

---

---

AN ACT

To amend Sections 262, 263, 268, 274, 275, and 276 of Title 2 of the Trust Territory Code, on Legislative Investigation, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1       Section 1. Sections 262, 263, 268, 274, 275, and 276 of Title 2 of  
2 the Trust Territory Code, on Legislative Investigation, are hereby amended  
3 to read as follows:

4           (1) "Section 262. Definitions. As used in this Subchapter:

5                   (1) 'Investigating committee' means any of the  
6 following bodies which are authorized to compel the attendance  
7 and testimony of witnesses or the production of books, records,  
8 papers, and documents for the purpose of securing information on  
9 a specific subject for the use of the Congress of the Federated  
10 States of Micronesia:

11                           (a) a standing or special committee or committee  
12 of the whole of the Congress;

13                           (b) an authorized subcommittee of a legislative  
14 committee; and

15                           (c) any body created by law, the members of which  
16 may include nonlegislators.

17           (2) 'Hearing' means any meeting in the course of an  
18 investigatory proceeding, other than a preliminary conference or  
19 interview at which no testimony is taken under oath, conducted  
20 by an investigating committee for the purpose of taking testi-  
21 mony or receiving other evidence. A hearing may be open to the  
22 public or closed to the public.



---

1                   (3) 'Public hearing' means any hearing open to the  
2 public, or the proceedings of which are made available to the  
3 public."

4           (2) "Section 263. Establishment of investigating committees by  
5 Congress. The resolution, statute, or rule of procedure  
6 establishing an investigating committee shall state the committee's  
7 purposes, powers, duties and duration, the subject matter and  
8 scope of its investigatory authority, and the number of its  
9 members."

10          (3) "Section 268. Issuance of subpoenas.

11                   (1) The Speaker or other presiding officer of the  
12 Congress may issue subpoenas requiring the attendance of  
13 witnesses and subpoenas duces tecum requiring the production of  
14 books, documents, or other evidence, in any matter pending before  
15 a committee.

16                   (2) Every investigating committee may issue, by majority  
17 vote of all its members, subpoenas requiring the attendance of  
18 witnesses and subpoenas duces tecum requiring the production of  
19 books, documents, or other evidence, in any matter pending  
20 before the committee.

21                   (3) Any subpoena, warrant of arrest or other process  
22 issued under the authority of the Congress shall run in the name  
23 of Federated States of Micronesia and shall be addressed to the  
24 sergeant-at-arms of the Congress or any national police officer  
25 of the Federated States of Micronesia. The subpoena, warrant or



1 other process shall be signed by the officer authorized to issue  
2 it, shall set forth his official title, shall contain a refer-  
3 ence to the rule or resolution, or other means, by which the  
4 taking of testimony or other evidence, or the issuance of such  
5 warrant or other process, was authorized, and shall, in the case  
6 of a summons or subpoena, set forth in general terms the matter  
7 or question with reference to which the testimony or other  
8 evidence is to be taken.

9 (4) Any officer to whom such process is directed  
10 shall forthwith serve or execute the same upon delivery thereof  
11 to him."

12 (4) "Section 274. Contempt.

13 (1) A person shall be in contempt if he:

14 (a) fails or refuses to appear in compliance with  
15 a subpoena or, having appeared, fails or refuses to testify under  
16 oath or affirmation;

17 (b) fails or refuses to answer any relevant  
18 question or fails or refuses to furnish any relevant book, paper,  
19 or other document subpoenaed by or on behalf of an investigating  
20 committee; or

21 (c) exhibits disrespect of an investigating  
22 committee by unlawfully, knowingly, and willfully interfering  
23 directly with the operation and function of such committee by  
24 open defiance of an order in or near the meeting place of such  
25 committee, by disturbing the peace in or near such meeting place,



---

1 by interfering with an officer of such committee in the lawful  
2 performance of his official duties, or by unlawfully detaining  
3 or threatening any witness of such committee because of that  
4 person's duty as a witness.

5 (2) An investigating committee may, by majority vote  
6 of all its members, report to the Congress any instance of  
7 alleged contempt. The Speaker shall certify a statement of such  
8 contempt under his signature as Speaker to the Attorney General  
9 who shall prosecute the offender in a court of competent juris-  
10 diction in the Federated States of Micronesia. If the Congress  
11 is not in session, a statement of the alleged contempt shall be  
12 certified by the chairman or acting chairman of the committee  
13 concerned, under his signature, to the Attorney General who  
14 shall prosecute the offender as aforesaid. An instance of alleged  
15 contempt shall be considered as though committed in or against  
16 the Congress itself."

17 (5) "Section 275. Penalties.

18 (1) A person guilty of contempt under this Subchapter  
19 shall upon conviction be fined not more than \$1,000 or imprisoned  
20 not more than one year or both.

21 (2) If any investigating committee fails in any  
22 material respect to comply with the requirements of this Sub-  
23 chapter, any person subject to a subpoena or a subpoena duces  
24 tecum who is injured by such failure shall be relieved of any  
25 requirement to attend the hearing for which the subpoena was



1 issued or, if present to testify or produce evidence therein; and  
2 such failure shall be a complete defense in any proceeding against  
3 the person for contempt or other punishment.

4 (3) Any witness shall have only those privileges  
5 against testifying or producing other evidence under subpoena duces  
6 tecum which are:

7 (a) authorized by Part V of the Trust Territory  
8 Rules of Evidence; or

9 (b) required by the Trust Territory Bill of  
10 Rights, the Declaration of Rights of the Federated States of  
11 Micronesia, or other law applicable to the Federated States of  
12 Micronesia.

13 (4) Any person other than the witness concerned or  
14 his counsel who violates the provisions of Subsections (7) or  
15 (8) of 2 TTC Section 272 shall upon conviction be fined not  
16 more than \$500 or imprisoned not more than six months, or both.  
17 The Attorney General, on his own motion or on the application  
18 of any person claiming to have been injured or prejudiced by an  
19 unauthorized disclosure, may institute proceedings for trial of  
20 the issue and imposition of the penalties provided herein.  
21 Nothing in this Subsection shall limit any power which the  
22 Congress may have to discipline a member or employee or to  
23 impose a penalty in the absence of action by a prosecuting officer  
24 or court."

25 (6) "Section 276. Government officers and employees to cooperate.



8       Section 2. This act shall take effect upon approval by the President  
9 of the Federated States of Micronesia, or upon its becoming law without  
10 such approval.

*Tosiwo Nakayama*  
Tosiwo Nakayama  
President  
Federated States of Micronesia