

- (B) represent the Eskimo, Indian and Aleut cultures of Alaska, and
- (C) serve for a fixed term.

(Pub. L. 99-498, title XV, §1521, Oct. 17, 1986, 100 Stat. 1610; Pub. L. 103-239, title VII, §722(2), May 4, 1994, 108 Stat. 606.)

#### AMENDMENTS

1994—Pub. L. 103-239 amended section generally, substituting provisions relating to development program for Native Hawaiian and Alaska Native culture and arts for provisions relating to development program for Native Hawaiian culture and arts.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-239, §801, May 4, 1994, 108 Stat. 607, provided that: "This Act [see Short Title note set out under section 6101 of this title] shall take effect on the date of enactment of this Act [May 4, 1994]."

### § 4442. Administrative provisions

#### (a) Payments

The Secretary may award grants under this subchapter in installments, in advance, or by way of reimbursement and may make necessary adjustments in payments of grants on account of overpayments or underpayments.

#### (b) Recovery of overpayments

(1) If the Secretary or a court of competent jurisdiction finds that—

(A) any person—

(i) has—

(I) made, or has caused to be made by another, a false statement or representation of a material fact knowing it to be false, or

(II) knowingly failed, or caused another to fail, to disclose a material fact; and

(ii) as a result of such action, has received any funds under this subchapter which such person would not have otherwise received, or

(B) any person misappropriates any funds paid by the Secretary under this subchapter,

such person shall be liable to repay the amount of such funds to the United States. Any such finding by the Secretary may be made only after an opportunity for a fair hearing.

(2) Any amount repaid under this subsection shall be returned to the general fund of the Treasury of the United States.

#### (c) Penalties

Whoever—

(1) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for such person or for any other person any payment of funds provided under this subchapter, or

(2) misappropriates any funds provided under this subchapter,

shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

(Pub. L. 99-498, title XV, §1522, Oct. 17, 1986, 100 Stat. 1611.)

### SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

### § 4451. Authorization of appropriations

#### (a) Subchapter I

(1) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of subchapter I.

(2) Funds appropriated under the authority of paragraph (1) shall remain available without fiscal year limitation.

(3) Except as provided for amounts subject to section 4425(d)<sup>1</sup> of this title, amounts appropriated under the authority of this subsection for fiscal year 1989, and for each succeeding fiscal year, shall be paid to the Institute at the later of—

(A) the beginning of the fiscal year, or

(B) upon enactment of such appropriation.

(4) Funds appropriated under this subsection for the fiscal year 1992 and for each succeeding fiscal year shall be transferred by the Secretary of the Treasury through the most expeditious method available with the Institute being designated as its own certifying agency.

(5) Funds are authorized to be appropriated for programs for more than one fiscal year. For the purpose of affording adequate notice of funding available under this chapter,<sup>1</sup> amounts appropriated in an appropriations Act for any fiscal year to carry out this chapter<sup>1</sup> may, subject to the appropriation, become available for obligations on July 1 of that fiscal year.

#### (b) Subchapter II

There are authorized to be appropriated for the purpose of carrying out the provisions of subchapter II of this chapter—

(1) for fiscal year 1987, \$1,000,000, and

(2) for each succeeding fiscal year, such sums as may be necessary to carry out such provisions.

(Pub. L. 99-498, title XV, §1531, Oct. 17, 1986, 100 Stat. 1612; Pub. L. 100-297, title V, §5406(c), Apr. 28, 1988, 102 Stat. 418; Pub. L. 101-644, title V, §506, Nov. 29, 1990, 104 Stat. 4672.)

#### REFERENCES IN TEXT

Section 4425 of this title, referred to in subsec. (a)(3), was amended generally by Pub. L. 101-644, title V, §505, Nov. 29, 1990, 104 Stat. 4669, and, as so amended, provisions similar to subsec. (d) are contained in subsec. (a)(4).

This chapter, referred to in subsec. (a)(5), was in the original "this Act" and was translated as reading "this title", meaning title XV of Pub. L. 99-498 to reflect the probable intent of Congress.

#### AMENDMENTS

1990—Subsec. (a)(4), (5). Pub. L. 101-644 added pars. (4) and (5).

1988—Subsec. (a). Pub. L. 100-297 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "There are authorized to be appropriated for the purpose of carrying out the provisions of subchapter I of this chapter—

"(1) for fiscal year 1987, \$4,000,000, and

"(2) for each succeeding fiscal year, such sums as may be necessary to carry out such provisions."

<sup>1</sup> See References in Text note below.