy of the report, referred to in Subsection (1) of this Section to the Auditor-General who shall report to the Cabinet as to:
 - (a) whether the statements are based on proper accounts and records;

- (b) whether the statements are in agreement with the accounts and records and show fairly the financial operations and state of the affairs of the Authority;
- (c) whether the receipts, expenditures, and investment of money, and the acquisition and disposal of assets by the Authority during the previous year have been in accordance with this Chapter; and
- (d) such other matters as the Auditor-General considers appropriate.

§1730. Other reports.

Notwithstanding Section 1729 of this Chapter, the Cabinet may require the Authority to submit to it a report in such a form and as to such matter as the Cabinet deems appropriate.

§1731. Tax exemption.

- (1) Subject to Subsection (2) of this Section, the income, property, and transactions of the Authority shall not be subject to any tax, rate, charge, or impost under any law.
- (2) Subsection (1) of this Section shall not apply in respect to any licensing fee or similar fee that is reasonably in proportion to the administrative expenses involved.

PART V - MISCELLANEOUS

§1732. Compliance with other laws.

The Authority, and any business or enterprise in which the Authority is engaged, shall comply with all laws, including licensing, to be prescribed in the regulations for carrying this Chapter into effect.

§1733. Effective date.

This Chapter shall take effect on the date of certification in accordance with Article IV, Section 21 of the constitution.

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

**RONGELAP ATOLL DEVELOPMENT AUTHORITY
(RADA) ACT 2023**

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BILL SUMMARY

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This Bill proposes to create a new chapter under Title 10 of MIRC to provide for the creation of the Rongelap Atoll Development Authority (RADA) in order to provide for the administration and development aspects, and to implement programs and projects for health, education, social, economic and cultural betterment of the People of Rongelap. Furthermore to administrator and manage funds appropriate by the Government for the development of People of Rongelap, and funds appropriate by the Government under the Compact of Free Association between the Government of the Republic of the Marshall Islands and the Government of the United States of America (the Compact) for the Economic and Social Development of People of Rongelap.

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

RONGELAP ATOLL DEVELOPMENT AUTHORITY
(RADA) ACT 2023

SIGNATURES

DATE: 01/20/23 INTRODUCED BY KENNETH A. KEDI 
Print Name Signature

DATE: _____ INTRODUCED BY Michael Kabua 
Print Name Signature

DATE: 1/31/23 INTRODUCED BY David Kabua 
Print Name Signature

DATE: 1/30/23 INTRODUCED BY JACK J. ADING 
Print Name Signature

DATE: _____ INTRODUCED BY HIROSHII V. AMAMURA 
Print Name Signature

DATE: 1/31/23 INTRODUCED BY David Pink 
Print Name Signature