

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) of this section.

(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.)

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”.

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.

§ 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.)

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.)

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.”.

SHORT TITLE OF 1988 AMENDMENT

Section 9301(a) of Pub. L. 100-690 provided that: “This subtitle [subtitle D (§§9301-9310) of title IX of Pub. L. 100-690, enacting section 1494c of this title and amending this section and sections 1494a and 1494b of this title and section 10603 of Title 42, The Public Health and Welfare] may be cited as the ‘Insular Areas Drug Abuse Amendments of 1988.’”

SHORT TITLE

Section 5001 of title V of Pub. L. 99-570 provided that: “This subtitle [subtitle A (§§5001-5004) of title V of Pub. L. 99-570, enacting this section and sections 1494a and

1494b of this title] may be cited as the ‘United States Insular Areas Drug Abuse Act of 1986.’”

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of this title.

§ 1494a. Annual reports to Congress

(a) In general

The President shall report annually to the Congress as to—

(1) the efforts and success of Federal agencies in preventing the illegal entry into the United States of controlled substances from the insular areas of the United States outside the customs territory of the United States, the Trust Territory of the Pacific Islands, and states freely associated with the United States and the nature and extent of such illegal entry, and

(2) the efforts and success of Federal agencies in preventing the illegal entry from other nations, including states freely associated with the United States, of controlled substances into the United States territories, the Trust Territory of the Pacific Islands, and the commonwealths for use in the territories, the Trust Territory of the Pacific Islands, and commonwealths or for transshipment to the United States and the nature and extent of such illegal entry and use.

(b) Transmission date

The annual reports required by subsection (a) of this section shall be transmitted to the Committee on Natural Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate not later than the first day of October each year.

(Pub. L. 99-570, title V, §5003, Oct. 27, 1986, 100 Stat. 3207-155; Pub. L. 100-690, title IX, §9309, Nov. 18, 1988, 102 Stat. 4539; Pub. L. 103-437, §17(a)(3), Nov. 2, 1994, 108 Stat. 4595.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the United States House”.

1988—Pub. L. 100-690 designated existing provisions as subsec. (a) and inserted heading, inserted “, the Trust Territory of the Pacific Islands,” before “and states” in par. (1) and after “territories” in two places in par. (2), and added subsec. (b).

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of this title.

§ 1494b. Enforcement and administration in insular areas

(a) American Samoa

(1) With the approval of the Attorney General of the United States or his designee, law enforcement officers of the Government of American Samoa are authorized to—

(A) execute and serve warrants, subpoenas, and summons issued under the authority of the United States;

(B) make arrests without warrant; and

(C) make seizures of property to carry out the purposes of sections 1494 to 1494c of this title, the Controlled Substances Import and Export Act (21 U.S.C. 951-970), and any other applicable narcotics laws of the United States.

(2) The Attorney General and the Secretaries of Education and Health and Human Services of the United States, as appropriate, are authorized to and, upon request of the Government of American Samoa, shall—

(A) train law enforcement officers and other personnel of the Government of American Samoa, and

(B) provide by purchase or lease law enforcement equipment and technical assistance to the Government of American Samoa to carry out the purposes of sections 1494 to 1494c of this title and any other Federal or territorial drug or other substance abuse laws.

(3) There are authorized to be appropriated \$350,000 for fiscal year 1989 and annually thereafter for grants to the Government of American Samoa to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services to carry out the purposes of sections 1494 to 1494c of this title, to remain available until expended.

(4) The Secretary of the Treasury in consultation with the Secretary of the Interior shall provide the Government of American Samoa with a vessel to be used in the enforcement of narcotics and other laws. There are authorized to be appropriated \$500,000 for this purpose.

(b) Guam

(1) The Attorney General and the Secretaries of Education and Health and Human Services of the United States may provide and, upon request of the Government of Guam, shall provide appropriate training, technical assistance and equipment to the Government of Guam to carry out the purposes of sections 1494 to 1494c of this title and any other Federal or territorial drug or other substance abuse law.

(2) There are authorized to be appropriated \$500,000 for fiscal year 1989 and annually thereafter for grants to the Government of Guam to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services, to carry out the purposes of sections 1494 to 1494c of this title, to remain available until expended.

(3) There are authorized to be appropriated to the Government of Guam \$500,000 for grants to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General for drug abuse law enforcement equipment.

(c) Northern Mariana Islands

(1) With the approval of the Attorney General of the United States or his designee, law enforcement officers of the Government of the Northern Mariana Islands are authorized to—

(A) execute and serve warrants, subpoenas, and summons issued under the authority of the United States;