

Title 2.

Territorial Government.

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CHAPTER 1.

RESPONSIBILITIES AND POWERS.

Sec.

1. Enumerated.

§ 1. **Enumerated.** — The government of the Trust Territory through the High Commissioner and the Congress of Micronesia, subject to applicable orders of the Department of the Interior of the United States, shall have primary responsibility for the following:

(1) Problems of territory-wide concern including, but not limited to, requests for action by the United States Congress and activities involving relations with any other government or government agency outside the Trust Territory.

(2) Construction and maintenance of primary roads and harbor facilities used extensively for activities serving the whole or a major part of a district, especially those at district centers, including acquiring or providing for adequate space for public utilities and set-back from such roads and docks and control of such harbors, if deemed advisable. Those roads and harbors to be considered as primary are to be so designated by the territorial government.

(3) Control of banking, organization of business corporations, business associations, credit unions and cooperatives, insurance, sale of securities, and public utilities, including the exclusive licensing of such activities. Persons and companies engaged in these activities shall be subject to local general taxation but not subject to any local licensing requirements or payment of license fees for these activities other than to the territorial government.

(4) Control of the establishment and operation of and investment in business and corporations by non-citizens of the Trust Territory.

(5) Establishment and control of the terms and conditions under which importing and exporting licenses shall be issued.

(6) Making of grants to districts and municipalities.

(7) Exclusive control of import, export, and income taxes including any so-called excise taxes which are actually collected on the basis of imports; provided, that a district government may impose and collect copra export taxes on all copra produced in that district and exported from the Trust Territory; provided further, that a district government may impose and collect a scrap metal export tax on all scrap metal exported from the district to areas outside of the Trust Territory.

(8) Support of all judicial activities in the Trust Territory except for assistance from municipalities as provided in section 51, chapter 2, title 4 of this Code.

(9) Support of public education and health to the extent as may be required by law.

(10) Law enforcement as set forth in this Code. (Code 1966, § 46; Code 1970, tit. 2, § 1; P.L. No. 4C-4, § 4; P.L. No. 6-118, § 1.)

Cross reference. — Marshall Island
transitional provisions act, Part IV, P.L. No.
N.D.-1.

CHAPTER 2.

EXECUTIVE.

Sec.

51. High Commissioner; primary duties and responsibilities.

52. Same; other powers and duties.

53. Deputy high commissioner; duties and responsibilities.

54. [Repealed.]

55. Attorney General.

56. Administration of land.

57. Chief of lands and surveys.

Sec.

58. [Repealed.]

59. Authority of executive officers to administer oaths and perform other notarial acts.

60. Office of planning and statistics.

61. Planning division.

62. Statistics division.

63. Plan implementation division.

§ 51. High Commissioner; primary duties and responsibilities. — Subject to the supervision and direction of the Secretary of Interior, the High Commissioner shall have all executive and administrative powers of government in the Trust Territory and over the inhabitants thereof, and shall have final administrative responsibility which may be exercised through subordinate administrators. (Code 1966, § 36; Code 1970, tit. 2, § 51.)

§ 52. Same; other powers and duties. — The High Commissioner shall perform such other functions for the Department of Interior in the Trust Territory as may be delegated to him by the secretary, and shall have such other powers and duties as may be specified by law. (Code 1970, tit. 2, § 52.)

§ 53. Deputy high commissioner; duties and responsibilities. — (1) The deputy high commissioner shall have all such executive powers and perform such other duties as may be prescribed by law or assigned to him by the High Commissioner. He shall have such assistants as are necessary to coordinate and supervise the work of the departments.

(2) The deputy high commissioner shall have and exercise all the powers and duties of the High Commissioner in case of a vacancy in the office of the High Commissioner or the disability or temporary absence of the High Commissioner from his office until the vacancy is filled or the disability or temporary absence ends.

(3) The deputy high commissioner may, with the approval of the High Commissioner, designate some other officer of the government of the Trust Territory to act as deputy high commissioner during a temporary absence from his office or during his illness. Such person so designated shall, during the temporary absence or illness of the deputy high commissioner, be known as the acting deputy high commissioner of the Trust Territory and shall have and exercise all the powers and duties of the deputy high commissioner. (Code 1966, § 37; Code 1970, tit. 2, § 53.)

§ 54. Repealed by P.L. 4C-48, § 7(1).

§ 55. Attorney General. — The Attorney General, personally or by assistant or other duly authorized representative, shall:

(1) Represent the government of the Trust Territory in all actions in law or equity in which the government is a party or has any interest;

(2) Have technical supervision over and prescribe, with the approval of the High Commissioner, rules and regulations for the administration and operation of the Micronesia police;

(3) As requested by the High Commissioner, assist in drafting and promulgating laws, amendments thereto, executive orders, and proclamations;

- (4) When requested by the High Commissioner or other officials of the government of the Trust Territory, render opinions upon all legal questions;
- (5) Act as alien property custodian; and
- (6) Perform such other duties as may be required of him by law or assigned to him by the High Commissioner. (Code 1966, § 531; Code 1970, tit. 2, § 55.)

§ 56. Administration of land. — The division of lands and surveys of the department of resources and development shall administer, manage, and control the use, sale, and other disposition of all public lands of the Trust Territory and administer claims arising out of or pertaining to the use or occupation of private lands by the United States government or any of its agencies, or by the government of the Trust Territory. (Code 1966, § 924; Code 1970, tit. 2, § 56; P.L. No. 4C-48, § 7(2).)

Cross reference. — District land office, 67
TTC ch. 2.

§ 57. Chief of lands and surveys. — (1) The chief of lands and surveys shall perform all duties pertaining to the surveying, settlement, leasing, homesteading, exchange, and sale of the public lands of the Trust Territory, or in anywise respecting such public land, and, also, such as relate to claims arising out of or pertaining to the use or occupation of private lands by the United States government or any of its agencies, or by the government of the Trust Territory.

(2) The chief of lands and surveys shall have such assistants as may be appointed by the High Commissioner to coordinate and supervise the work of the division of lands and surveys.

(3) The chief of lands and surveys, with the approval of the High Commissioner, shall have the power to prescribe such regulations as he may deem advisable for administration of the division of lands and surveys. Such regulations shall have the force and effect of law. The chief of lands and surveys shall file a copy of such regulations with each clerk of courts.

(4) In connection with the duties prescribed, the chief of lands and surveys is authorized and empowered to hold hearings, take testimony under oath, administer oaths to witnesses, subpoena witnesses, and order the production of papers and documents, and punish for contempts committed in his presence, which punishment shall be limited to a maximum fine of ten dollars, or imprisonment for a period not to exceed five days, or both. (Code 1966, § 926; Code 1970, tit. 2, § 57; P.L. No. 4C-48, § 7(3).)

Return of government lands to owner. — Where lands were formerly or are used, occupied or controlled by United States government or Trust Territory government, district land title officer may determine ownership of lands and effect their return to party found to be owner. *Tamael v. Trust Territory*, 1 TTR 520 (1958).

Filing claim for return of property taken by Japanese government. — If private property taken by Japanese government is not returnable under provisions of administrative policy regarding transfers to Japanese government from native owners, then claim for

its return may still fall into one of categories of office of land management regulation no. 1, and land may be returnable thereunder. *Tamael v. Trust Territory*, 1 TTR 520 (1958).

Right of appeal of claimant to land. — Where district land title officer promises to notify claimant of his determination or instructs claimant to wait for such notice, and claimant or his representative had no actual notice of determination until one year after date it was filed, claimant's right of appeal is not cut off by time limited in applicable regulation. *Ngodrii v. Trust Territory*, 2 TTR 142 (1960).

§ 58. Repealed by P.L. 4C-48, § 7(4).

§ 59. Authority of executive officers to administer oaths and perform other notarial acts. — The High Commissioner, the deputy high commissioner, the Attorney General, each district administrator and each executive head of a local government shall have authority to administer oaths and affirmations, take acknowledgements of deeds, mortgages and other instruments, and exercise all other powers of a notary public. (Code 1966, § 45; Code 1970, tit. 2, § 59.)

§ 60. Office of planning and statistics. — (1) There shall be created within the executive branch of government the office of planning and statistics as a staff office under the administration of the High Commissioner.

(2) The office shall be headed by a director appointed by the High Commissioner, subject to the advice and consent of the Congress of Micronesia, and shall have a planning division, statistics division, and plan implementation division. The director shall appoint a chief for each of the divisions who will report to the director. The office shall be staffed with professional, technical, secretarial, and clerical employees as necessary for the performance of its functions. Funds required for the operation of the office shall be included in the High Commissioner's annual budget request to the United States Congress.

(3) The office shall act as an advisory body to the High Commissioner and shall have the following responsibilities and duties:

(a) Formulate national and sectoral development plans, including economic policies, development goals and objectives, and development strategies;

(b) Review and make recommendations on projects and programs of the executive departments;

(c) Coordinate all foreign assistance granted to the Trust Territory government for economic and social development purposes;

(d) Review all annual and long-term budget proposals, particularly with respect to the allocation of financial resources between operating costs and development expenditures of the government prior to their submission to the High Commissioner and the Congress of Micronesia, and make recommendations and comments with respect to these budgets meeting the objectives, priorities, and policies of the development plans of the country;

(e) Compile such statistical data as determined by the High Commissioner and the Congress of Micronesia;

(f) Coordinate and mobilize all government resources, projects, and programs, and monitor and report on the implementation of all development plans;

(g) Assist all districts in the preparation of district development plans and projects, and provide other technical assistance to the extent possible;

(h) Participate with the chief executive in presenting the development plans, programs, projects, and fund requirements to both the executive and legislative branch of the United States government and to the Congress of Micronesia; and

(i) Carry out all other duties and responsibilities as may be assigned by the Congress of Micronesia or the High Commissioner. (P.L. No. 5-78, § 3; P.L. No. 7-37, § 1.)

§ 61. Planning division. — The planning division shall be responsible for the preparation of all annual and long-term national and sectoral plans, projects, economic policies, reports on economic and social conditions, and all other duties and responsibilities as may be assigned by the director. (P.L. No. 7-37, § 1.)

§ 62. Statistics division. — (1) *Generally.* The statistics division shall formulate, in collaboration with other central and district government

departments, the standards (i.e., concepts, definitions, classification, and procedures) for the collection of statistical data in the country as ordered by the High Commissioner. The statistics division shall collect social and economic statistical data needed for development programs and evaluation of plan implementation. The statistical data so collected shall be made available to the public upon approval by the council. This division shall also carry out, on an ad hoc or continuing basis (monthly, quarterly, semi-annually, or annually), the collection of the following types of statistical data:

Schedule

1. Population surveys.
2. Vital occurrences and mobility.
3. Immigration, emigration, and demographic changes.
4. Education.
5. Social conditions, including housing and health.
6. Manpower resources.
7. Employment and unemployment.
8. Community, recreation, and personal services.
9. Salaries, wages, bonuses, fees, allowances, and any other payments and honoraria for services rendered.
10. Personal expenditures and consumption.
11. Income, earnings, profits, rents, and interest.
12. Injuries, accidents, and compensation.
13. Associations of employers, employees, and other persons generally.
14. Tourism.
15. Agriculture.
16. Mariculture.
17. Fishing.
18. Forestry and logging.
19. Land tenure, the occupation and use of land, and the production thereof.
20. Transfers of land, leases of land, charges, encumbrances, and other interests in land.
21. Mining and quarrying, including the prospecting and production of metallic, nonmetallic, hydrocarbon, and natural gas products.
22. Fuel and power.
23. Building, construction, and allied industries.
24. Water and sanitary services.
25. Commercial and professional undertakings and business services.
26. Wholesale and retail prices of commodities and cost of living.
27. Wholesale and retail trade, restaurants, and hotels.
28. External and internal trade.
29. Storage and warehousing.
30. Stocks of manufactured and unmanufactured goods.
31. Transportation and communication in all forms by land, water, or air.
32. Banking and finance.
33. Savings.

(2) *Census.* The High Commissioner shall order the statistical division to conduct a census of population, housing, agriculture, and industry, or other census, no less than once every ten years or more often as determined by him.

(3) *Authority to collect information.* (a) The director may require a person from whom particulars may be required under this act to supply him with such information as may be necessary or desirable in order to collect the statistical information set out in the subsection (1) schedule.

(b) Any person required to provide particulars shall, to the best of his knowledge and belief, complete such forms, make such returns, answer such questions, and give all such information in such manner and within such reasonable time as may be required by the director.

(c) A government official having custody and control over government records or documents belonging to the Trust Territory government or any municipal government or local authority, which are sought to provide statistical information prescribed in the schedule in subsection (1) of this section, shall grant access thereto to the director or his authorized designee.

(d) The director may require a person to supply him with particulars either by interviewing such person personally, by requiring that such person complete a form, or by any other reasonable method determined by the director.

(4) *Confidentiality of information.* Except for purposes of prosecution under this act, no individual return, or part thereof, or answer given to any question put for the purposes of this section, and no report, abstract, or other document containing particulars comprised in any such return or answer shall be published, admitted to evidence, or shown to any person not employed in the execution of a duty under this section, unless the previous consent in writing thereto has been obtained from the person making such return or giving such answer, or, in the case of an undertaking or business, from the person having the control, management, or superintendence of the undertaking or business; provided, that nothing in this section shall prevent or restrict the publication of any such report, abstract, or other document containing statistical information, even though publication would unavoidably make identification of any undertaking or person possible merely by reason of the fact that the particulars relate to an undertaking which is the only undertaking within its particular sphere of activities.

(5) *Privileged information.* Nothing in this section shall affect any law relating to the disclosure of any official, secret or confidential information, evidence or document. A person required by the director to supply any information, to give any evidence or to produce any document shall be entitled in respect to such information, evidence, or document to plead the same privilege before the director as before a court of law.

(6) *Penalties.* (a) A person who: (i) hinders or obstructs the director or an employee, officer, or designee of the director in the lawful exercise of powers imposed or conferred upon him under this section; or (ii) refuses or neglects to complete and supply, within such time as may be specified in that behalf, the particulars required in any return, form, or other document or to answer any question or inquiries put or made of him; or (iii) knowingly or recklessly makes in any return, form, or other document completed by him under this act or in answer to any question or inquiry put to him under this act, a statement which is untrue in any material particular; or (iv) without lawful authority or excuse destroys, defaces, or mutilates any return, form, or other document containing particulars collected under this act; or (v) refuses without reasonable cause to grant access to records and documents in accordance with subsection (6) of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

(b) A person being employed in the execution of any duty under this act who: (i) by virtue of such employment or duty is possessed of any information which might influence or affect the market value of any share, interest or other security, product or article, and who, before such information is made public, directly or indirectly uses such information for his own personal gain; or (ii) without lawful authority publishes or communicates to any person other than in the ordinary course of his employment any information acquired by him in the course of such employment; or (iii) knowingly compiles for issue or publication any false statistics or information shall be guilty of a misdemeanor

and upon conviction thereof shall be fined not more than one thousand dollars or imprisoned for not more than one year, or both. (P.L. No. 7-37, § 1.)

§ 63. Plan implementation division. — The plan implementation division shall be responsible for the overall monitoring and evaluation of all sectoral projects and programs, and shall report on the progress of their implementation to the director. This division shall review and analyze projects proposed by executive departments in terms of national and sectoral plan objectives and financial and technical feasibility, and shall report the findings and recommendations of the office to the High Commissioner and the Congress of Micronesia. This division shall cooperate and coordinate with other executive departments in project identification and feasibility studies for all development projects falling within the purview of the national and sectoral development plans and shall assist districts within the resources available to this division. (P.L. No. 7-37, § 1.)

CHAPTER 3.

LEGISLATIVE.

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Legislative Investigation—Rules
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251-260. [Repealed.]

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SUBCHAPTER I.

LEGISLATIVE INVESTIGATION—RULES AND PROCEDURES.

§§ 251-260. Repealed by P.L. 5-36, § 18(1).

§ 261. **Purpose.** — The purpose of this subchapter is to establish procedures governing legislative investigating committees to provide for the creation and operation of such committees in a manner which will enable them to perform properly the powers and duties vested in them, including the conduct of hearings, in a fair and impartial manner, consistent with the protection of the rights of persons called to testify at such hearings and the preservation of the public good. (P.L. No. 5-36, § 1.)

§ 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 Micronesia:

(a) A standing or special committee or committee of the whole of either house of the Congress of Micronesia;

(b) A joint committee of both houses;

(c) An authorized subcommittee of a legislative committee; and

(d) 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. (P.L. No. 5-36, § 2.)

§ 263. Statement of purposes, powers, etc. — The joint or single house 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. (P.L. No. 5-36, § 3.)

§ 264. Adoption of rules. — Each investigating committee shall adopt rules, not inconsistent with any law or any applicable rules of the congress, governing its procedures, including the conduct of hearings. (P.L. No. 5-36, § 4.)

§ 265. Staff. — Each investigating committee may employ such professional, technical, clerical, or other personnel as may be necessary for the proper performance of its duties, to the extent of funds made available to it for such purpose and subject to such restrictions and procedures relating thereto as may be provided by law or any applicable rules of the congress. (P.L. No. 5-36, § 5.)

§ 266. Membership, quorum, voting. — (1) An investigating committee shall consist of not less than three members.

(2) A quorum shall consist of a majority of the total authorized number of members of the committee.

(3) No action shall be taken by a committee at any meeting unless a quorum is present. The committee may act by a majority vote of the members present and voting at a meeting at which there is a quorum unless the provisions of this subchapter or any other statute require a greater number or proportion. (P.L. No. 5-36, § 6.)

§ 267. Hearings. — An investigating committee may hold hearings appropriate for the performance of its duties at such times and places as the committee determines. (P.L. No. 5-36, § 7.)

§ 268. Subpoenas; issuance; form; contents; service and execution. —

(1) The President of the Senate, the Speaker of the House of Representatives or other presiding officer of either house 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 either house, or committee, as the case may be.

(2) Every investigating committee, when authorized by either house or both houses, as the case may be, 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 either house or both houses of the Congress of Micronesia shall run in the name of Trust Territory and shall be addressed to any or all of the following officers: the sergeant-at-arms of either house of the Congress; the sergeant-at-arms of both houses of the Congress, in the case of a subpoena issued in behalf of a joint committee of both houses; the chief of police of any district or his deputies; any police officer of the Trust Territory or any municipality. 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, if within his territorial jurisdiction, shall forthwith serve or execute the same upon delivery thereof to him, without charge or compensation. (P.L. No. 5-36, § 8.)

§ 269. Same; notice to witnesses. — (1) Service of a subpoena requiring the attendance of a person at a hearing of an investigating committee shall be made at least five days prior to the date of the hearing unless a shorter period of time is authorized by majority vote of all the members of the committee in a particular instance when, in their opinion, the giving of five days' notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(2) Any person who is served with a subpoena to attend a hearing of an investigating committee also shall be served with a general statement informing him of the subject matter of the committee's investigation or inquiry and with a notice that he may be accompanied at the hearing by counsel of his own choosing. (P.L. No. 5-36, § 9.)

§ 270. Conduct of hearings. — (1) All hearings of an investigating committee shall be public unless the committee, by two-thirds vote of all of its members, determines that a hearing should not be open to the public in a particular instance.

(2) The chairman of an investigating committee, if present and able to act, shall preside at all hearings of the committee and shall conduct the examination of witness himself or supervise examination by other members of the committee, the committee's counsel, or members of the committee's staff who are so authorized. In the chairman's absence or disability, the vice-chairman shall serve as presiding officer.

(3) No hearing, or part thereof, shall be televised, filmed, or broadcast except upon approval of the committee, by majority vote of all of its members. (P.L. No. 5-36, § 10.)

§ 271. Right to counsel; submission of questions. — (1) Every witness at a hearing of an investigating committee may be accompanied by counsel of his own choosing, who may advise the witness as to his rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(2) Any witness at a hearing, or his counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as are appropriate to the subject matter of the hearing. (P.L. No. 5-36, § 11.)

§ 272. Testimony. — (1) An investigating committee may cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced, which record shall include rulings of the chair, questions of the committee and its staff, the testimony or responses of witnesses, sworn written statements submitted to the committee, and such other matters as the committee or its chairman may direct.

(2) Any testimony given or adduced at a hearing may be under oath or affirmation if the committee so requires.

(3) The presiding officer of an investigating committee may administer an oath or affirmation to a witness at a hearing of such committee.

(4) The presiding officer at a hearing may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by majority vote of the committee members present, disobedience shall constitute a contempt.

(5) A witness at a hearing or his counsel, with the consent of a majority of the committee members present at the hearing, may file with the committee for incorporation into the record of the hearing any sworn written statements relevant to the purpose, subject matter, and scope of the committee's investigation or inquiry.

(6) A witness at a hearing, upon his request and at his own expense, shall be furnished a transcript of his testimony at the hearing, if a record of the same is kept.

(7) Testimony and other evidence given or adduced at a hearing closed to the public shall not be made public unless authorized by majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(8) All information of a defamatory or highly prejudicial nature received by or for the committee other than in an open or closed hearing shall be deemed to be confidential. No such information shall be made public unless authorized by a majority vote of all the members of the committee for legislative purposes, or unless its use is required for judicial purposes. (P.L. No. 5-36, § 12.)

§ 273. Interested persons. — (1) Any person whose name is mentioned or who is otherwise identified during a hearing of an investigating committee and who in the opinion of the committee may be adversely affected thereby may, upon his own request or upon the request of any member of the committee, appear personally before the committee and testify in his own behalf, or, with the committee's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing.

(2) Upon the consent of a majority of its members, an investigating committee may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear, appearance, or submission of evidence shall limit in any way the investigating committee's power of subpoena.

(3) Any person who appears before an investigating committee pursuant to this section shall have all the rights, privileges, and responsibilities of a witness provided by this subchapter. (P.L. No. 5-36, § 13.)

§ 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 wilfully 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 house of congress by which it was established any instance of alleged contempt. The president or speaker shall certify a statement of such contempt under his signature as president or speaker, as the case may be, to the Attorney General who shall prosecute the offender in any court of the Trust Territory. 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 such house or the congress itself. (P.L. No. 5-36, § 14.)

§ 275. Penalties; defenses. — (1) A person guilty of contempt under this subchapter shall upon conviction be fined not more than one thousand dollars 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 the Trust Territory rules of evidence; or

(b) Required by the Trust Territory bill of rights or other law applicable to the Trust Territory.

(4) Any person other than the witness concerned or his counsel who violates the provisions of subsections (7) or (8) of section 272 of this title shall upon conviction be fined not more than five hundred dollars 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 of Micronesia or either house thereof may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court. (P.L. No. 5-36, § 15.)

§ 276. Cooperation of government officers and employees. — The officers and employees of the Trust Territory and of each political subdivision thereof shall cooperate with any investigating committee and with its representatives and furnish to it or to its representatives such information as may be called for in connection with the research activities of the committee. (P.L. No. 5-36, § 16.)

§ 277. Acquisition of evidence or information by other lawful means. — Nothing contained in this subchapter shall be construed to limit or prohibit the acquisition of evidence or information by an investigating committee by any lawful means not provided for herein. (P.L. No. 5-36, § 17.)

SUBCHAPTER II.

LEGISLATIVE COUNSEL.

§ 301. Establishment of office; appointment; assistant. — (1) There is in the Congress of Micronesia an office of the legislative counsel, which is under the supervision and direction of the legislative counsel. The legislative counsel is responsible to the Congress, through the President of the Senate and the Speaker of the House of Representatives, for the operations of the office of the legislative counsel.

(2) A special select committee, appointed jointly by the President of the Senate and the Speaker of the House of Representatives, may nominate a candidate for the position of the legislative counsel to serve the Congress of Micronesia during and between sessions. Appointment of the legislative

counsel is by joint resolution and made without reference to political affiliations and solely on the grounds of fitness to perform the duties of the office.

(3) There is in the office of the legislative counsel an assistant legislative counsel whose appointment is made jointly by the presiding officers and the legislative counsel. The assistant legislative counsel shall serve under the direction of the legislative counsel, and, in the absence or incapacity of the latter, shall assume full responsibilities of the office. (Code 1966, §§ 550, 551; Code 1970, tit. 2, § 301; P.L. No. 7-89, § 1.)

§ 302. Duties and responsibilities. — The duties and responsibilities of the legislative counsel shall be as follows:

(1) To act as a counsel for and legal advisor to the Congress of Micronesia; to draft bills, resolutions, or amendments thereto; and to render legal services to the committees or any member of the congress when requested;

(2) To undertake such legal research as may be requested by the congress, its committees, or members;

(3) To report to and advise the congress of those laws, or rules and regulations which have become obsolete, inoperative, or which are in conflict with other Trust Territory laws, resolutions or decisions of the courts, and make appropriate recommendations in regard thereto; and

(4) To perform additional duties as the congress may from time to time assign. (Code 1966, § 552; Code 1970, tit. 2, § 302; P.L. No. 5-32, § 15; P.L. No. 7-89, § 2.)

§ 303. Government facility privileges. — The legislative counsel shall have the same privilege of using government facilities and pouch mail services as other officers of the Trust Territory government. (Code 1966, § 559; Code 1970, tit. 2, § 303.)

§ 304. Employment of supporting staff. — The legislative counsel shall, subject to the approval of the President of the Senate and the Speaker of the House of Representatives and in accordance with prescribed policies and procedures in the congressional administrative manual, employ and fix compensation of such professional, administrative, technical, stenographic and clerical assistants as may be necessary and as provided for under appropriations made for the office of the legislative counsel. (Code 1966, § 554; Code 1970, tit. 2, § 304; P.L. No. 7-89, § 3.)

§ 305. Office organization and functions. — (1) The office of the legislative counsel is organized into the following functional activities:

- (a) Administrative services office;
- (b) Finance and accounting office;
- (c) Information services office; and
- (d) Library of the Congress of Micronesia.

(2) The legislative counsel shall, subject to the approval of the President of the Senate and the Speaker of the House of Representatives, prescribe the functions, duties and responsibilities of each respective activity and promulgate the same in the congressional administrative manual. (Code 1966, § 553; Code 1970, tit. 2, § 305; P.L. No. 5-32, § 16; P.L. No. 7-89, § 4.)

§ 306. Personnel benefits and allowances. — The staff and employees of the office of the legislative counsel shall be entitled to the same benefits and privileges, subject to the same contributions and conditions, as officers, staff and employees of the executive branch of the Trust Territory government as provided by the existing public employment regulations, unless the Congress of Micronesia provides otherwise in its manual of administration. (Code 1966, § 558; Code 1970, tit. 2, § 306; P.L. No. 7-89, § 5.)

§ 307. Temporary assignment of staff to congress. — Upon the request of the President of the Senate or the Speaker of the House of Representatives, the legislative counsel shall temporarily assign such supporting staff or employees of his office to either or both houses to serve as employees of the respective house making the request; provided, that the salaries of such staff or employees so assigned shall be charged to the particular house requesting such temporary assignment. (Code 1966, § 555; Code 1970, tit. 2, § 307; P.L. No. 5-32, § 17; P.L. No. 7-89, § 6.)

§ 308. Office equipment and supplies. — The legislative counsel shall purchase such furniture, office equipment, books, stationery, and other supplies as may be necessary for the proper performance of the duties of his office, and those of the offices of the Senate and the House of Representatives, and as may be appropriated by the Congress. (Code 1966, § 556; Code 1970, tit. 2, § 308; P.L. No. 7-89, § 7.)

CHAPTER 4.

COMMISSION ON FUTURE POLITICAL STATUS AND TRANSITION.

Sec.	Sec.
501. Creation.	508. Meetings; quorum.
502. Definitions.	509. Duties and responsibilities.
503. Appointments and terms of members	510. Compensation of members.
504. [Repealed.]	511. Investigative powers.
505. Vacancies.	512. Administrative support.
506. First meeting; election of officers.	
507. Committees; applicability of prior resolutions.	

§ 501. Creation. — There is created a commission on future political status and transition. (P.L. No. 6-87, § 1.)

Cross reference. — Marshall Islands law revision and codification commission, Part IV, P.L. No. 25-45-1.

§ 502. Definitions. — As used in this act, unless the context otherwise requires:

- (1) "*Commission*" means the commission on future political status and transition created by this chapter.
- (2) "*Executive director*" means the executive director of the commission on future political status and transition.
- (3) "*Constitution*" means the draft constitution of the federated states of Micronesia. (P.L. No. 6-87, § 2.)

§ 503. Appointments and terms of members. — (1) Members of the commission shall be Trust Territory citizens, and shall serve for a term of two years subject to the provisions of subsection (4) of section 505 of this title. The commission shall consist of the following members:

(a) Six members from the Congress of Micronesia, each representing an administrative district to be appointed jointly by the President of the Senate and the Speaker of the House of Representatives of the Congress of Micronesia;

(b) One member from each of the six districts to be appointed by resolution of their respective district legislatures; provided, that in the event a district legislature is not in session, appointment shall be made by a committee thereof duly authorized to act on behalf of the legislature when it is not in session, or in the absence of such a committee, by an appropriate committee designated by the presiding officer of that legislature. A member appointed by a district legislature may be a member of the legislature and shall be a resident of the district from which appointed.

(c) One member from the island of Kusaie to be appointed by the Kusaie Municipal Council, subject to the provisions of subsection 2 TTC 504(2).

(2) All initial appointments made pursuant to this section shall be transmitted in writing to the Vice-President of the Senate of the Congress of Micronesia. All subsequent appointments of members shall be transmitted in writing to the chairman of the commission.

(3) An appointing authority may not revoke an appointment of a member of the commission. Upon the expiration of the term of the commission, the appointing authority shall make a new appointment. A member may be reappointed to serve on the commission. (P.L. No. 6-87, § 3; P.L. No. 6-113, § 1; P.L. No. 7-63, § 1.)

Editor's note. — Subsection 2 TTC 504(2), referred to in subsection (1)(c) of this section, was repealed by P.L. No. 7-63, § 2.

§ 504. Repealed by P.L. No. 7-63, § 2.

§ 505. **Vacancies.** — A vacancy on the commission shall be filled in the same manner as the original appointment. Members appointed to fill a vacancy shall serve only for the unexpired term. As used in this section, the term "vacancy" includes a vacancy resulting from:

- (1) Death;
- (2) Resignation;
- (3) Incapacity to serve by reason of illness, upon finding of same by the commission; or
- (4) In the case of members appointed by the President of the Senate and the Speaker of the House of Representatives of the Congress, termination of membership in the Congress of Micronesia. (P.L. No. 6-87, § 5; P.L. No. 7-63, § 3.)

§ 506. **First meeting; election of officers.** — The commission shall first be convened no later than sixty days after the effective date of this act by the Vice-President of the Senate, who shall act as temporary chairman of the commission until a permanent chairman of the commission has been elected by and from among its members. The time and place of the first meeting of the commission shall be designated by the Vice-President of the Senate. The commission may elect such other officers as it deems necessary. (P.L. No. 6-87, § 6; P.L. No. 7-63, § 2.)

§ 507. **Committees; applicability of prior resolutions.** — At its first meeting, the commission shall divide itself into two committees, to be known as the committee on future status and the committee on transition, and shall prescribe the duties and responsibilities of each committee as it deems appropriate and consistent with the purpose of this chapter. Upon the formation of the two committees under this section, the joint committee on future status as established by house joint resolution no. 102 of the Third Congress of Micronesia, third regular session, 1970, shall be dissolved; provided however, that the sense of the Congress of Micronesia as expressed in senate joint resolution no. 91 of the Fourth Congress of Micronesia, second regular session, 1972; house joint resolution no. 87 of the Third Congress of Micronesia, third regular session, 1970; and senate joint resolution no. 6-45, Sixth Congress of Micronesia, first regular session, 1975, applicable to the joint committee on future status, shall be equally applicable to the commission. The commission may establish other committees and subcommittees as it deems necessary. No decision or act of any committee of the commission shall be final as to the commission unless approved by the commission. (P.L. No. 6-87, § 7; P.L. No. 7-63, § 2.)

§ 508. **Meetings; quorum.** — The commission shall meet as often and at such places and times as may be designated by the chairman or by the commission itself. Its committees and subcommittees or the chairmen thereof may call meetings of their respective committees or subcommittees at such times and places as designated by their respective chairmen. Two-thirds of the members of the commission shall constitute a quorum of the commission for all purposes, and a decision of the commission shall require the approval of a majority of the quorum. (P.L. No. 6-87, § 8; P.L. No. 7-63, § 2.)

§ 509. Duties and responsibilities. — (1) The commission shall make recommendations to the Congress of Micronesia, the High Commissioner, and the future national legislature of the Federated States of Micronesia relating to:

- (a) A governmental structure for the new national government of Micronesia under the Constitution;
- (b) Legislation necessary to implement the Constitution;
- (c) Legislation required when existing laws are found to be inconsistent with the provisions of the constitution;
- (d) Terms and timetables in areas not specifically provided for in the Constitution for transition from the Trust Territory government to the new government of Micronesia;
- (e) Procedure for an equitable reallocation of government personnel and property;
- (f) Equitable division, if necessary, of assets in the social security fund, copra stabilization fund, economic development loan fund, and other special funds;
- (g) Government personnel and employees, including the present and future need for expatriate employees, and the priorities for the development and training of the Trust Territory citizen manpower, including education and training for new public officers and essential government staff;
- (h) Effectiveness of and necessity for United States federal programs, agencies, public entities or organizations that are operating in the Trust Territory, and which programs, agencies, public entities, or organizations should continue to operate in Micronesia both under the Trust Territory government and the new government; and
- (i) Implementation, prior to termination of the trusteeship of those portions of the Constitution not in fundamental conflict with the United Nations Charter and the trusteeship agreement.

(2) The commission shall also:

- (a) Continue and complete the work of the joint committee on future status; and
- (b) Renegotiate the existing draft compact to the extent necessary to conclude satisfactorily the future political status negotiations.

(3) The commission may negotiate, study, recommend or otherwise deal with any other matters, including those matters originally assigned to the joint committee on future status, which will effect early and satisfactory conclusion of the future political status negotiation and promote a smooth and orderly transition to government under the Constitution.

(4) The commission shall be the exclusive representative of the Congress of Micronesia to negotiate in its behalf bilaterally and multilaterally on future status issues affecting districts, islands or groups of islands of Micronesia. (P.L. No. 6-87, § 8; P.L. No. 7-63, § 2.)

§ 510. Compensation of members. — (1) Members, other than the chairman of the commission, shall be paid at the rate of forty dollars per day while on the business of the commission or a committee thereof; provided however, that members who are Trust Territory or district government employees or who are full-time members of a district legislature shall be entitled to receive their regular salaries plus the difference between their prorated daily salaries and forty dollars per day if their salaries are less than the latter amount, such difference to be paid out of the funds for the commission; provided further, that members of the Congress of Micronesia serving on the commission shall not be entitled to compensation from the commission. The commission chairman shall receive a salary in an amount established in the commission's annual budget and appropriation. All members of the commission shall be entitled to receive travel expenses and per diem at standard Trust Territory rates while on the business of the commission or committee thereof, chargeable to the funds of the commission.

CHAPTER 5.

MICRONESIAN WASHINGTON OFFICE.

Sec.

551. Established; supervision; selection and term of liaison officer.

Sec.

552. Powers and duties of liaison officer.

553. Salary and compensation of liaison officer.

§ 551. Established; supervision; selection and term of liaison officer. — There shall be an office to be known as the "Micronesian Washington Office" to be located in Washington, District of Columbia, United States of America, which shall be under the direct supervision of a liaison officer in accordance with the provisions of this act. The liaison officer shall, by joint resolution, be chosen by the Congress of Micronesia, and shall serve for a term of four years beginning July 1, 1976; provided, that if the office is vacant he shall be chosen by the joint committee on administrative appointments. (P.L. No. 6-109, § 1.)

§ 552. Powers and duties of liaison officer. — The liaison officer shall maintain the office headquarters in Washington, D.C. and shall have the power to employ such secretarial, clerical, technical and professional assistants as he may deem necessary to the fulfilling of his duties and responsibilities, subject to appropriations for his office. He shall represent the people of the Trust Territory on a full-time basis before the Congress of the United States and before the various departments and agencies of the federal government and other organizations, public and private, on all matters pertaining to the Trust Territory, and shall actively and fully advocate all programs and policies duly adopted by the Congress of Micronesia. He shall not bind or commit the government of the Trust Territory without specific authority to do so. He shall also assist the members of the Congress of Micronesia with respect to all matters necessary and pertaining to the conduct of their offices, and shall render a report on his activities in person to the Congress of Micronesia every January beginning in 1977. He shall be subject to the direction of the presiding officers of the Congress of Micronesia on the conduct of his office and shall submit a monthly report of his activities to them. He may be removed for cause by a three-fourths majority vote of each house of the Congress of Micronesia. (P.L. No. 6-109, § 2.)

§ 553. Salary and compensation of liaison officer. — The liaison officer shall be paid an annual salary to be determined by law, but which salary shall not be less than twenty-five thousand dollars. In addition thereto, he shall receive an allowance each fiscal year for secretarial, clerical, technical, and professional assistance, and for all office expenses, including office rental and equipment, and such other and further expenses as may be allowed by the Congress of Micronesia by appropriation. The liaison officer and his family shall be permitted one paid round trip from Washington to the Trust Territory every two years in addition to his own travel on official business. He shall be entitled to the same benefits as the legislative counsel. For travel on official business he shall be entitled to receive the standard Trust Territory government rates of per diem and actual travel costs. (P.L. No. 6-109, § 3; P.L. No. 7-65, § 2.)

CHAPTER 6.

TRUST TERRITORY DISASTER RELIEF ACT OF 1977.

Sec.	Sec.
601. Short title.	608. Intergovernmental arrangements.
602. Findings and intent.	609. Local disaster emergencies.
603. Limitations.	610. Disaster prevention.
604. Definitions.	611. Compensation.
605. The High Commissioner and disaster emergencies.	612. Communications.
606. Trust territory disaster control office.	613. Mutual aid.
607. Local disaster agencies and services.	614. Weather modification.

§ 601. Short title. — This chapter is known and may be cited as the "Trust Territory Disaster Relief Act of 1977." (P.L. No. 7-38, § 1.)

§ 602. Findings and intent. — (1) The Congress of Micronesia finds and declares that:

(a) Public law 93-288, enacted by the 93rd Congress of the United States, provides for assistance to the Trust Territory in the event an emergency or a major disaster should strike the Territory, as determined by the President of the United States;

(b) Emergency and disasters may include the loss of life, human suffering, loss of income and property damage resulting from typhoons, tornadoes, storms, floods, high waters, wind-driven waters, tidal waves, earthquakes, droughts, fires and other catastrophes;

(c) Due, however, to the scattering of small islands and small island groups throughout the three million square miles of ocean within the boundaries of the Trust Territory, disasters frequently occur which may be of insufficient magnitude to warrant being designated by the president as an "emergency" or a "major disaster" as defined within the provisions of public law 93-288, and may therefore, be of insufficient severity to warrant direct assistance from the federal government to the Trust Territory; and

(d) Because such disasters disrupt the normal functions of the government and the communities, and adversely affect individual persons and families with great severity, special measures are required by the government of the Trust Territory to assist the people of the Trust Territory and to expedite the rendering of aid, assistance and emergency welfare services and the reconstruction and rehabilitation of devastated areas.

(2) It is therefore the intent of the Congress of Micronesia by this chapter to:

(a) Establish and provide for an orderly and continuing program of assistance by the government of the Trust Territory to alleviate the suffering and damage which may result from disasters outlined above, and which may not be of sufficient severity or scope to warrant assistance by the United States government under the provisions of public law 93-288;

(b) Clarify and strengthen the roles of the High Commissioner, the district administrators and local governments in prevention of, preparation for and response to and recovery from disasters;

(c) Provide a disaster management system embodying all aspects of pre-disaster preparedness and post-disaster response;

(d) Supplement and augment assistance which may be provided by the federal government to the Trust Territory in the event of an emergency or major disaster declaration by the president pursuant to the provisions of public law 93-288; and

(e) Authorize and provide for coordination of activities relating to disaster prevention, preparedness, response and recovery by agencies and officers of the

Trust Territory, and similar United States, interterritorial and foreign activities in which the Trust Territory and its political subdivisions may participate. (P.L. No. 7-38, § 2.)

§ 603. Limitations. — Nothing in this chapter shall be construed to:

(1) Interfere with dissemination of news or comments on public affairs; but any communications facility or organization, including but not limited to radio and television stations, wire services, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with a disaster emergency;

(2) Affect the jurisdiction or responsibilities of the Trust Territory, district, municipal or local police forces, and fire fighting forces; and units of the armed forces of the United States, or of any personnel thereof, when on active duty;

(3) Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this chapter may be taken when necessary to forestall or mitigate imminent or existing disasters that pose a danger to public health or safety; or

(4) Limit, modify or abridge the authority of the High Commissioner to respond to emergencies or to exercise any other powers vested in him by the laws of the Trust Territory, independent of, or in conjunction with, any provisions of this chapter. (P.L. No. 7-38, § 3.)

§ 604. Definitions. — As used in this chapter, unless the context otherwise requires, the following definitions shall apply:

(1) "*Disaster*" means occurrence or imminent threat of a widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including, but not limited to, typhoons, tornadoes, storms, floods, high water, wind-driven water, tidal wave, earthquake, fire, oil spill or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air contamination, blight, drought, infestation or explosion, occurring in any part of the Trust Territory which, in the determination of the High Commissioner, is of sufficient severity and magnitude to warrant assistance by the Trust Territory government to supplement the efforts and available resources of the political subdivisions thereof and relief organizations in alleviating the damage, loss, hardship or suffering caused thereby, and with respect to which the district administrator of any district in which such catastrophe occurs determines the need for disaster assistance under this chapter.

(2) "*Emergency*" means any typhoon, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, drought, fire, explosion or other catastrophe in any part of the Trust Territory which requires federal emergency assistance to supplement Trust Territory and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster.

(3) "*Major disaster*" means any typhoon, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, drought, fire or other catastrophe in any part of the Trust Territory which, in the determination of the President of the United States, causes damage of sufficient severity and magnitude to warrant major disaster assistance under public law 93-288, above and beyond emergency services by the federal government to supplement the efforts and available resources of the Trust Territory government and its political subdivisions.

(4) "*Political subdivision*" means any district, municipality, town, village, community or other unit of local government recognized as such by laws or customs of the Trust Territory. (P.L. No. 7-38, § 4.)

§ 605. The High Commissioner and disaster emergencies. — (1) The High Commissioner is responsible for meeting the dangers to the Trust Territory and people presented by disasters.

(2) Under this chapter, the High Commissioner may issue executive orders and regulations and amend or rescind them. Executive orders shall have the force and effect of law when promulgated in accordance with the procedures set forth in this chapter. The High Commissioner shall issue regulations as provided by law for the administration and enforcement of this chapter, and such regulations shall have the force and effect of law if they are not in conflict with the express provisions of this chapter or other laws of the Trust Territory.

(3) A disaster emergency shall be declared by executive order of the High Commissioner if he finds a disaster has occurred or that this occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the High Commissioner finds that the threat or danger has passed or that the disaster has been dealt with to the extent that emergency conditions no longer exist and terminates the state of disaster emergency by executive order, but no state of disaster emergency may continue for longer than thirty days unless renewed by the High Commissioner. The Congress of Micronesia may terminate a state of disaster emergency at any time by joint resolution. Thereupon, the High Commissioner shall issue an executive order promulgating the termination of the state of disaster emergency. An executive order issued under this subsection shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and unless the circumstances attendant upon the disaster so prevent or impede, promptly filed with the Trust Territory disaster control office, the Attorney General's office and the district administrator's office of the district to which it applies.

(4) An executive order declaring a state of disaster emergency shall serve to activate the disaster response and recovery aspects of the Trust Territory, local and interjurisdictional disaster emergency plans applicable to the political subdivisions or area in question, and be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment and materials and facilities assembled, stockpiled or arranged to be made available pursuant to this chapter or any other provision of law relating to disaster emergencies.

(5) During the continuance of any state of disaster emergency, the High Commissioner shall be in charge of all forces and personnel and he shall delegate or assign command authority by prior arrangement embodied in appropriate regulations, but nothing herein restricts his authority to do so by executive orders issued at the time of the disaster emergency.

(6) In addition to any other powers conferred upon the High Commissioner by law, he may, during a state of disaster emergency:

(a) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of Trust Territory business, or the orders, rules, or regulations of any Trust Territory activity or agency, if strict compliance with the provision of any such statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency;

(b) Utilize all available resources of the Trust Territory government as reasonably necessary to cope with the disaster emergency of each political subdivision of the Trust Territory;

(c) Transfer the direction, personnel, or functions of Trust Territory government departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(d) Subject to any applicable requirements for compensation under section 611 of this title, commandeer or utilize any private property if he finds this necessary to cope with the disaster emergency; provided however, that any such property that is not destroyed or totally damaged shall be returned to the owner immediately following the termination of the disaster emergency;

(e) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the Trust Territory if he deems this action necessary for the preservation of life or public health or safety; provided however, that any person so evacuated shall be permitted to return to the place from which evacuated immediately following the termination of the disaster emergency;

(f) Prescribe routes, modes of transportation, and destination in connection with evacuation;

(g) Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein;

(h) Suspend or limit the sale, dispensing or transporting of alcoholic beverages, firearms, explosives, and combustibles; and

(i) Make provision for the availability and use of temporary emergency housing. (P.L. No. 7-38, § 5.)

§ 606. Trust Territory disaster control office. — (1) The Trust Territory disaster control office is hereby established within the office of the High Commissioner. The office shall have a disaster control officer appointed by the High Commissioner and to serve under the general supervision of the High Commissioner. The appointment is subject to the advice and consent of the congress. The office shall have a planning officer and other professional, technical, secretarial and clerical employees as necessary for the performance of its functions. Funds required for the operation of this office shall be included in the High Commissioner's annual budget request to the United States Congress, and the Congress of Micronesia shall not be expected to appropriate money for the operation of this office.

(2) The disaster control office shall prepare and maintain the Trust Territory disaster plan and keep it current, which plan may include:

(a) Prevention and minimization of injury and damage caused by disaster;

(b) Prompt and effective response to disaster;

(c) Emergency relief;

(d) Identification of areas particularly vulnerable to disaster;

(e) Recommendations for zoning, building codes, and other land use controls, safety measures for securing mobile homes or other nonpermanent or semi-permanent structures, and other preventative and preparedness measures designed to eliminate or reduce disasters or their impact;

(f) Assistance to local officials in designing local emergency action plans;

(g) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, conflagration, or other disaster;

(h) Preparation and distribution to the appropriate Trust Territory and district officials of catalogs of federal, territorial, and private assistance programs;

(i) Organization of manpower and chains of command;

(j) Coordination of federal, territorial and local disaster activities;

(k) Coordination of the Trust Territory disaster plan with the disaster plans for the United States government; and

(l) Other necessary and appropriate matters relating to disaster relief and assistance.

(3) The disaster control office shall take an integral part in the development and revision of district and local disaster plans prepared under section 607 of this title. To this end, it shall employ or otherwise secure services of professional and technical personnel capable of providing expert assistance to political subdivisions, their disaster agencies, and interjurisdictional planning and disaster agencies. These personnel shall consult with district administrators and local agencies on a regularly scheduled basis and shall make field examinations of the areas, circumstances and conditions to which

particular district, local and interjurisdictional disaster plans are intended to apply, and may suggest revisions.

(4) In preparing and revising the Trust Territory disaster plan, the disaster control office shall seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders. In advising district and local agencies, the disaster control office shall encourage them also to seek advice from these sources.

(5) The Trust Territory disaster plan, or any part thereof, may be incorporated in regulations of the High Commissioner or executive orders which have the force and effect of law.

(6) The disaster control office shall:

(a) Determine requirements for the Trust Territory and the political subdivisions thereof for food, clothing and other necessities in the event of an emergency;

(b) Coordinate with appropriate government agencies to procure and pre-position supplies, medicines, materials, and equipment;

(c) Promulgate general standards and requirements for district and local disaster plans;

(d) Periodically review district and local disaster plans;

(e) Provide for mobile support units;

(f) Establish and operate, or assist political subdivisions and their disaster agencies to establish and operate, training programs and programs of public information;

(g) Make surveys of industries, resources, and facilities within the Trust Territory, both public and private, as are necessary to carry out the purposes of this chapter;

(h) Plan and make arrangements for the availability and use of any private facilities, services and property, and if in fact used, provide for payment for such use under terms and conditions agreed upon or under the provisions of section 611 of this title in the absence of such agreement;

(i) Establish a register of persons with types of training and skills important in emergency prevention, preparedness, response and recovery;

(j) Establish a register of mobile and construction equipment and temporary housing available for use in a disaster emergency;

(k) Prepare, for issuance by the High Commissioner, executive orders and regulations as necessary or appropriate in coping with disasters;

(l) Cooperate with the United States government and any public or private agency or entity in achieving any purpose of this title and in implementing programs for disaster prevention, preparation, response and recovery; and

(m) Do other things necessary, incidental or appropriate for the implementation of this title. (P.L. No. 7-38, § 6.)

§ 607. Local disaster agencies and services. — (1) Each political subdivision within the Trust Territory shall, for purposes of this act, be within the jurisdiction of and served by the Trust Territory disaster control office and by a local or district agency responsible for disaster preparedness and coordination of response.

(2) The High Commissioner shall determine which political subdivisions within the Trust Territory need disaster agencies of their own and require that they be established and maintained; provided however, that the High Commissioner shall make available or seek sources of any funds he feels to be necessary for such agencies to be established and maintained. He shall make his determinations on the basis of each political subdivision's disaster vulnerability and capability of response related to population, size and concentration. The disaster control office shall publish and keep current a list of political subdivisions required to have disaster agencies under this subsection.

(3) Any provisions of this chapter or other law to the contrary notwithstanding, the High Commissioner may require a political subdivision to establish and maintain a disaster agency jointly with one or more contiguous political subdivisions if he finds that the establishment and maintenance of an agency or participation therein is made necessary by circumstances or conditions that make it unusually difficult to provide disaster prevention, preparedness, response or recovery services under other provisions of this act; provided however, that the High Commissioner shall make available or seek sources of any funds he feels to be necessary for such agencies to be established and maintained.

(4) Each political subdivision which does not have a disaster agency and has not made arrangements to secure or participate in the services of an agency shall have a liaison officer designated to facilitate the cooperation and protection of that subdivision in the work of disaster prevention, preparedness, response and recovery.

(5) The district administrator, chief magistrate or other principal executive officer of each political subdivision in the Trust Territory shall notify the disaster control office of the manner which the political subdivision is providing or securing disaster planning and emergency services, identify the persons who head the agency from which the service is obtained, and furnish additional information relating thereto as the disaster control office requires.

(6) Each district and local agency shall prepare and keep current a local disaster emergency plan for its area.

(7) The district or local disaster agency, as the case may be, shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local agencies and officials and of the disaster chain of command. (P.L. 7-38, § 7.)

§ 608. Intergovernmental arrangements. — If the High Commissioner finds that a vulnerable area lies only partly within the Trust Territory and includes territory in a foreign jurisdiction and that it would be desirable to establish an interterritorial or international relationship, mutual aid or an area organization for disaster, he shall take steps to that end as desirable consistent with the laws of the Trust Territory. (P.L. No. 7-38, § 8.)

§ 609. Local disaster emergencies. — (1) A local disaster emergency may be declared only by the district administrator or by the principal executive officer of a political subdivision within a district. It shall not be continued for a period in excess of seven days. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the disaster control office and the office of the Attorney General.

(2) The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable district or local disaster emergency plans and to authorize the furnishing of aid and assistance thereunder. (P.L. No. 7-38, § 9.)

§ 610. Disaster prevention. — (1) In addition to disaster prevention measures as included in the Trust Territory, district and local disaster plans, the High Commissioner shall consider, on a continuing basis, steps that could be taken to prevent or reduce the harmful consequences of disasters. At his direction, and pursuant to any other authority and competence they have, the Trust Territory agencies, including but not limited to those charged with responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land-use planning, and construction standards, shall make studies of disaster prevention related

matters. The High Commissioner, from time to time, shall make recommendations to the Congress of Micronesia, district legislatures, local governments and other appropriate public and private entities as may facilitate measures for prevention or reduction of the harmful consequences of disasters.

(2) The appropriate Trust Territory agency, in conjunction with the disaster control office, shall keep land uses and construction of structures and other facilities under continuing study and identify areas which are particularly susceptible to severe land shifting, subsidence, flood or other catastrophic occurrence. The studies under this subsection shall concentrate on means of reducing or avoiding the danger caused by this occurrence or the consequences thereof.

(3) If the disaster control office believes, on the basis of the studies or other competent evidence, that an area is susceptible to a disaster of catastrophic proportions without adequate warning, that existing building standards and land-use controls in that area are inadequate and could add substantially to the magnitude of the disaster, and that changes in zoning regulations, other land-use regulations or building requirements are essential in order to further the purposes of this section, it shall specify the essential changes to the High Commissioner. If the High Commissioner upon review of the recommendation finds that the changes are essential, he shall so recommend to the agencies or local governments with jurisdiction over the area and subject matter. If no action or insufficient action pursuant to this recommendation is taken within the time specified by the High Commissioner, he shall so inform the Congress of Micronesia and request legislative action appropriate to mitigate the impact of disaster. (P.L. No. 7-38, § 10.)

§ 611. Compensation. — (1) Each person within the Trust Territory shall conduct himself and keep and manage his affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the government and the public successfully to meet disaster emergencies.

(2) No personal services voluntarily rendered for emergency disaster assistance, relief preparedness or response may be compensated by the Trust Territory or any subdivision or agency thereof, except pursuant to statute or local law or ordinance.

(3) Compensation for property shall be only if the property was commandeered or otherwise used in coping with a disaster emergency and its use or destruction was ordered by the High Commissioner or a member of the disaster emergency forces of the Trust Territory.

(4) Any person claiming compensation for the use, damage, loss or destruction of property under this chapter shall file a claim therefor within one year after the claim first arose with the office of the attorney general in the form and manner that office shall provide.

(5) Unless the amount of compensation on account of property damaged, lost or destroyed is agreed upon between the claimant and the office of the Attorney General, the amount of compensation shall be calculated according to fair market value as determined by three uninterested assessors to be selected in the following manner: one by the claimant, one by the Attorney General and the third by the first two. (P.L. No. 7-38, § 11.)

§ 612. Communications. — The disaster control office shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The office shall consider the desirability of supplementing these communications resources or of integrating them into comprehensive Trust Territory or Trust Territory-federal telecommunications or other communications systems or network. In studying the character and feasibility of any system or its several parts, the office shall evaluate the possibility of

multi-purpose use thereof for general Trust Territory and local governmental purposes. The office shall make recommendations to the High Commissioner as appropriate. (P.L. No. 7-38, § 12.)

§ 613. Mutual aid. — Political subdivisions not participating in interjurisdictional arrangements pursuant to this chapter nevertheless shall be encouraged and assisted by the disaster control office to conclude suitable arrangements for furnishing mutual aid in coping with disasters. The arrangements shall include provision of aid by persons and units in public employ as well as resources. (P.L. No. 7-38, § 13.)

§ 614. Weather modification. — The disaster control office shall keep continuously apprised of weather conditions which present danger or precipitation or other climatic activity severe enough to constitute a disaster. If the office determines that precipitation which may result from weather modification operations, either by itself or in conjunction with other precipitation or climatic conditions or activity, would create or contribute to the severity of a disaster, it shall direct the officer or agency empowered to issue permits for weather modification operations to suspend the issuance of the permits. Thereupon, no permits may be issued until the office informs the office or agency that danger has passed. (P.L. No. 7-38, § 14.)

CHAPTER 7.

JOINT COORDINATING COMMITTEE ON CAPITAL RELOCATION.

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§ 651. Statement of purpose. — As a consequence of the separation of the Northern Mariana Islands from the national territory of Micronesia, an understanding exists between the United States government and the Trust Territory government that the former will partially or wholly fund the construction of new capital facilities to replace those lost in the separation of the Northern Mariana Islands, and that the United States through the Trust Territory government will initiate an early relocation of the capital to a site within the remaining territory of Micronesia. It is the purpose of this act to initiate work toward the relocation of the capital through the reactivation of the joint coordinating committee on capital relocation. It is the sense of the congress that the relocation should include the construction of the facilities for the capital, the transfer and/or purchase of central government personal property as may be appropriate for the proper functioning of the government of the Federated States of Micronesia, the transfer of Trust Territory government personnel as may be appropriate to the proper functioning of the government of the Federated States of Micronesia, the assumption by the government of the Federated States of Micronesia of an appropriate portion of the federal grant set aside for the Trust Territory government, and the carrying out of the move of personnel and facilities to Ponape District. (P.L. No. 7-137, § 1.)

§ 652. Creation of the coordinating committee. — There is created a Joint Coordinating Committee on Capital Relocation. (P.L. No. 7-137, § 2.)

§ 653. Selection of members and tenure. — (1) Members of the coordinating committee are:

- (a) The presiding officers of the Congress of Micronesia, or their designees;
- (b) The administrators of the departments of administrative services, community services and development services, or their designees;
- (c) The chairman of the transition committee of the commission on future political status and transition, or his designee;
- (d) A traditional leader from Ponape District chosen by the traditional leaders of that district from among their membership;
- (e) A member of the Ponape District Legislature chosen by the Speaker of the Legislature; and
- (f) A member appointed by the acting governor of Ponape District.

(2) The principals may substitute designees from time to time at their discretion, by written notification to the chairman.

(3) A chairman and vice chairman shall be chosen by majority vote of the membership of the coordinating committee.

(4) The committee shall remain in existence and all members shall serve until the relocation of the capital to Ponape District is completed. (P.L. No. 7-137, § 3.)

§ 654. Organization of meetings. — The coordinating committee shall meet for the first time no later than fifteen days after the effective date of this act (September 25, 1978), with the chairman of the transition committee of the commission on future political status and transition serving as temporary chairman. The coordinating committee shall meet as often and at such places and times as may be decided by the chairman or the coordinating committee itself. In order to conduct business, the coordinating committee must have a quorum of five members. (P.L. No. 7-137, § 4.)

§ 655. Duties and responsibilities. — The coordinating committee shall have the following duties and responsibilities:

- (a) To select a site for the capital;
- (b) To press for the early disposition of adverse land claims related to the site selected;
- (c) To initiate or cause to be initiated planning and architectural and engineering work for the construction of the physical facilities for the capital;
- (d) To seek funding for the planning and construction of the facilities for the capital;
- (e) To seek funding and initiate plans for the relocation of personnel and property to the new capital;
- (f) To work closely with the High Commissioner, Congress of Micronesia, Chief Justice of the High Court, and commission on future political status and transition to facilitate as rapid a relocation of the capital as is possible under the circumstances; and
- (g) To perform such other duties and responsibilities as may facilitate the relocation of the capital. (P.L. No. 7-137, § 5.)

§ 656. Administrative support. — The coordinating committee shall be assisted in its work by:

- (a) The staff of the Congress of Micronesia;
- (b) The staff of the commission on future political status and transition;
- (c) The officers and employees of the executive and judicial branches of the Trust Territory government; and
- (d) Such other staff as may be necessary to carry out its duties and responsibilities. (P.L. No. 7-137, § 6.)

§ 657. Funding. — Initial funding shall be provided by the High Commissioner from among the funds previously set aside for capital relocation, planning, and execution. (P.L. No. 7-137, § 7.)