

grams for Native Hawaiian or Alaska Native culture and arts development to any private, nonprofit organization or institution which—

- (1) primarily serves and represents Native Hawaiians or Alaska Natives, and
- (2) has been recognized by the Governor of the State of Hawaii or the Governor of the State of Alaska, as appropriate, for the purpose of making such organization or institution eligible to receive such grants.

(b) Purpose of grants

Grants made under subsection (a) shall, to the extent deemed possible by the Secretary and the recipient of the grant, be used—

- (1) to provide scholarly study of, and instruction in, Native Hawaiian or Alaska Native art and culture,
- (2) to establish programs which culminate in the awarding of degrees in the various fields of Native Hawaiian or Alaska Native art and culture, or
- (3) to establish centers and programs with respect to Native Hawaiian or Alaska Native art and culture that are similar in purpose to the centers and programs described in subsections (b) and (c) of section 4417 of this title.

(c) Management of grants

(1) Any organization or institution which is the recipient of a grant made under subsection (a) shall establish a governing board to manage and control the program with respect to which such grant is made.

(2) For any grants made with respect to Native Hawaiian art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

- (A) be Native Hawaiians or individuals widely recognized in the field of Native Hawaiian art and culture,
- (B) include a representative of the Office of Hawaiian Affairs of the State of Hawaii,
- (C) include the president of the University of Hawaii,
- (D) include the president of the Bishop Museum, and
- (E) serve for a fixed term of office.

(3) For any grants made with respect to Alaska Native art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

- (A) include Alaska Natives and individuals widely recognized in the field of Alaska Native art and culture,
- (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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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)¹ of this title, amounts appro-

¹ See References in Text note below.

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,¹ amounts appropriated in an appropriations Act for any fiscal year to carry out this chapter¹ 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.)

Editorial Notes

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.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

For effective date and applicability of amendment by Pub. L. 100-297, see section 6303 of Pub. L. 100-297, set out as a note under section 1071 of this title.

CHAPTER 57—JAMES MADISON MEMORIAL FELLOWSHIP PROGRAM

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§ 4501. Purpose

It is the purpose of this chapter to establish the James Madison Fellowship Program which is designed to encourage graduate study of the American Constitution, its roots, its formation, its principles, and its development.

(Pub. L. 99-500, § 101(b) [title VIII, § 802], Oct. 18, 1986, 100 Stat. 1783-39, 1783-76, and Pub. L. 99-591, § 101(b) [title VIII, § 802], Oct. 30, 1986, 100 Stat. 3341-39, 3341-76.)

Editorial Notes

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 99-500, § 101(b) [title VIII, § 801], Oct. 18, 1986, 100 Stat. 1783-39, 1783-76, and Pub. L. 99-591, § 101(b) [title VIII, § 801], Oct. 30, 1986, 100 Stat. 3341-39, 3341-76, provided that: “This title [enacting this chapter] may be cited as the ‘James Madison Memorial Fellowship Act’.”

§ 4502. Foundation

(a) Establishment

In order to commemorate the bicentennial of the Constitution, there is established, as an independent establishment of the executive branch, the James Madison Memorial Fellowship Foundation.

(b) Board of Trustees; membership; term of office

(1) The Foundation shall be subject to the supervision and direction of a Board of Trustees. The Board shall be composed of thirteen members, as follows:

(A) Two Members of the Senate, of different political parties, shall be appointed by the President upon the recommendation of the President pro tempore of the Senate, in consultation with the Majority Leader and Minority Leader of the Senate.

(B) Two Members of the House of Representatives, of different political parties, shall be appointed by the President upon the recommendation of the Speaker of the House, in consultation with the Minority Leader of the House of Representatives.

(C) Two members of the Federal judiciary shall be appointed by the President upon the recommendation of the Chief Justice of the United States.

(D) Six members, not more than three of whom shall be of the same political party,