through the interagency mechanism described in subsection (a) of this section and operational direction, consistent with section 113(b) of title 10.

(c) Role of Director

The Director should provide to the interagency mechanism described in subsection (a) of this section appropriate recommendations for policy guidance to OSIA consistent with sections 2551(d),[1] 2562, and 2574(c) of this title.

(Pub. L. 87–297, title V, § 62, as added Pub. L. 101–216, title II, § 201, Dec. 11, 1989, 103 Stat. 1855.)

REFERENCES IN TEXT

Section 2551 of this title, referred to in subsec. (c), was amended by Pub. L. 103–236, title VII, § 703, Apr. 30, 1994, 108 Stat. 491, and, as so amended, no longer contains a par. (d). See section 2551(4) of this title.

§ 2595b. Authorizations of appropriations for On-Site Inspection Agency

There are authorized to be appropriated $49,830,000 for fiscal year 1990 and $48,831,000 for fiscal year 1991 for the expenses of the On-Site Inspection Agency in carrying out on-site inspection activities pursuant to the INF Treaty.

(Pub. L. 87–297, title V, § 63, as added Pub. L. 101–216, title II, § 201, Dec. 11, 1989, 103 Stat. 1856.)

§ 2595b–1. Improving congressional oversight of on-site inspection activities

(a) Report from President

Concurrent with the submission to the Congress of the request for authorization of appropriations for OSIA for fiscal year 1993, the President shall submit a report on OSIA to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Armed Services of the House of Representatives and Senate. The report shall include a review of—

(1) the history of OSIA, including how, when, and under what auspices it was established, including the applicable texts of the relevant executive orders;

(2) the missions and tasks assigned to OSIA to date;

(3) any additional missions and tasks likely to be assigned to OSIA during fiscal year 1993;

(4) the budgetary history of OSIA; and

(5) the extent to which OSIA plays a role in arms control policy formulation and operational implementation.

(b) Review of certain reprogramming notifications

Any notification submitted to the Congress with respect to a proposed transfer, reprogramming, or reallocation of funds from or within the budget of OSIA shall also be submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, and shall be subject to review by those committees.

(Pub. L. 87–297, title V, § 64, as added Pub. L. 102–228, title IV, § 402(b)(2), Dec. 12, 1991, 105 Stat. 1699.)

[1] See References in Text note below.

PRIOR PROVISIONS

A prior section 64 of Pub. L. 87–297 was renumbered section 65 by section 402(b)(1) of Pub. L. 102–228 and is classified to section 2595c of this title.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives and Committee on Armed Services of House of Representatives treated as referring to Committee on National Security of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

§ 2595c. Definitions

As used in this subchapter—

(1) the term ''INF Treaty'' means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987);

(2) the term ''OSIA'' means the On-Site Inspection Agency established by the President, or such other agency as may be designated by the President to carry out the on-site inspection provisions of the INF Treaty;

(3) the term ''Peaceful Nuclear Explosions Treaty'' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on Underground Nuclear Explosions for Peaceful Purposes (signed at Washington and Moscow, May 28, 1976); and

(4) the term ''Threshold Test Ban Treaty'' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapons Tests (signed at Moscow, July 3, 1974).

(Pub. L. 87–297, title V, § 65, formerly § 64, as added Pub. L. 101–216, title II, § 201, Dec. 11, 1989, 103 Stat. 1856; renumbered § 65 and amended Pub. L. 102–228, title IV, § 402(a)(2), (b)(1), Dec. 12, 1991, 105 Stat. 1699.)

AMENDMENTS

1991—Pars. (3), (4). Pub. L. 102–228, § 402(a)(2), added pars. (3) and (4).

CHAPTER 36—MIGRATION AND REFUGEE ASSISTANCE

Sec.
2601. Refugees and migration.
(a) United States membership in International Organization for Migration; contributions to Organization.
(b) Appropriations for assistance to refugees.
(c) United States Emergency Refugee and Migration Assistance Fund; appropriations.
(d) Information to Congressional committees.
(e) Continued availability of certain funds.
(f) Restrictions on foreign assistance not applicable to migration and refugee assistance.
2602. Presidential authorization.
(a) Authority of President to make loans, advances, grants, contracts, etc.; authority to use money, funds, property, services, etc.

Sec.
(b) Performance of functions without regard to specified provisions of law.
2603. Delegation of powers.
2604. Allocation, transfer and availability of funds; separate appropriation accounts on Treasury books.
2605. Use of funds and personnel; savings provision.
(a) Use of funds.
(b) Savings provision.
(c) Use of personnel.
2606. Audits of U.S. funds received by the United Nations High Commissioner for Refugees.
(a) Program audits.
(b) First program audit.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2275, 2318 of this title.

§ 2601. Refugees and migration

(a) United States membership in International Organization for Migration; contributions to Organization

The President is authorized to continue membership for the United States in the International Organization for Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzerland, on May 20, 1987. For the purpose of assisting in the movement of refugees and migrants and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower, there are authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Organization and all necessary salaries and expenses incident to United States participation in the Organization.

(b) Appropriations for assistance to refugees

There are authorized to be appropriated such amounts as may be necessary from time to time—

(1) for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or persons on behalf of whom he is exercising his good offices, and for contributions to the International Organization for Migration, the International Committee of the Red Cross, and to other relevant international organizations; and

(2) for assistance to or on behalf of refugees who are outside the United States designated by the President (by class, group, or designation of their respective countries of origin or areas of residence) when the President determines that such assistance will contribute to the foreign policy interests of the United States.

(c) United States Emergency Refugee and Migration Assistance Fund; appropriations

(1) Whenever the President determines it to be important to the national interest he is authorized to furnish on such terms and conditions as he may determine assistance under this chapter for the purpose of meeting unexpected urgent refugee and migration needs.

(2) There is established a United States Emergency Refugee and Migration Assistance Fund to carry out the purposes of this section. There is authorized to be appropriated to the President from time to time such amounts as may be necessary for the fund to carry out the purposes of this section, except that no amount of funds may be appropriated which, when added to amounts previously appropriated but not yet obligated, would cause such amounts to exceed $100,000,000. Amounts appropriated hereunder shall remain available until expended.

(3) Whenever the President requests appropriations pursuant to this authorization he shall justify such requests to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives, as well as to the Committees on Appropriations.

(d) Information to Congressional committees

The President shall keep the appropriate committees of Congress currently informed of the use of funds and the exercise of functions authorized in this chapter.

(e) Continued availability of certain funds

Unexpended balances of funds made available under authority of the Mutual Security Act of 1954, as amended, and of the Foreign Assistance Act of 1961, as amended, [22 U.S.C. 2151 et seq.], and allocated or transferred for the purposes of sections 405(a), 405(c), 405(d) and 451(c)[1] of the Mutual Security Act of 1954, as amended [22 U.S.C. 1925(a), (c), (d), 1951(c)], are authorized to be continued available for the purposes of this section and may be consolidated with appropriations authorized by this section.

(f) Restrictions on foreign assistance not applicable to migration and refugee assistance

The President may furnish assistance and make contributions under this chapter notwithstanding any provision of law which restricts assistance to foreign countries.

(Pub. L. 87–510, § 2, June 28, 1962, 76 Stat. 121; Pub. L. 88–634, title II, § 201, Oct. 7, 1964, 78 Stat. 1021; Pub. L. 94–141, title V, § 501(a), Nov. 29, 1975, 89 Stat. 771; Pub. L. 96–212, title III, § 312(b), Mar. 17, 1980, 94 Stat. 116; Pub. L. 99–93, title I, § 111, Aug. 16, 1985, 99 Stat. 410; Pub. L. 103–236, title IV, § 430(a), Apr. 30, 1994, 108 Stat. 459.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c)(1), (d), and (f), was in the original ''this Act'', meaning Pub. L. 87–510, June 28, 1962, 76 Stat. 121, as amended, known as the Migration and Refugee Assistance Act of 1962, which enacted this chapter, amended section 1404 of Title 8, Aliens and Nationality, repealed sections 1925(a), (c), (d), and 1951(c) of this title, enacted a provision set out as a note under this section, and amended a provision set out as a note under section 1182 of Title 8. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

The Foreign Assistance Act of 1961, as amended, referred to in subsec. (e), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Mutual Security Act of 1954, as amended, referred to in subsec. (e), is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2–11, 70 Stat. 555; Aug.

[1] See References in Text note below.

14, 1957, Pub. L. 85–141, 71 Stat. 355; June 30, 1958, Pub. L. 85–477, ch. 1, §§101–103, ch. II, §§201–205, ch. III, §301, ch. IV, §401, ch. V, §501, 72 Stat. 261; July 24, 1959, Pub. L. 86–108, §2, ch. 1, §101, ch. II, §§201–205(a)–(i), (k)–(n), ch. III, §301, ch. IV, §401(a)–(k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86–472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, §8(m), 70 Stat. 559, Pub. L. 85–141, §§2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86–108, ch. II, §§205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86–472, ch. II, §§203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87–195, pt. III, §642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94–329, title II, §212(b)(1), June 30, 1976, 90 Stat. 745, Pub. L. 104–127, title II, §228, Apr. 4, 1996, 110 Stat. 963, except for sections 1754, 1783, 1796, 1853, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables.

Sections 405(a), 405(c), 405(d), and 451(c) of the Mutual Security Act of 1954, as amended, referred to in subsec. (e), were sections of act Aug. 26, 1954, ch. 937, 68 Stat. 832, and were repealed by section 6 of Pub. L. 87–510.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–236, §430(a)(1)–(3), substituted ''the International Organization for Migration'' for ''the Intergovernmental Committee for European Migration'', inserted '', as amended in Geneva, Switzerland, on May 20, 1987'' before period at end of first sentence, and substituted ''the Organization'' for ''the Committee'' in two places.

Subsec. (b)(1). Pub. L. 103–236, §430(a)(1), substituted ''the International Organization for Migration'' for ''the Intergovernmental Committee for European Migration''.

Subsec. (c)(2). Pub. L. 103–236, §430(a)(4), substituted ''$100,000,000'' for ''$50,000,000''.

1985—Subsec. (f). Pub. L. 99–93 added subsec. (f).

1980—Subsec. (b). Pub. L. 96–212, §312(b)(1), in par. (1) inserted provisions respecting contributions to the Intergovernmental Committee for European Migration, etc., in par. (2) inserted provisions requiring refugees to be outside of the United States, and struck out requirement that the assistance contribute to the defense or security of the United States, and struck out pars. (3) to (6), which related to assistance when determined by the President to be in the interest of the United States, assistance to State and local agencies, assistance for transportation and resettlement, and assistance for employment and professional refresher training projects, respectively.

Subsec. (c)(2). Pub. L. 96–212, §312(b)(2), inserted provisions increasing amount from $25,000,000 to $50,000,000.

1975—Subsec. (c). Pub. L. 94–141 designated existing provision as par. (1), substituted provisions authorizing the President to furnish assistance on such terms and conditions as he determines, for provisions authorizing President to transfer not more than $10,000,000 in any fiscal year of the funds made available under the Foreign Assistance Act of 1961 for the purposes of this chapter, and added pars. (2) and (3).

1964—Subsec. (e). Pub. L. 88–634 struck out last sentence ''Funds appropriated for the purposes of this section shall remain available until expended.''

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–212 effective with respect to fiscal years beginning on and after Oct. 1, 1979, see section 313 of Pub. L. 96–212, set out as an Effective Date note under section 1522 of Title 8, Immigration and Nationality.

SHORT TITLE

Section 1 of Pub. L. 87–510 provided: ''That this Act [enacting this chapter, amending sections 1925 and 1951 of this title and section 1104 of Title 8, Aliens and Nationality, enacting provisions set out as a note under this section, and amending provisions set out as a note under section 1182 of Title 8] may be cited as the 'Migration and Refugee Assistance Act of 1962'.''

UNITED STATES POLICY CONCERNING OVERSEAS ASSISTANCE TO REFUGEES AND DISPLACED PERSONS

Section 501 of Pub. L. 103–236 provided that:

''(a) STANDARDS FOR REFUGEE WOMEN AND CHILDREN.—The United States Government, in providing for overseas assistance and protection of refugees and displaced persons, shall seek to address the protection and provision of basic needs of refugee women and children who represent 80 percent of the world's refugee population. As called for in the 1991 United Nations High Commissioner for Refugees (UNHCR) 'Guidelines on the Protection of Refugee Women', whether directly, or through international organizations and nongovernmental voluntary organizations, the Secretary of State shall seek to ensure—

''(1) specific attention on the part of the United Nations and relief organizations to recruit and employ female protection officers;

''(2) implementation of gender awareness training for field staff including, but not limited to, security personnel;

''(3) the protection of refugee women and children from violence and other abuses on the part of governments or insurgent groups;

''(4) full involvement of women refugees in the planning and implementation of (A) the delivery of services and assistance, and (B) the repatriation process;

''(5) incorporation of maternal and child health needs into refugee health services and education, specifically to include education on and access to services in reproductive health and birth spacing;

''(6) the availability of counseling and other services, grievance processes, and protective services to victims of violence and abuse, including but not limited to rape and domestic violence;

''(7) the provision of educational programs, particularly literacy and numeracy, vocational and income-generation skills training, and other training efforts promoting self-sufficiency for refugee women, with special emphasis on women heads of household;

''(8) education for all refugee children, ensuring equal access for girls, and special services and family tracing for unaccompanied refugee minors;

''(9) the collection of data that clearly enumerate age and gender so that appropriate health, education, and assistance programs can be planned;

''(10) the recruitment, hiring, and training of more women program professionals in the international humanitarian field; and

''(11) gender-awareness training for program staff of the United Nations High Commissioner for Refugees (UNHCR) and nongovernmental voluntary organizations on implementation of the 1991 UNHCR 'Guidelines on the Protection of Refugee Women'.

''(b) PROCEDURES.—The Secretary of State should adopt specific procedures to ensure that all recipients of United States Government refugee and migration assistance funds implement the standards outlined in subsection (a).

''(c) REQUIREMENTS FOR REFUGEE AND MIGRATION ASSISTANCE.—The Secretary of State, in providing migration and refugee assistance, should support the protection efforts set forth under this section by raising at the highest levels of government the issue of abuses against refugee women and children by governments or insurgent groups that engage in, permit, or condone—

''(1) a pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty, and the security of person;

''(2) the blockage of humanitarian relief assistance;

''(3) gender-specific persecution such as systematic individual or mass rape, forced pregnancy, forced abortion, enforced prostitution, any form of indecent assault or act of violence against refugee women, girls, and children; or

''(4) continuing violations of the integrity of the person against refugee women and children on the part of armed insurgents, local security forces, or camp guards.

''(d) INVESTIGATION OF REPORTS.—Upon receipt of credible reports of abuses under subsection (c), the Secretary of State should immediately investigate such reports through emergency fact-finding missions or other means of investigating such reports and help identify appropriate remedial measures.

''(e) MULTILATERAL IMPLEMENTATION OF THE 1991 UNHCR 'GUIDELINES ON THE PROTECTION OF REFUGEE WOMEN'.—The Secretary of State should work to ensure that multilateral organizations fully incorporate the needs of refugee women and children into all elements of refugee assistance programs and work to encourage other governments that provide refugee assistance to adopt refugee assistance policies designed to encourage full implementation of the 1991 UNHCR's 'Guidelines on the Protection of Refugee Women'.''

UNITED STATES MEMBERSHIP IN INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

Pub. L. 100–204, title VII, § 745, Dec. 22, 1987, 101 Stat. 1396, authorized President to continue United States membership in Intergovernmental Committee for European Migration and, upon entry into force of amendments to constitution of such body approved May 20, 1987, to continue membership under the name International Organization for Migration in accordance with such constitution and amendments, and authorized appropriation of necessary amounts for payment of United States contributions to such body and salaries and expenses incidental to United States participation in such body, prior to repeal by Pub. L. 103–236, title IV, § 430(b), Apr. 30, 1994, 108 Stat. 459.

INDOCHINA MIGRATION AND REFUGEE ASSISTANCE

Pub. L. 94–23, May 23, 1975, 89 Stat. 87, as amended by Pub. L. 94–313, June 21, 1976, 90 Stat. 691; Pub. L. 95–145, title II, §§ 201, 202, Oct. 28, 1977, 91 Stat. 1224, 1225; Pub. L. 95–549, title II, § 201, Oct. 30, 1978, 92 Stat. 2066; Pub. L. 96–110, § 3(a), Nov. 13, 1979, 93 Stat. 844, which set forth provisions respecting appropriations, etc., for migration and refugee assistance for aliens who fled from Cambodia, Laos, and Vietnam, was repealed by Pub. L. 96–212, title III, § 312(c), Mar. 17, 1980, 94 Stat. 117.

AVAILABILITY OF FUNDS FOR CONTINUATION OF ACTIVITIES

Section 7 of Pub. L. 87–510 provided that: ''Until the enactment of legislation appropriating funds for activities under this Act [see Short Title note above], such activities may be conducted with funds made available under section 451(a) of the Foreign Assistance Act of 1961, as amended [section 2261(a) of this title].''

EXECUTIVE ORDER NO. 12244

Ex. Ord. No. 12244, Oct. 3, 1980, 45 F.R. 66443, which provided exemptions from certain statutory requirements for temporary housing for Haitian and Cuban refugees at Fort Allen in Puerto Rico for the period beginning Oct. 2, 1980, and ending Oct. 1, 1981, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

EXECUTIVE ORDER NO. 12327

Ex. Ord. No. 12327, Oct. 1, 1981, 46 F.R. 48893, which provided for temporary housing of Haitian refugees at Fort Allen in Puerto Rico and exempted Fort Allen from certain statutory requirements, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

§ 2602. Presidential authorization

(a) Authority of President to make loans, advances, grants, contracts, etc.; authority to use money, funds, property, services, etc.

In carrying out the purpose of this chapter, the President is authorized—

(1) to make loans, advances, and grants to, make and perform agreements and contracts with, or enter into other transactions with, any individual, corporation, or other body of persons, government or government agency, whether within or without the United States, and international and intergovernmental organizations;

(2) to accept and use money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purposes.

(b) Performance of functions without regard to specified provisions of law

Whenever the President determines it to be in furtherance of the purposes of this chapter, the functions authorized under this chapter may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951), as amended [50 App. U.S.C. 1211 et seq.], regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify.

(Pub. L. 87–510, § 3, June 28, 1962, 76 Stat. 123.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 87–510, June 28, 1962, 76 Stat. 121, as amended, known as the Migration and Refugee Assistance Act of 1962, which enacted this chapter, amended section 1104 of Title 8, Aliens and Nationality, repealed sections 1925(a), (c), (d), and 1951(c) of this title, enacted a provision set out as a note under section 2601 of this title, and amended a provision set out as a note under section 1182 of Title 8. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

The Renegotiation Act of 1951, as amended, referred to in subsec. (b), is act Mar. 23, 1951, ch. 15, 65 Stat. 7, as amended, which was classified principally to section 1211 et seq. of Title 50, Appendix, War and National Defense, prior to its omission from the Code. See Codification note preceding section 1211 of Title 50, Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2603 of this title; title 26 section 6103.

§ 2603. Delegation of powers

The President is authorized to designate the head of any department or agency of the United States Government, or any official thereof who is required to be appointed by the President by and with the advice and consent of the Senate, to perform any functions conferred upon the President by this chapter. If the President shall so specify, any individual so designated under this section is authorized to redelegate to any of his subordinates any functions authorized to be performed by him under this section, except the function of exercising the waiver authority specified in section 2602(b) of this title.

(Pub. L. 87–510, § 4(a)(1), June 28, 1962, 76 Stat. 123.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 87–510, June 28, 1962, 76 Stat. 121, as amended, known as the Migration and Refugee Assistance Act of 1962, which enacted this chapter, amended section 1104 of Title 8, Aliens and Nationality,

repealed sections 1925(a), (c), (d), and 1951(c) of this title, enacted a provision set out as a note under section 2601 of this title, and amended a provision set out as a note under section 1182 of Title 8. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

EX. ORD. NO. 11077. ADMINISTRATION OF CHAPTER

Ex. Ord. No. 11077. Jan. 22, 1963, 28 F.R. 629, as amended by Ex. Ord. No. 11922, June 16, 1976, 41 F.R. 24573; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

By virtue of the authority vested in me by the Migration and Refugee Assistance Act of 1962 (76 Stat. 121–124; hereinafter referred to as the Act) [this chapter], and as President of the United States, it is ordered as follows:

SECTION 1. *Department of State*. (a) The Secretary of State is hereby designated to perform the following:

(1) The functions provided for in Sections 2(a) and 2(b)(1) of the Act [section 2601(a), (b)(1) of this title].

(2) The functions provided for in Section 2(b)(2) of the Act [section 2601(b)(2) of this title], exclusive of so much thereof as is assigned or reserved by the provisions of Section 2(1) of this order.

(3) In connection with functions under the Act assigned to the Secretary of State, the functions provided for in Sections 3(a), 4(b), and 5(a) of the Act [sections 2602(a), 2604, and 2605(a) of this title].

(b) The Secretary of State shall from time to time furnish the President documents appropriate for the discharge by the President of his responsibilities under Section 2(d) of the Act [section 2601(d) of this title].

(c) With due regard for other relevant considerations (including the interests of any other executive agencies which may be concerned), the Secretary of State shall assume the leadership and provide the guidance for assuring that programs authorized under the Act best serve the foreign policy objectives of the United States.

(d) Funds appropriated or otherwise made available to the President for the United States Emergency Refugee and Migration Assistance Fund established by Section 2(c) of the act (22 U.S.C. 2601) shall be deemed to be allocated without further action of the President to the Secretary of State, and the Secretary may allocate or transfer, as appropriate, such funds to any agency, or part thereof, for obligation or expenditure consistent with the provisions of this order, the act, and other applicable law: *Provided*, That such funds may not be transferred, obligated, or expended until the President shall have made the determinations provided for in Section 2(c)(1) of the act [section 2601(c)(1) of this title], which determinations are reserved to the President, and the designations and determinations provided for in Section 2(b)(2) of the act [section 2601(b)(2) of this title].

SEC. 2. *Redelegation*. (a) The Secretary of State may redelegate any of his functions under this order to any of his subordinates.

(b) The Secretary of State may assign to the head of any executive department or to the head of any other agency of the executive branch of the Government, with the consent of the head of the department or agency concerned, the performance of any function of the Secretary under this order whenever he deems that such action would be advantageous to the Government.

SEC. 3. *Waivers*. (a) In accordance with Section 3(b) of the Act [section 2602(b) of this title], it is hereby determined that it is in furtherance of the purposes of the Act that the functions authorized under the Act may be performed (by any department or agency of the Government authorized to perform those functions) without regard to the following-specified provisions of law:

(1) The Act of March 26, 1934, c. 90, 47 Stat. 500, as amended (15 U.S.C. 616a) (shipment of certain exports in United States vessels.)

(2) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) (advance of funds).

(3) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) (competitive bids).

(4) Section 3710 of the Revised Statutes (41 U.S.C. 8) (opening of bids).

(5) Section 2 of the Act of March 3, 1933, c. 212, 47 Stat. 1520 (41 U.S.C. 10a) (Buy American Act).

(6) Section 3735 of the Revised Statutes (41 U.S.C. 13) (contracts limited to one year).

(7) Sections 302–305 of the Federal Property and Administrative Services Act of 1949 (June 30, 1949, c. 288, 63 Stat. 393 et seq.), as amended (41 U.S.C. 252–255) (competitive bids; negotiated contracts; advances).

(8) Section 901(a) of the Merchant Marine Act, 1936 (June 29, 1936, c. 858, 49 Stat. 2015, as amended; 46 U.S.C. 1241(a) (official travel overseas of United States officers and employees, and transportation of their personal effects, on ships registered under the laws of the United States.

(b) It is directed (1) that all waivers of statutes and limitations of authority effected by the foregoing provisions of this section shall be utilized in a prudent manner and as sparingly as may be practical, and (2) that suitable steps shall be taken by the administrative agencies concerned to insure that result, including, as may be appropriate, the imposition of administrative limitations in lieu of waived statutory requirements and limitations of authority.

SEC. 4. *Definition*. As used in this order, the word ''function'' or ''functions'' includes any executive duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

SEC. 5. *Saving provisions*. Except to the extent that they may be inconsistent with law or with this order, all determinations, authorizations, regulations, orders, contracts, agreements and other actions issued, undertaken, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

SEC. 6. *Effective date*. The provisions of this order shall be effective as of July 1, 1962.

§ 2604. Allocation, transfer and availability of funds; separate appropriation accounts on Treasury books

The President may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out the purposes of this chapter. Such funds shall be available for obligation and expenditure for the purposes for which authorized in accordance with authority granted in this chapter or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred. Funds allocated or transferred pursuant to this section to any such agency may be established in separate appropriation accounts on the books of the Treasury.

(Pub. L. 87–510, § 4(b), June 28, 1962, 76 Stat. 123.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 87–510, June 28, 1962, 76 Stat. 121, as amended, known as the Migration and Refugee Assistance Act of 1962, which enacted this chapter, amended section 1104 of Title 8, Aliens and Nationality, repealed sections 1925(a), (c), (d), and 1951(c) of this title, enacted a provision set out as a note under section 2601 of this title, and amended a provision set out as a note under section 1182 of title 8. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

§ 2605. Use of funds and personnel; savings provision

(a) Use of funds

Funds made available for the purposes of this chapter shall be available for—

(1) compensation, allowances, and travel of personnel, including members of the Foreign Service whose services are utilized primarily for the purpose of this chapter, and without regard to the provisions of any other law, for printing and binding, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of Government funds as may be necessary to accomplish the purposes of this chapter;

(2) employment or assignment of members of the Foreign Service serving under limited appointments for the duration of operations under this chapter;

(3) exchange of funds without regard to section 3651[1] of the Revised Statutes (31 U.S.C. 543), and loss by exchanges;

(4) expenses authorized by the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], not otherwise provided for;

(5) expenses authorized by the Act of August 1, 1956 (70 Stat. 890–892), as amended;

(6) contracting for personal services abroad, and individuals employed by contract to perform such services shall not be considered to be employees of the United States for purposes of any law administered by the Office of Personnel Management, except that the Secretary of State may determine the applicability to such individuals of section 2(f) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(f)) and of any other law administered by the Secretary concerning the employment of such individuals abroad; and

(7) all other expenses determined by the President to be necessary to carry out the purposes of this chapter.

(b) Savings provision

Except as may be expressly provided to the contrary in this chapter, all determinations, authorizations, regulations, orders, contracts, agreements and other actions issued, undertaken, or entered into under authority of any provision of law repealed by this chapter shall continue in full force and effect until modified, revoked, or superseded under the authority of this chapter.

(c) Use of personnel

Personnel funded pursuant to this section are authorized to provide administrative assistance to personnel assigned to the bureau charged with carrying out this chapter.

(Pub. L. 87–510, § 5, June 28, 1962, 76 Stat. 123; Pub. L. 96–465, title II, § 2206(a)(10), Oct. 17, 1980, 94 Stat. 2162; Pub. L. 99–93, title I, § 112(a), Aug. 16, 1985, 99 Stat. 410; Pub. L. 103–236, title I, § 164(b), Apr. 30, 1994, 108 Stat. 411; Pub. L. 103–415, § 1(ff), Oct. 25, 1994, 108 Stat. 4303.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 87–510, June 28, 1962, 76 Stat. 121, as amended, known as the Migration and Refugee Assistance Act of 1962, which enacted this chapter, amended section 1104 of Title 8, Aliens and Nationality, repealed sections 1925(a), (c), (d), and 1951(c) of this title, enacted a provision set out as a note under section 2601 of this title, and amended a provision set out as a note under section 1182 of title 8. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

Section 3651 of the Revised Statutes (31 U.S.C. 543), referred to in subsec. (a)(3), was repealed by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31, Money and Finance.

The Foreign Service Act of 1980, referred to in subsec. (a)(4), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, which is classified principally to chapter 52 (§ 3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

Act of August 1, 1956, as amended, referred to in subsec. (a)(5), is act Aug. 1, 1956, ch. 841, 70 Stat. 890, as amended, known as the State Department Basic Authorities Act of 1956, which enacted sections 2651a, 2669 to 2672, 2673 to 2679a, 2680, 2680a, 2684, 2687 to 2690, 2692, 2695, and 2696 to 2724 of this title and chapters 53 (§ 4301 et seq.), 53A (§ 4341 et seq.), and 53B (§ 4351 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1956 Amendment note set out under section 2651 of this title and Tables.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103–236, as amended by Pub. L. 103–415, added subsec. (c).

1985—Subsec. (a)(6), (7). Pub. L. 99–93, § 112(a), added par. (6) and redesignated former par. (6) as (7).

1980—Subsec. (a)(1). Pub. L. 96–465, § 2206(a)(10)(A), substituted ''members of the Foreign Service'' for ''Foreign Service personnel''.

Subsec. (a)(2). Pub. L. 96–465, § 2206(a)(10)(B), substituted ''members of the Foreign Service serving under limited appointments'' for ''Foreign Service Reserve officers''.

Subsec. (a)(4). Pub. L. 96–465, § 2206(a)(10)(C), substituted reference to the Foreign Service Act of 1980 for reference to the Foreign Service Act of 1946.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 112(b) of Pub. L. 99–93 provided that: ''Authority provided by the amendment made by subsection (a) [amending this section] shall only apply with respect to funds appropriated after the date of the enactment of this Act [Aug. 16, 1985].''

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

§ 2606. Audits of U.S. funds received by the United Nations High Commissioner for Refugees

(a) Program audits

Funds may not be available to the United Nations High Commissioner for Refugees (UNHCR) under this chapter or any other Act unless provision is made for—

(1) annual program audits to determine the use of UNHCR funds, including the use of such funds by implementing partners; and

(2) such audits are made available through the Department of State for inspection by the Comptroller General of the United States.

(b) First program audit

The first program audit pursuant to subsection (a)(1) of this section shall begin not later than June 1, 1986.

[1] See References in Text note below.

(Pub. L. 87–510, § 8, as added Pub. L. 99–93, title I, § 113, Aug. 16, 1985, 99 Stat. 411; amended Pub. L. 101–246, title VII, § 701, Feb. 16, 1990, 104 Stat. 74; Pub. L. 104–66, title I, § 1111(a), Dec. 21, 1995, 109 Stat. 723.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original ''this Act'', meaning Pub. L. 87–510, June 28, 1962, 76 Stat. 121, as amended, known as the Migration and Refugee Assistance Act of 1962, which enacted this chapter, amended section 1104 of Title 8, Aliens and Nationality, repealed sections 1925(a), (c), (d), and 1951(c) of this title, enacted a provision set out as a note under section 2601 of this title, and amended a provision set out as a note under section 1182 of Title 8. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

AMENDMENTS

1995—Subsecs. (b), (c). Pub. L. 104–66 redesignated subsec. (c) as (b) and struck out heading and text of former subsec. (b). Text read as follows: ''The Comptroller General of the United States shall inspect each such audit and submit a report of that inspection to the Congress.''

1990—Subsec. (a). Pub. L. 101–246 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''Funds may not be made available to the United Nations High Commissioner for Refugees under this chapter or any other Act unless by June 1, 1986, the High Commissioner provides for—

''(1) annual program audits by an independent consultant, as selected by the Executive Committee of the United Nations High Commissioner for Refugees, to determine the use of such funds, including audits of the use of such funds by private and voluntary organizations; and

''(2) such audits to be made available through the Executive Committee to the Department of State and for inspection by the Comptroller General of the United States.''

CHAPTER 37—FOREIGN GIFTS AND DECORATIONS

Sec.
2621. Definitions.
2622 to 2624. Repealed.
2625. Gifts or decorations on deposit with State Department.
2626. Repealed.

§ 2621. Definitions

In this chapter—

(1) The term ''person'' includes every person who occupies an office or a position in the Government of the United States, its territories and possessions, the Canal Zone government, and the government of the District of Columbia, or is a member of the Armed Forces of the United States, or a member of the family and household of any such person.

(2) The term ''foreign government'' includes every foreign government and every official, agent, or representative thereof.

(3) The term ''gift'' includes any present or thing, other than a decoration, tendered by or received from a foreign government.

(4) The term ''decoration'' includes any order, device, medal, badge, insignia, or emblem tendered by or received from a foreign government.

(Pub. L. 89–673, § 2, Oct. 15, 1966, 80 Stat. 952.)

REPEAL

Section was repealed by Pub. L. 90–83, § 10(b), Sept. 11, 1967, 81 Stat. 224, except insofar as it applies to section 2625 of this title.

SHORT TITLE

Section 1 of Pub. L. 89–673, which provided that Pub. L. 89–673, enacting this chapter, amending section 804 of this title, and repealing sections 114, 115, and 115a of former Title 5, Executive Departments and Government Officers and Employees, could be cited as the ''Foreign Gifts and Decorations Act of 1966'', was repealed by Pub. L. 90–83, § 10(b), Sept. 11, 1967, 81 Stat. 224. See section 7342 of Title 5, Government Organization and Employees.

§§ 2622 to 2624. Repealed. Pub. L. 90–83, § 10(b), Sept. 11, 1967, 81 Stat. 224

Section 2622, Pub. L. 89–673, § 3, Oct. 15, 1966, 80 Stat. 952, prohibited request for or encouragement of a tender of a gift or decoration. See section 7342(b) of Title 5, Government Organization and Employees.

Section 2623, Pub. L. 89–673, § 4, Oct. 15, 1966, 80 Stat. 952, permitted acceptance of a gift of minimal value. See section 7342(c) of Title 5.

Section 2624, Pub. L. 89–673, § 5, Oct. 15, 1966, 80 Stat. 952, permitted acceptance of decorations tendered in recognition of active field service in time of combat operations. See section 7342(d) of Title 5.

§ 2625. Gifts or decorations on deposit with State Department

Any gift or decoration on deposit with the Department of State on October 15, 1966, shall, when approved by the Secretary of State and the appropriate department, agency, office, or other entity, be released to the donee or his legal representative. Such donee may, if authorized, be entitled to wear any decoration so approved. A gift or decoration not approved for release, because of any special or unusual circumstances involved, shall be deemed a gift to the United States and shall be deposited by the donee in accordance with the rules and regulations issued pursuant to this chapter.

(Pub. L. 89–673, § 6, Oct. 15, 1966, 80 Stat. 952.)

§ 2626. Repealed. Pub. L. 90–83, § 10(b), Sept. 11, 1967, 81 Stat. 224

Section, Pub. L. 89–673, § 7, Oct. 15, 1966, 80 Stat. 952, authorized President to prescribe rules and regulations to carry out purposes of this chapter. See section 7342(e) of Title 5, Government Organization and Employees.

CHAPTER 38—DEPARTMENT OF STATE

Sec.
2651. Establishment of Department.
2651a. Organization of Department of State.
(a) Secretary of State.
(b) Under Secretaries.
(c) Assistant Secretaries.
(d) Deputy Assistant Secretaries.
(e) Other senior officials.
2652, 2652a. Repealed.
2652b. Assistant Secretary of State for South Asian Affairs.
(a) Establishment of position.
(b) Appointment.
(c) Repealed.
(d) Repealed and Omitted.
(e) Implementation.
2653 to 2655. Repealed.