

(iv) The project is not likely to cost more than the value of the reduction in direct damage and other negative impacts that the project is designed to prevent or mitigate. The cost benefit analysis required by this criterion shall be computed on a net present value basis.

(v) The project design has taken into consideration long-term changes to the areas and persons it is designed to protect and has manageable future maintenance and modification requirements.

(vi) The project plan includes an analysis of a range of options to address the problem it is designed to prevent or mitigate and a justification for the selection of the project in light of that analysis.

(vii) The applicant has demonstrated to the Secretary that the matching funds required by subparagraph (D) are available.

(C) **PRIORITY.**—When making grants under this paragraph, the Secretary of the Interior shall give priority to grants for projects which are likely to—

(i) have the greatest impact on reducing future disaster losses; and

(ii) best conform with plans that have been approved by the Federal Government or the government of the insular area where the project is to be carried out for development or hazard mitigation for that insular area.

(D) **MATCHING REQUIREMENT.**—The Federal share of the cost for a project for which a grant is provided under this paragraph shall not exceed 75 percent of the total cost of that project. The non-Federal share of the cost may be provided in the form of cash or services.

(E) **TREATMENT OF FUNDS FOR CERTAIN PURPOSES.**—Grants provided under this paragraph shall not be considered as income, a resource, or a duplicative program when determining eligibility or benefit levels for Federal major disaster and emergency assistance.

(F) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this paragraph \$6,000,000 for each fiscal year beginning after August 8, 2005.

(5) For the purposes of this subsection—

(A) the term “insular area” means American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Republic of Palau, and the Virgin Islands; and

(B) the term “1982 Territorial Energy Assessment” means the comprehensive energy plan prepared by the Secretary of Energy pursuant to subsection (c).

(Pub. L. 96-597, title VI, §604, Dec. 24, 1980, 94 Stat. 3480; Pub. L. 98-213, §7, Dec. 8, 1983, 97 Stat. 1460; Pub. L. 102-486, title XXVII, §2701, Oct. 24, 1992, 106 Stat. 3118; Pub. L. 109-58, title II, §251, Aug. 8, 2005, 119 Stat. 679.)

#### Editorial Notes

##### REFERENCES IN TEXT

August 8, 2005, referred to in subsecs. (e)(5) and (g)(4)(F), was in the original “the date of enactment of

this subsection” and “the date of enactment of this paragraph”, respectively, and was translated as meaning the date of enactment of Pub. L. 109-58 which amended subsecs. (e) and (g)(4) generally, to reflect the probable intent of Congress.

##### AMENDMENTS

2005—Subsec. (a)(5), (6). Pub. L. 109-58, §251(1), (2), added pars. (5) and (6).

Subsec. (e). Pub. L. 109-58, §251(3), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “Within two years from December 24, 1980, the Secretary of Energy or any administrative official who may succeed him shall submit the comprehensive energy plan for each insular area to the Congress.”

Subsec. (g)(4). Pub. L. 109-58, §251(4), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “Notwithstanding the requirements of section 1469a(d) of this title, the Secretary shall require at least 20 percent of the costs of any project under this subsection to be provided from non-Federal sources. Such cost sharing may be in the form of in-kind services, donated equipment, or any combination thereof.”

1992—Subsec. (g). Pub. L. 102-486 added subsec. (g).

1983—Subsec. (d). Pub. L. 98-213 inserted “and may implement any projects or programs contained in recommendations of the plan”.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

#### § 1492a. Study of electric rates in the insular areas

##### (a) Definitions

In this section:

##### (1) Comprehensive energy plan

The term “comprehensive energy plan” means a comprehensive energy plan prepared and updated under subsections (c) and (e) of section 1492 of this title.

##### (2) Energy action plan

The term “energy action plan” means the plan required by subsection (d).

##### (3) Freely Associated States

The term “Freely Associated States” means the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

##### (4) Insular areas

The term “insular areas” means American Samoa, the Commonwealth of the Northern Mariana Islands, Puerto Rico, Guam, and the Virgin Islands.

##### (5) Secretary

The term “Secretary” means the Secretary of the Interior, except that, with respect to Puerto Rico, the term means, the Secretary of Energy.

##### (6) Team

The term “team” means the team established by the Secretary under subsection (b).

##### (b) Establishment

Not later than 180 days after December 16, 2014 (except in the case of Puerto Rico, in which case

not later than 270 days after June 30, 2016), the Secretary shall, within the Empowering Insular Communities activity (except in the case of Puerto Rico), establish a team of technical, policy, and financial experts—

(1) to develop an energy action plan addressing the energy needs of each of the insular areas and Freely Associated States; and

(2) to assist each of the insular areas and Freely Associated States in implementing such plan.

**(c) Participation of regional utility organizations**

In establishing the team, the Secretary shall consider including regional utility organizations.

**(d) Energy action plan**

In accordance with subsection (b), the energy action plan shall include—

(1) recommendations, based on the comprehensive energy plan where applicable, to—

(A) reduce reliance and expenditures on fuel shipped to the insular areas and Freely Associated States from ports outside the United States;

(B) develop and utilize domestic fuel energy sources; and

(C) improve performance of energy infrastructure and overall energy efficiency;

(2) a schedule for implementation of such recommendations and identification and prioritization of specific projects;

(3) a financial and engineering plan for implementing and sustaining projects; and

(4) benchmarks for measuring progress toward implementation.

**(e) Reports to Secretary**

Not later than 1 year after the date on which the Secretary establishes the team and annually thereafter, the team shall submit to the Secretary a report detailing progress made in fulfilling its charge and in implementing the energy action plan.

**(f) Annual reports to Congress**

Not later than 30 days after the date on which the Secretary receives a report submitted by the team under subsection (e), the Secretary shall submit to the appropriate committees of Congress a summary of the report of the team.

**(g) Approval of Secretary required**

The energy action plan shall not be implemented until the Secretary approves the energy action plan.

(Pub. L. 113-235, §9, Dec. 16, 2014, 128 Stat. 2133; Pub. L. 114-187, title V, §505(d), June 30, 2016, 130 Stat. 602.)

**Editorial Notes**

**CODIFICATION**

Section is from the Consolidated and Further Continuing Appropriations Act, 2015.

**AMENDMENTS**

2016—Subsec. (a)(5). Pub. L. 114-187, §505(d)(1), inserted “, except that, with respect to Puerto Rico, the term means, the Secretary of Energy” after “Secretary of the Interior”.

Subsec. (b). Pub. L. 114-187, §505(d)(2), in introductory provisions, inserted “(except in the case of Puerto Rico, in which case not later than 270 days after June 30, 2016)” after “December 16, 2014” and “(except in the case of Puerto Rico)” after “Empowering Insular Communities activity”.

**§ 1493. Prosecution; authorization to seek review; local or Federal appellate courts; decisions, judgments or orders**

The prosecution in a territory or Commonwealth is authorized—unless precluded by local law—to seek review or other suitable relief in the appropriate local or Federal appellate court, or, where applicable, in the Supreme Court of the United States from—

(a) a decision, judgment, or order of a trial court dismissing an indictment or information as to any one or more counts, except that no review shall lie where the constitutional prohibition against double jeopardy would further prosecution;

(b) a decision or order of a trial court suppressing or excluding evidence or requiring the return of seized property in a criminal proceeding, not made after the defendant has been put in jeopardy and before the verdict or finding on an indictment or information, if the prosecution certifies to the trial court that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of a fact material in the proceeding; and

(c) an adverse decision, judgment, or order of an appellate court.

(Pub. L. 98-454, title X, §1003, Oct. 5, 1984, 98 Stat. 1746.)

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE**

Section effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

**§ 1494. Purposes**

The purposes of sections 1494 to 1494c of this title are to improve enforcement of drug laws and enhance interdiction of illicit drug shipments in the Caribbean and Pacific territories and commonwealths of the United States and the Trust Territory of the Pacific Islands (or successor governments) and to assist public and private sector drug abuse and other substance prevention and treatment programs in United States associated insular areas.

(Pub. L. 99-570, title V, §5002, Oct. 27, 1986, 100 Stat. 3207-154; Pub. L. 100-690, title IX, §9308, Nov. 18, 1988, 102 Stat. 4538.)

**Editorial Notes**

**AMENDMENTS**

1988—Pub. L. 100-690 inserted “and the Trust Territory of the Pacific Islands (or successor governments)” after “commonwealths of the United States”, “and other substance” before “prevention”, and “associated” before “insular areas.”.

**Statutory Notes and Related Subsidiaries**

**SHORT TITLE OF 1988 AMENDMENT**

Pub. L. 100-690, title IX, §9301(a), Nov. 18, 1988, 102 Stat. 4535, provided that: “This subtitle [subtitle D