CHANGE OF NAME
Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EFFECTIVE DATE OF 1998 AMENDMENT

§2595c. Definitions
As used in this subchapter—
(1) the term "INF Treaty" means the Treaty Between the United States of America 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).

Amendments

EFFECTIVE DATE OF 1998 AMENDMENT

CHAPTER 36—MIGRATION AND REFUGEE ASSISTANCE

§2601. Refugees and migration
(a) United States membership in International Organization for Migration; contributions to Organization
(1) The President is authorized to continue membership for the United States in the International Organization for Migration in accordance with the constitution of such organization approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzerland, on November 24, 1998, upon entry into force of such amendments.
(2) For the purpose of assisting in the movement of refugees and migrants, there are authorized to be appropriated to the President such amounts as may be necessary from time to time for payment by the United States of its contributions to the International Organization for Migration and all necessary salaries and expenses incidental to United States participation in such 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) 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.


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 Mutual and Refugee Assistance Act of 1962, which enacted this chapter, amended section 104 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 Mutual Security Act of 1954, as amended, referred to in subsecs. (c)–(e), the President may furnish assistance and make contributions under this chapter notwithstanding any provision of law which restricts assistance to foreign countries.


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 Regarding Involuntary Return of Refugees


“(a) In General.—None of the funds made available by this Act [see Short Title of 1999 Amendment note set out under section 2651 of this title] or by section 2(c) of

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the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding return as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

"(b) MIGRATION AND REFUGEE ASSISTANCE.—None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees (Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate), except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

"(c) RETURN PROMPTLY.—As used in this section, the term 'to effect the involuntary return' means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person’s will, regardless of whether the person is physically present in the United States and regardless of whether the United States is directly or through an agent.

"(d) 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 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 should work to ensure that multisectoral 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 and adopt refugee assistance policies designed to ensure full implementation of the 1991 UNHCR’s Guidelines on the Protection of Refugee Women’.

"(2) the blockage of humanitarian relief assistance;

"(3) gender-specific persecution such as systematic individual or mass rape, forced pregnancy, forced abortion, enforced prostitution, or 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 ensure full implementation of the 1991 UNHCR’s Guidelines on the Protection of Refugee Women.”
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 45(a) of the Foreign Assistance Act of 1961, as amended [section 226(a) of this title].”

**EXECUTIVE ORDER NO. 12244**


**EXECUTIVE ORDER NO. 12327**


**DELEGATION OF AUTHORITY**

Determination of President of the United States, No. 02–28, July 9, 2002, 67 F.R. 47437, provided: Memorandum for the Secretary of State

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 301 of title 3 of the United States Code, I hereby delegate the functions and authorities conferred upon the President by sections 2(d) and 2(f) of the Migration and Refugee Assistance Act (MRAA) of 1962, as amended, 22 U.S.C. 2601, insofar as they relate to actions taken under the authority of section 2(b)(2) of the MRAA, to the Secretary of State, who should insure timely performance of any duties and obligations of the authority and who is authorized to redelegate these functions and authorities consistent with applicable law. The Secretary of State, or his or her delegate, is directed to provide notice to the President of any use of the functions and authorities delegated by this determination.

This delegation of authority supplements Presidential Determination No. 99–6, Delegation of Authority Under Section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended (November 30, 1998) [set out below]. Any reference in this memorandum to section 2 of the MRAA, as amended, shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provision.

You are authorized and directed to publish this Determination in the Federal Register.

GEORGE W. BUSH.


By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate the functions and authorities conferred upon the President by section 2(b)(2) of the Migration and Refugee Assistance Act (MRAA) of 1962, as amended, 22 U.S.C. 2601(b)(2), to the Secretary of State, who is authorized to redelegate these functions and authorities consistent with applicable law. The Secretary of State, or his or her delegate, is directed to provide notice to the President of any use of the functions and authorities delegated by this determination.

Any reference in this memorandum to section 2(b)(2) of the MRAA, as amended, shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provision.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

§ 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 U.S.C. App. 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.


**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 title 8, Aliens and Nationality, repealed sections 1203, 1204 of Title 8, as amended, set out under section 1104 of Title 8, as amended, and amended a provision set out as a note under section 2601 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 2601 of this title, as amended, shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provision.

You are authorized and directed to publish this Determination in the Federal Register.

GEORGE W. BUSH.

Determination of President of the United States, No. 10–10, Dec. 7, 2010, 75 F.R. 73234, provided: Memorandum for the Secretary of State

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 301 of title 3 of the United States Code, I hereby delegate the functions and authorities conferred upon the President by section 2(b)(2) of the Migration and Refugee Assistance Act (MRAA) of 1962, as amended, 22 U.S.C. 2601(b)(2), to the Secretary of State, who is authorized to redelegate these functions and authorities consistent with applicable law. The Secretary of State, or his or her delegate, is directed to provide notice to the President of any use of the functions and authorities delegated by this determination.

Any reference in this memorandum to section 2(b)(2) of the MRAA, as amended, shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provision.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

§ 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.
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. 123.

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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. 123.
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 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 2001(f) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2601(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.

1 See References in Text note below.
(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.


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 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 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 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.


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.


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.


§ 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.


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.
2652. Repealed.
2652a. Assistant Secretary of State for South Asian Affairs.
2652c. Assistant Secretary of State for Verification and Compliance.