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 the Trust Territory Code, on Legislative Investigation, are hereby amended to read as follows:

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

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

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

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

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

      (2) 'Hearing' means any meeting in the course of an investigatory proceeding, other than a preliminary conference or interview at which no testimony is taken under oath, conducted by an investigating committee for the purpose of taking testimony or receiving other evidence. A hearing may be open to the public or closed to the public.
(3) 'Public hearing' means any hearing open to the public, or the proceedings of which are made available to the public."

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

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

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

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

(3) Any subpoena, warrant of arrest or other process issued under the authority of the Congress shall run in the name of Federated States of Micronesia and shall be addressed to the sergeant-at-arms of the Congress or any national police officer of the Federated States of Micronesia. The subpoena, warrant or
other process shall be signed by the officer authorized to issue it, shall set forth his official title, shall contain a reference to the rule or resolution, or other means, by which the taking of testimony or other evidence, or the issuance of such warrant or other process, was authorized, and shall, in the case of a summons or subpoena, set forth in general terms the matter or question with reference to which the testimony or other evidence is to be taken.

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

(4) "Section 274. Contempt.

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

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

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

(c) exhibits disrespect of an investigating committee by unlawfully, knowingly, and willfully interfering directly with the operation and function of such committee by open defiance of an order in or near the meeting place of such committee, by disturbing the peace in or near such meeting place,
by interfering with an officer of such committee in the lawful performance of his official duties, or by unlawfully detaining or threatening any witness of such committee because of that person's duty as a witness.

(2) An investigating committee may, by majority vote of all its members, report to the Congress any instance of alleged contempt. The Speaker shall certify a statement of such contempt under his signature as Speaker to the Attorney General who shall prosecute the offender in a court of competent jurisdiction in the Federated States of Micronesia. If the Congress is not in session, a statement of the alleged contempt shall be certified by the chairman or acting chairman of the committee concerned, under his signature, to the Attorney General who shall prosecute the offender as aforesaid. An instance of alleged contempt shall be considered as though committed in or against the Congress itself.

(5) "Section 275. Penalties.

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

(2) If any investigating committee fails in any material respect to comply with the requirements of this Subchapter, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was
issued or, if present to testify or produce evidence therein; and
such failure shall be a complete defense in any proceeding against
the person for contempt or other punishment.

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

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

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

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

(6) "Section 276. Government officers and employees to cooperate.
The officers and employees of the Trust Territory of the Pacific Islands, the Federated States of Micronesia, and of each political subdivision thereof shall cooperate with any investigating committee or committees or with their representatives and furnish to them or to their representatives such information as may be called for in connection with the research activities of the committees."

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

December 14, 1979

Tosiwo Nakayama
President
Federated States of Micronesia