

§§ 1487, 1488. Repealed. Pub. L. 98-213, § 16(b), (kk), Dec. 8, 1983, 97 Stat. 1462, 1463

Section 1487, act June 22, 1874, ch. 388, 18 Stat. 135, related to calling of an extraordinary session of Territorial legislature with approval of President of the United States.

Section 1488, act Apr. 16, 1880, ch. 56, 21 Stat. 74, related to filling of vacancies in office of justice of the peace by appointment or election, until a successor was regularly elected and qualified as provided by law.

§ 1489. Loss of title of United States to lands in territories through adverse possession or prescription forbidden

On and after March 27, 1934, no prescription or statute of limitations shall run, or continue to run, against the title of the United States to lands in any territory or possession or place or territory under the jurisdiction or control of the United States; and no title to any such lands of the United States or any right therein shall be acquired by adverse possession or prescription, or otherwise than by conveyance from the United States.

(Mar. 27, 1934, ch. 99, 48 Stat. 507; Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

CODIFICATION

Reference to Philippine Islands omitted in view of independence of Philippines proclaimed by President of United States in Proc. No. 2695, set out under section 1394 of Title 22, Foreign Relations and Intercourse, and issued pursuant to section 1394 of Title 22.

§ 1490. Repealed. Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1428

Section, R.S. §1891, related to application of United States Constitution and laws to all organized Territories and in every Territory subsequently organized. Insofar as Territories of Alaska and Hawaii are concerned, it is covered by sections 23 and 495 of this title.

Act July 1, 1902, ch. 1369, §1, 32 Stat. 691, which was also cited as a credit to this section, and which was not repealed by the act of Mar. 3, 1933, provided that this section should not apply to the Philippine Islands.

§ 1491. License, permit, etc., for transportation for storage or storage of spent nuclear fuel or high-level radioactive waste; prerequisites; applicability; "territory or possession" defined

(a) Prior to the granting of any license, permit, or other authorization or permission by any agency or instrumentality of the United States to any person for the transportation of spent nuclear fuel or high-level radioactive waste for interim, long-term, or permanent storage to or for the storage of such fuel or waste on any territory or possession of the United States, the Secretary of the Interior is directed to transmit to the Congress a detailed report on the proposed transportation or storage plan, and no such license, permit, or other authorization or permission may be granted nor may any such transportation or storage occur unless the proposed transportation or storage plan has been specifically authorized by Act of Congress: *Provided*, That the provisions of this section shall not apply to the cleanup and rehabilitation of Bikini and Enewetak Atolls.

(b) For the purpose of this section the words "territory or possession" include the Trust Ter-

ritory of the Pacific Islands and any area not within the boundaries of the several States over which the United States claims or exercises sovereignty.

(Pub. L. 96-205, title VI, §605, Mar. 12, 1980, 94 Stat. 90.)

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.

§ 1492. Energy resources of Caribbean and Pacific insular areas

(a) Congressional findings

The Congress finds that—

(1) the Caribbean and Pacific insular areas of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau are virtually completely dependent on imported sources of energy;

(2) the dependence of such areas on imported sources of energy coupled with the increasing cost and the uncertain availability and supply of such sources of energy will continue to frustrate the political, social, and economic development of such areas by placing increasingly severe fiscal burdens on the local governments of these areas;

(3) these insular areas are endowed with a variety of renewable sources of energy which, if developed, would alleviate their dependence on imported sources of energy, relieve the fiscal burden on local governments imposed by the costs of imported fuel, and strengthen the base for political, social, and economic development;

(4) appropriate technologies are presently available to develop the renewable energy resources of these insular areas but that comprehensive energy plans have not been adequately developed to meet the energy demands of these areas from renewable energy resources;

(5) electric power transmission and distribution lines in insular areas are inadequate to withstand damage caused by the hurricanes and typhoons which frequently occur in insular areas and such damage often costs millions of dollars to repair; and

(6) the refinement of renewable energy technologies since the publication of the 1982 Territorial Energy Assessment prepared pursuant to subsection (c) of this section reveals the need to reassess the state of energy production, consumption, infrastructure, reliance on imported energy, opportunities for energy conservation and increased energy efficiency, and indigenous sources in regard to the insular areas.

(b) Congressional declaration of policy

The Congress declares that it is the policy of the Federal Government to—

(1) develop the renewable energy resources of the Caribbean and Pacific insular areas of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau; and

(2) to assist other insular areas in the Caribbean and Pacific Basin in the development of their renewable energy resources.

(c) Comprehensive energy plan

The Secretary of Energy or any administrative official who may succeed him shall prepare a comprehensive energy plan with emphasis on indigenous renewable sources of energy for Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands and Palau. The plan shall be prepared with the approval of the Secretary of the Interior and in cooperation with the chief executive officer of each insular area by—

(1) surveying existing sources and uses of energy;

(2) estimating future energy needs to the year 2020, giving due consideration to a range of economic development possibilities;

(3) assessing, in depth, the availability and potential for development of indigenous energy sources, including solar, wind, hydro-power, ocean current and tidal, biogas, biofuel, geothermal and ocean thermal energy conversion;

(4) assessing the mix of energy sources (including fossil fuels) and identifying those technologies that are needed to meet the projected demands for energy; and

(5) drafting long-term energy plans for such insular areas with the objective of minimizing their reliance on energy imports and making maximum use of their indigenous energy resources.

(d) Demonstration of cost effective renewable energy technologies

The Secretary of Energy or any administrative official who may succeed him, with the approval of the Secretary of the Interior, as part of the comprehensive energy planning may demonstrate those indigenous renewable energy technologies which are determined to be most cost effective through the use of existing programs and may implement any projects or programs contained in recommendations of the plan.

(e) Updating of plans; submission to Congress

(1) The Secretary of the Interior, in consultation with the Secretary of Energy and the head of government of each insular area, shall update the plans required under subsection (c) of this section by—

(A) updating the contents required by subsection (c) of this section;

(B) drafting long-term energy plans for such insular areas with the objective of reducing, to the extent feasible, their reliance on energy imports by the year 2012, increasing energy conservation and energy efficiency, and maximizing, to the extent feasible, use of indigenous energy sources; and

(C) drafting long-term energy transmission line plans for such insular areas with the objective that the maximum percentage feasible of electric power transmission and distribution lines in each insular area be protected from damage caused by hurricanes and typhoons.

(2) In carrying out this subsection, the Secretary of Energy shall identify and evaluate the strategies or projects with the greatest potential for reducing the dependence on imported fossil fuels as used for the generation of electricity, including strategies and projects for—

(A) improved supply-side efficiency of centralized electrical generation, transmission, and distribution systems;

(B) improved demand-side management through—

(i) the application of established standards for energy efficiency for appliances;

(ii) the conduct of energy audits for business and industrial customers; and

(iii) the use of energy savings performance contracts;

(C) increased use of renewable energy, including—

(i) solar thermal energy for electric generation;

(ii) solar thermal energy for water heating in large buildings, such as hotels, hospitals, government buildings, and residences;

(iii) photovoltaic energy;

(iv) wind energy;

(v) hydroelectric energy;

(vi) wave energy;

(vii) energy from ocean thermal resources, including ocean thermal-cooling for community air conditioning;

(viii) water vapor condensation for the production of potable water;

(ix) fossil fuel and renewable hybrid electrical generation systems; and

(x) other strategies or projects that the Secretary may identify as having significant potential; and

(D) fuel substitution and minimization with indigenous biofuels, such as coconut oil.

(3) In carrying out this subsection, for each insular area with a significant need for distributed generation, the Secretary of Energy shall identify and evaluate the most promising strategies and projects described in subparagraphs (C) and (D) of paragraph (2) for meeting that need.

(4) In assessing the potential of any strategy or project under paragraphs (2) and (3), the Secretary of Energy shall consider—

(A) the estimated cost of the power or energy to be produced, including—

(i) any additional costs associated with the distribution of the generation; and

(ii) the long-term availability of the generation source;

(B) the capacity of the local electrical utility to manage, operate, and maintain any project that may be undertaken; and

(C) other factors the Secretary of Energy considers to be appropriate.

(5) Not later than 1 year after August 8, 2005, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives, the updated plans for each insular area required by this subsection.

(f) Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(g) Financial assistance

(1) The Secretary of Energy may grant financial assistance, not to exceed \$2,000,000 annually, to insular area governments or private sector persons working in cooperation with insular area governments to carry out projects to evaluate the feasibility of, develop options for, and encourage the adoption of energy efficiency and renewable energy measures which reduce the dependency of the insular areas on imported fuels, improve the quality of the environment, and promote development in the insular areas.

(2) Any applicant for financial assistance under this subsection must evidence coordination and cooperation with, and support from, the affected local energy institutions.

(3) In determining the amount of financial assistance to be provided for a proposed project, the Secretary shall consider—

(A) whether the measure will reduce the relative dependence of the insular area on imported fuels;

(B) the ease and costs of operation and maintenance of any facilities contemplated as a part of the project;

(C) whether the project will rely on the use of conservation measures or indigenous, renewable energy resources that were identified in the 1982 Territorial Energy Assessment or that are identified by the Secretary as consistent with the purposes of this subsection;

(D) whether the measure will contribute significantly to development and the quality of the environment in the insular area; and

(E) any other factors which the Secretary may determine to be relevant to a particular project.

(4) POWER LINE GRANTS FOR INSULAR AREAS.—

(A) IN GENERAL.—The Secretary of the Interior is authorized to make grants to governments of insular areas of the United States to carry out eligible projects to protect electric power transmission and distribution lines in such insular areas from damage caused by hurricanes and typhoons.

(B) ELIGIBLE PROJECTS.—The Secretary of the Interior may award grants under subparagraph (A) only to governments of insular areas of the United States that submit written project plans to the Secretary for projects that meet the following criteria:

(i) The project is designed to protect electric power transmission and distribution lines located in 1 or more of the insular areas of the United States from damage caused by hurricanes and typhoons.

(ii) The project is likely to substantially reduce the risk of future damage, hardship, loss, or suffering.

(iii) The project addresses 1 or more problems that have been repetitive or that pose a significant risk to public health and safety.

(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) 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

Pub. L. 100-690, title IX, §9301(a), Nov. 18, 1988, 102 Stat. 4535, 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

Pub. L. 99-570, title V, §5001, Oct. 27, 1986, 100 Stat. 3207-154, 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,