

“(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.

DELEGATION OF AUTHORITY

Determination of President of the United States, No. 99-6, Nov. 30, 1998, 34 Weekly Compilation of Presidential Documents 2398, Dec. 7, 1998, provided:

Memorandum for the Secretary of State

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 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 Ref-

ugee 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