

(16) The Commissioner of Social Security, or the designee of the Commissioner.

(17) The Attorney General of the United States, or the designee of the Attorney General.

(18) The Director of the Office of Management and Budget, or the designee of the Director.

(19) The Director of the Office of Faith-Based and Community Initiatives, or the designee of the Director.

(20) The Director of USA FreedomCorps, or the designee of the Director.

(22)¹ The heads of such other Federal agencies as the Council considers appropriate, or their designees.

(b) Chairperson

The Council shall elect a Chairperson and a Vice Chairperson from among its members. The positions of Chairperson and Vice Chairperson shall rotate among its members on an annual basis.

(c) Meetings

The Council shall meet at the call of its Chairperson or a majority of its members, but not less often than four times each year, and the rotation of the positions of Chairperson and Vice Chairperson required under subsection (b) shall occur at the first meeting of each year.

(d) Prohibition of additional pay

Members of the Council shall receive no additional pay, allowances, or benefits by reason of their service on the Council.

(e) Administration

The Executive Director of the Council shall report to the Chairman of the Council.

(Pub. L. 100-77, title II, §202, July 22, 1987, 101 Stat. 486; Pub. L. 101-645, title I, §101, Nov. 29, 1990, 104 Stat. 4674; Pub. L. 103-82, title IV, §405(m), Sept. 21, 1993, 107 Stat. 922; Pub. L. 106-377, §1(a)(1) [title II, §231(1)], Oct. 27, 2000, 114 Stat. 1441, 1441A-31; Pub. L. 107-95, §11, Dec. 21, 2001, 115 Stat. 920; Pub. L. 109-295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410; Pub. L. 111-22, div. B, §1004(a)(2), May 20, 2009, 123 Stat. 1666.)

AMENDMENTS

2009—Subsec. (a)(16) to (20), (22). Pub. L. 111-22, §1004(a)(2)(A), added pars. (16) to (20) and redesignated former par. (16) as (22).

Subsec. (c). Pub. L. 111-22, §1004(a)(2)(B), substituted “four times each year, and the rotation of the positions of Chairperson and Vice Chairperson required under subsection (b) shall occur at the first meeting of each year” for “annually”.

Subsec. (e). Pub. L. 111-22, §1004(a)(2)(C), added subsec. (e).

2001—Subsec. (c). Pub. L. 107-95 amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: “The Council shall meet at the call of its Chairperson or a majority of its members. The first meeting of the Council shall be held not later than 30 days after July 22, 1987.”

2000—Subsec. (b). Pub. L. 106-377 inserted at end “The positions of Chairperson and Vice Chairperson shall rotate among its members on an annual basis.”

1993—Subsec. (a)(12). Pub. L. 103-82 added par. (12) and struck out former par. (12) which read as follows: “The

Director of the ACTION Agency, or the designee of the Director.”

1990—Subsec. (a)(11) to (15). Pub. L. 101-645 added par. (11), redesignated former pars. (11) to (14) as (12) to (15), respectively, and struck out former par. (15) which read as follows: “The Administrator of Veterans’ Affairs, or the designee of the Administrator.”

CHANGE OF NAME

“Administrator of the Federal Emergency Management Agency” and “Administrator” substituted for “Director of the Federal Emergency Management Agency” and “Director”, respectively, in subsec. (a)(13) on authority of section 612(c) of Pub. L. 109-295, set out as a note under section 313 of Title 6, Domestic Security. Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of Title 6.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-22 effective on, and applicable beginning on, May 20, 2009, see section 1004(b) of Pub. L. 111-22, set out as a note under section 11311 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective Apr. 4, 1994, see section 406(b) of Pub. L. 103-82, set out as a note under section 8332 of Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 11313. Functions

(a) Duties

The Council shall—

(1) not later than 12 months after May 20, 2009, develop, make available for public comment, and submit to the President and to Congress a National Strategic Plan to End Homelessness, and shall update such plan annually;

(2) review all Federal activities and programs to assist homeless individuals;

(3) take such actions as may be necessary to reduce duplication among programs and activities by Federal agencies to assist homeless individuals;

(4) monitor, evaluate, and recommend improvements in programs and activities to assist homeless individuals conducted by Federal agencies, State and local governments, and private voluntary organizations;

(5) provide professional and technical assistance (by not less than 5, but in no case more

¹ So in original. No par. (21) has been enacted.

than 10, regional coordinators employed by the Council, each having responsibility for interaction and coordination of the activities of the Council within the 10 standard Federal regions) to States, local governments, and other public and private nonprofit organizations, in order to enable such governments and organizations to—

(A) interpret regulations and assist in the application process for Federal assistance, including grants;

(B) provide assistance on the ways in which Federal programs, other than those authorized under this chapter, may best be coordinated to complement the objectives of this chapter;

(C) develop recommendations and program ideas based on regional specific issues in serving the homeless population; and

(D) establish a schedule for biennial regional workshops to be held by the Council in each of the 10 standard Federal regions to further carry out and provide the assistance described in subparagraphs (A), (B), and (C) and other appropriate assistance as necessary, of which—

(i) not less than 5 such workshops shall be held by September 30, 1989; and

(ii) at least 1 such workshop shall be held in each of the 10 Federal regions every 2 years, beginning on September 30, 1988;

(6) encourage the creation of State Inter-agency Councils on Homelessness and the formulation of jurisdictional 10-year plans to end homelessness at State, city, and county levels;

(7) annually obtain from Federal agencies their identification of consumer-oriented entitlement and other resources for which persons experiencing homelessness may be eligible and the agencies' identification of improvements to ensure access; develop mechanisms to ensure access by persons experiencing homelessness to all Federal, State, and local programs for which the persons are eligible, and to verify collaboration among entities within a community that receive Federal funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including mainstream programs identified by the Government Accountability Office in the reports entitled "Homelessness: Coordination and Evaluation of Programs Are Essential", issued February 26, 1999, and "Homelessness: Barriers to Using Mainstream Programs", issued July 6, 2000;

(8) conduct research and evaluation related to its functions as defined in this section;

(9)¹ develop joint Federal agency and other initiatives to fulfill the goals of the agency;

(9)¹ collect and disseminate information relating to homeless individuals;

(10) prepare the annual reports required in subsection (c)(2) of this section;

(11) prepare and distribute to States (including State contact persons), local governments, and other public and private nonprofit organizations, a bimonthly bulletin that describes

the Federal resources available to them to assist the homeless, including current information regarding application deadlines and appropriate persons to contact in each Federal agency providing the resources;

(12) develop constructive alternatives to criminalizing homelessness and laws and policies that prohibit sleeping, feeding, sitting, resting, or lying in public spaces when there are no suitable alternatives, result in the destruction of a homeless person's property without due process, or are selectively enforced against homeless persons; and

(13) not later than the expiration of the 6-month period beginning upon completion of the study requested in a letter to the Acting Comptroller General from the Chair and Ranking Member of the House Financial Services Committee and several other members regarding various definitions of homelessness in Federal statutes, convene a meeting of representatives of all Federal agencies and committees of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families, local and State governments, academic researchers who specialize in homelessness, nonprofit housing and service providers that receive funding under any Federal program to assist homeless individuals or families, organizations advocating on behalf of such nonprofit providers and homeless persons receiving housing or services under any such Federal program, and homeless persons receiving housing or services under any such Federal program, at which meeting such representatives shall discuss all issues relevant to whether the definitions of "homeless" under paragraphs (1) through (4) of section 11302(a) of this title, as amended by section 1003 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, should be modified by the Congress, including whether there is a compelling need for a uniform definition of homelessness under Federal law, the extent to which the differences in such definitions create barriers for individuals to accessing services and to collaboration between agencies, and the relative availability, and barriers to access by persons defined as homeless, of mainstream programs identified by the Government Accountability Office in the two reports identified in paragraph (7) of this subsection; and shall submit transcripts of such meeting, and any majority and dissenting recommendations from such meetings, to each committee of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families not later than the expiration of the 60-day period beginning upon conclusion of such meeting.

(b) Authority

In carrying out subsection (a) of this section, the Council may—

(1) arrange national, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to assist homeless individuals and pay for expenses of attendance at meetings which

¹ So in original. Two pars. (9) have been enacted.

are concerned with the functions or activities for which the appropriation is made;²

(2) publish a newsletter concerning Federal, State, and local programs that are effectively meeting the needs of homeless individuals.

(c) Reports

(1) Within 90 days after July 22, 1987, and annually thereafter, the head of each Federal agency that is a member of the Council shall prepare and transmit to the Congress and the Council a report that describes—

(A) each program to assist homeless individuals administered by such agency and the number of homeless individuals served by such program;

(B) impediments, including any statutory and regulatory restrictions, to the use by homeless individuals of each such program and to obtaining services or benefits under each such program; and

(C) efforts made by such agency to increase the opportunities for homeless individuals to obtain shelter, food, and supportive services.

(2) The Council shall prepare and transmit to the President and the Congress an annual report that—

(A) assesses the nature and extent of the problems relating to homelessness and the needs of homeless individuals;

(B) provides a comprehensive and detailed description of the activities and accomplishments of the Federal Government in resolving the problems and meeting the needs assessed pursuant to subparagraph (A);

(C) describes the accomplishments and activities of the Council, in working with Federal, State, and local agencies and public and private organizations in order to provide assistance to homeless individuals;

(D) assesses the level of Federal assistance necessary to adequately resolve the problems and meet the needs assessed pursuant to subparagraph (A); and

(E) specifies any recommendations of the Council for appropriate and necessary legislative and administrative actions to resolve such problems and meet such needs.

(d) Notification of other Federal agencies

If, in monitoring and evaluating programs and activities to assist homeless individuals conducted by other Federal agencies, the Council determines that any significant problem, abuse, or deficiency exists in the administration of the program or activity of any Federal agency, the Council shall submit a notice of the determination of the Council to the Inspector General of the Federal agency (or the head of the Federal agency, in the case of a Federal agency that has no Inspector General).

(e) Program timetables

Not later than 90 days after November 7, 1988, the head of each Federal agency that is a member of the Council and responsible for administering a program under this chapter shall provide to the Council a timetable regarding program funding availability and application dead-

lines. The Council shall furnish such information to each State (including the State contact person).

(Pub. L. 100-77, title II, §203, July 22, 1987, 101 Stat. 487; Pub. L. 100-628, title II, §§201-203, Nov. 7, 1988, 102 Stat. 3227, 3228; Pub. L. 111-22, div. B, §1004(a)(3), (4), May 20, 2009, 123 Stat. 1666, 1668.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(5)(B) and (e), was in the original “this Act”, meaning Pub. L. 100-77, July 22, 1987, 101 Stat. 482, known as the McKinney-Vento Homeless Assistance Act. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of this title and Tables.

Section 1003 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, referred to in subsec. (a)(13), is section 1003 of Pub. L. 111-22.

AMENDMENTS

2009—Subsec. (a)(1) to (4). Pub. L. 111-22, §1004(a)(3)(A), (B), added par. (1) and redesignated former pars. (1) to (3) as (2) to (4), respectively. Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 111-22, §1004(a)(3)(A), (C), redesignated par. (4) as (5) and substituted “not less than 5, but in no case more than 10” for “at least 2, but in no case more than 5”. Former par. (5) redesignated (9).

Subsec. (a)(6) to (13). Pub. L. 111-22, §1004(a)(3)(A), (D)–(G), added pars. (6) to (8), par. (9) relating to joint Federal agency and other initiatives to fulfill the goals of the agency, and pars. (12) and (13), redesignated former par. (5) as par. (9) relating to collection and dissemination of information, and redesignated former pars. (6) and (7) as (10) and (11), respectively.

Subsec. (b)(1). Pub. L. 111-22, §1004(a)(4), substituted “national” for “Federal” and “and pay for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made;” for “; and”.

1988—Subsec. (a)(4). Pub. L. 100-628, §202(1), substituted “(by at least 2, but in no case more than 5, regional coordinators employed by the Council, each having responsibility for interaction and coordination of the activities of the Council within the 10 standard Federal regions)” for “, through personnel employed by the Council in each of the 10 standard Federal regions,” in introductory provisions.

Subsec. (a)(4)(A) to (D). Pub. L. 100-628, §202(2), added subpars. (A) to (D) and struck out former subpars. (A) and (B) which read as follows:

“(A) effectively coordinate and maximize resources of existing programs and activities to assist homeless individuals; and

“(B) develop new and innovative programs and activities to assist homeless individuals;”.

Subsec. (a)(7). Pub. L. 100-628, §201, added par. (7).

Subsec. (e). Pub. L. 100-628, §203, added subsec. (e).

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-22 effective on, and applicable beginning on, May 20, 2009, see section 1004(b) of Pub. L. 111-22, set out as a note under section 11311 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (c)(2) of this section relating to transmittal to Congress of annual report, see section 3003 of Pub. L. 104-66, set out as a note under section 1113 of Title 31, Money and Finance, and the 5th item on page 175 of House Document No. 103-7.

PERSONNEL FROM FEDERAL DEPARTMENTS AND AGENCIES

Pub. L. 102-389, title III, Oct. 6, 1992, 106 Stat. 1608, provided in part: “That the Council shall carry out its

² So in original. Probably should be followed by “and”.

duties in the 10 standard Federal regions under section 203(a)(4) of such Act [now 42 U.S.C. 11313(a)(5)] only through detail, on a non-reimbursable basis, of employees of the departments and agencies represented on the Council pursuant to section 202(a) of such Act [42 U.S.C. 11312(a)].”

Similar provisions were contained in the following prior appropriations acts:

- Pub. L. 102-139, title III, Oct. 28, 1991, 105 Stat. 769.
- Pub. L. 101-507, title III, Nov. 5, 1990, 104 Stat. 1377.
- Pub. L. 101-144, title III, Nov. 9, 1989, 103 Stat. 861.
- Pub. L. 100-404, title I, Aug. 19, 1988, 102 Stat. 1017.

NONIMPLEMENTATION OF SUBSECTION (a)(5)

Pub. L. 100-202, §101(f) [title I], Dec. 22, 1987, 101 Stat. 1329-187, 1329-191, provided: “That the provision in section 203(a)(4) [now 203(a)(5)] of such Act [Pub. L. 100-77, 42 U.S.C. 11313(a)(5)] that relates to employment of personnel in the regions shall not be implemented.”

EXECUTIVE ORDER NO. 12848

Ex. Ord. No. 12848, May 19, 1993, 58 F.R. 29517, required Federal member agencies acting through the Inter-agency Council on the Homeless to develop a single coordinated Federal plan for breaking the cycle of existing homelessness and for preventing future homelessness and to submit the plan to the President no later than 9 months after May 19, 1993.

§ 11314. Director and staff

(a) Director

The Council shall appoint an Executive Director, who shall be compensated at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5. The Council shall appoint an Executive Director at the first meeting of the Council held under section 11312(c) of this title.

(b) Additional personnel

With the approval of the Council, the Executive Director of the Council may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Council.

(c) Details from other agencies

Upon request of the Council, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Council to assist the Council in carrying out its duties under this subchapter. Upon request of the Council, the Secretary of Health and Human Services shall detail, on a reimbursable basis, any of the personnel of the Department of Health and Human Services who have served the Federal Task Force on the Homeless of the Department to assist the Council in carrying out its duties under this subchapter.

(d) Administrative support

The Secretary of Housing and Urban Development shall provide the Council with such administrative and support services as are necessary to ensure that the Council carries out its functions under this subchapter in an efficient and expeditious manner.

(e) Experts and consultants

With the approval of the Council, the Executive Director of the Council may procure temporary and intermittent services under section 3109(b) of title 5.

(Pub. L. 100-77, title II, §204, July 22, 1987, 101 Stat. 488.)

§ 11315. Powers

(a) Meetings

For the purpose of carrying out this subchapter, the Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate.

(b) Delegation

Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this subchapter.

(c) Information

The Council may secure directly from any Federal agency such information as may be necessary to enable the Council to carry out this subchapter. Upon request of the Chairperson of the Council, the head of such agency shall furnish such information to the Council.

(d) Donations

The Council may accept, use, and dispose of gifts or donations of services or property, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Council.

(e) Mails

The Council may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(Pub. L. 100-77, title II, §205, July 22, 1987, 101 Stat. 488; Pub. L. 111-22, div. B, §1004(a)(5), May 20, 2009, 123 Stat. 1668.)

AMENDMENTS

2009—Subsec. (d). Pub. L. 111-22 substituted “property, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Council.” for “property.”

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-22 effective on, and applicable beginning on, May 20, 2009, see section 1004(b) of Pub. L. 111-22, set out as a note under section 11311 of this title.

§ 11316. Transfer of functions

(a) Transfers from HHS Task Force

The Council shall be the successor to the Federal Task Force on the Homeless of the Department of Health and Human Services. The property, records, and undistributed program funds of the Task Force shall be transferred to the Council.

(b) Termination of HHS Task Force

The Secretary of Health and Human Services shall terminate the Federal Task Force on the Homeless of the Department of Health and Human Services as soon as practicable following the first meeting of the Council.

(Pub. L. 100-77, title II, §206, July 22, 1987, 101 Stat. 489.)

§ 11317. Definitions

For purposes of this subchapter:

- (1) The term “Council” means the United States Interagency Council on Homelessness established in section 11311 of this title.