

## Oversight Overview: Oversight in the Territories (Transcript)

Welcome to *Oversight Overview*, a video series by the Levin Center's State Oversight Academy at Wayne State University Law School. We will take a look at how states (and territories) across the globe are performing oversight of a particular issue. Today, we will be examining oversight in the U.S. territories.

We usually talk the 50 states, but the U.S. also has territories around the world with their own legislatures that perform oversight. In this video, we will focus on five U.S. territories – American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. First, let's travel alllllll the way to the South Pacific and look in on American Samoa.

American Samoa has a part-time, bicameral legislature. The House of Representatives has 21 members, who serve 2-year terms, and the Senate has 18 members, who serve 4-year terms. Fun fact! American Samoa has the only nonpartisan bicameral legislature of the U.S. states and territories.

According to Title 2 of the territory's code, investigating committees are committees "created by law or resolution to inquire, research or explore any matter on which the Legislature may act" (2.1002). All standing committees and subcommittees are investigating committees. Committees can hold hearings to take testimony and receive evidence, can issue subpoenas for witnesses and records, and can file any action in the territory's High Court. Committees must produce official reports of investigations.

The Senate Select Investigative Committee, established in 2022, is currently holding an inquiry into a pleasure boat called Kite Runner, which left the territory's jurisdiction without a Certificate of Clearance. It later returned with additional passengers, at which time a customs agent forged the missing certificate.

Additionally, 14 House committees and 17 Senate committees have jurisdictional oversight authority. The House Commerce Committee recently held an oversight hearing of the Territorial Bank of American Samoa where they questioned the Acting CEO and Director of the Office of Financial Institutions about recent audits and the bank's financial position.

Next, let's head a bit north to Guam.

Guam has a full-time, unicameral legislature. The Senate has 15 members, who serve 2-year terms.

According to the rules of the legislature, "Each Standing Committee is authorized to study and analyze all facts relating to the subjects that fall within its jurisdiction, including, but not limited to, a need for revision of the laws relating to that subject" (Legislature Rule XI, Section 11.01).

All standing committees have powers of discovery and subpoena. There are no committees dedicated to oversight, but the ten standing committees have jurisdictional oversight authority. One interesting feature of the committees is that, due to the small size of the legislature, some committees have jurisdiction over many different areas that don't necessarily relate, such as the Committee on Maritime Transportation, Air Transportation, Parks, Tourism, Higher Education, and the Advancement of Women, Youth, and Senior Citizens. Though broad, the jurisdictions are well outlined in the Standing Rules of the Legislature.

Guam's legislature appears relatively active on oversight. In September, the Committee on Health, Land, Justice, and Culture held an oversight hearing of the Guam Memorial Hospital Authority. Following testimony from a nurse about the unacceptable conditions of the hospital during and after Typhoon Mawar in May, the administrator was questioned, gave a verbal resignation, and walked out of the hearing. In April, the same Committee held an oversight hearing of the Department of Public Health and Social Services after sexual assault allegations were made against a foster parent, who had previous accusations made against him. Also in April, the Tourism Committee held an oversight hearing to examine a report concerning former board members of the Guam Visitors Bureau, who did not disclose conflicts of interest in a company that received funding from the Bureau. Other topics of oversight hearings this year included the Department of Education and post-hurricane efforts.

We don't have to go far to check out the Northern Mariana Islands.

The Islands have a part-time, bicameral legislature. The House of Representatives has 20 members, who serve 2-year terms, and the Senate has 9 members, who serve 4-year terms.

The House and Senate Rules both authorize all standing committees to act as investigating committees on subjects falling under their jurisdiction. Committees can subpoena witnesses and records, issue warrants for those who refuse to comply, and prepare reports of investigations. There are no permanent committees dedicated to oversight, so it is done by the 10 House and 8 Senate committees.

The House currently has a Special Committee on Federal Assistance and Disaster-Related Funding that is investigating expenditures of the federal funds received during the COVID-19 pandemic.

Let's head back to the Western Hemisphere and see what Puerto Rico's legislature is up to.

Puerto Rico has a full-time, bicameral legislature. The House of Representatives has 51 members and the Senate has 27 members, who all serve 4-year terms.

The House and Senate Rules both authorize all standing committees to act as investigating committees on subjects falling under their jurisdiction. Committees can subpoena witnesses and records, issue warrants for those who refuse to comply, and prepare reports of investigations.

There is a Joint Special Committee on Comptroller's Reports, which receives copies of all reports issued by the Office of the Comptroller. It "is empowered to receive, study, and analyze these reports, as well as to investigate any matter related to them." It has the authority to hold hearings anywhere in Puerto Rico, "administer oaths and affirmations, compel, under penalty of contempt, the attendance of witnesses, and the production of books, papers, documents, records, and any other items necessary for a complete understanding of the matter under investigation." Once the investigation is complete, the Committee submits its report and recommendations to the Legislature. Additionally, there are 9 other joint committees, 38 permanent House committees, and 28 permanent Senate committees with jurisdictional oversight authority.

Several committees have held oversight investigations of the territory's contract with LUMA Energy over the last couple of years, including the House Committee for Economic Development, Planning, Telecommunications, Public-Private Partnerships, and Energy; the Senate Committee on Strategic Projects & Energy; and the Senate Committee on the Treasury, Federal Affairs, and Financial Oversight Board. The government signed a 15-year contract in 2020 for the company to manage the island's power transmission and distribution system, but frequent blackouts and price discrepancies have angered the public. Investigations into the conflicts of interest held by the CEO led to his recent resignation.

Finally, let's make our way to the U.S. Virgin Islands.

The Virgin Islands have a full-time, unicameral legislature. The Senate has 15 members, who serve 2-year terms.

Any of the legislature's 11 committees can conduct an investigation by introducing a resolution to the legislature for approval. All employees of the government of the Virgin Islands, except the Governor, must appear before the committee upon request, or provide records and documents. The committee can subpoena witnesses who don't work for the government if necessary, and refusal to testify or produce evidence is punishable by contempt.

In September, the Senate Committee on Homeland Security, Justice, and Public Safety held an oversight hearing where legislators heard testimony from heads of the governmental disaster response agencies on hurricane preparedness, such as communication backups, emergency shelters, generators, food and water supplies, traffic control, and the tsunami warning system.

Let's summarize what we've learned. American Samoa and Northern Mariana Islands have part-time legislative sessions, while Guam, Puerto Rico, and the U.S. Virgin Islands meet full-time. American Samoa, the Northern Mariana Islands, and Puerto Rico are bicameral – remember, American Samoa is the only nonpartisan bicameral legislature of the U.S. states and territories! – and Guam and the Virgin Islands are unicameral. Only American Samoa has a dedicated oversight committee – the Senate Select Investigative Committee. Puerto Rico's Joint Special Committee on Comptroller's Reports has specific oversight authorities. However, all committees in all the territories can act as investigative committees for subjects that fall within their

jurisdictions, all are bipartisan, and all have subpoena power, setting them up to perform effective oversight! As discussed, all the legislatures in the territories have performed significant oversight this session. You can find links in the document accompanying this video for more information on those hearings and investigations.

We'll be back soon for another Oversight Overview, but until then, we're heading back to the Levin Center in Detroit. If there is a topic you'd like to see us cover or if you have any questions about oversight in your state or territory, we'd love to hear from you. Please check out the State Oversight Academy website at [stateoversight.org](https://stateoversight.org). Our contact information and links to the committees you've seen in this video are available in the accompanying document. Thanks for joining us!