

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Refugee Assistance Act of 1962, which enacted this chapter, amended section 1104 of Title 8, Aliens and Nationality, repealed sections 1925(a), (c), (d), and 1951(c) of this title, enacted a provision set out as a note under section 2601 of this title, and amended a provision set out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.)

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§ 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 3651¹ 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.)

¹ See References in Text note below.

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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, 2670, 2671, 2672, 2673 to 2679a, 2680, 2680a, 2684, 2687 to 2690, 2692, 2695, 2696 to 2715, and 2715b to 2730 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 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.