

the date of the enactment of this Act [Nov. 29, 1990], the Administrator of General Services, the Secretary of Health and Human Services, and the Secretary of Housing and Urban Development shall promulgate regulations implementing this section and the amendment made by this section [amending this section and enacting provisions set out as notes under this section].”

EXEMPTION OF DEPARTMENT OF DEFENSE OFF-SITE USE AND OFF-SITE REMOVAL ONLY NON-MOBILE PROPERTIES FROM CERTAIN EXCESS PROPERTY DISPOSAL REQUIREMENTS

Pub. L. 115-232, div. B, title XXVIII, §2822, Aug. 13, 2018, 132 Stat. 2268, provided that:

“(a) IN GENERAL.—Excess or unutilized or underutilized non-mobile property of the Department of Defense that is situated on non-excess land shall be exempt from the requirements of title V of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411 et seq.) upon a determination by the head of the department, agency, or other element of the Department having jurisdiction of the property that—

“(1) the property is not feasible to relocate;

“(2) the property is located in an area to which the general public is denied access in the interest of national security; and

“(3) the exemption would facilitate the efficient disposal of excess property or result in more efficient real property management.

“(b) CONSULTATION.—Before making an initial determination under the authority in subsection (a), and periodically thereafter, the head of a department, agency, or other element of the Department shall consult with the Executive Director of the United States Interagency Council on Homelessness on types of non-mobile properties that may be feasible for relocation and suitable to assist the homeless.

“(c) REPORTING REQUIREMENT.—

“(1) IN GENERAL.—If any head of a department, agency, or other element of the Department makes a determination under subsection (a) during a fiscal year, not later than 90 days after the end of that fiscal year, the Secretary of Defense shall submit to the appropriate committees of Congress a report listing all the buildings, facilities, and other properties for which a determination was made under that subsection during that fiscal year.

“(2) FORM.—Any report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

“(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(B) the Committee on Armed Services, the Committee on Financial Services, and the Committee on Oversight and Government Reform [now Committee on Oversight and Reform] of the House of Representatives.

“(d) SUNSET.—The authority under subsection (a) shall expire on September 30, 2021.”

CONSULTATION AND REPORT REGARDING USE OF NATIONAL GUARD FACILITIES AS OVERNIGHT SHELTERS FOR HOMELESS INDIVIDUALS

Pub. L. 102-550, title XIV, §1411, Oct. 28, 1992, 106 Stat. 4039, required the Secretary of Housing and Urban Development to consult with the chief executive officers of the States and the Secretary of Defense to determine the availability of space at National Guard facilities for use by homeless organizations in providing overnight shelter for the homeless, determine the availability of incidental services at such facilities, and submit to Congress, not later than the expiration of the 1-year period beginning on Oct. 28, 1992, a report regarding the consultations and determinations made by the

Secretary under this section, including recommendations.

UNUTILIZED AND UNDERUTILIZED PROPERTY FOR PURPOSES OF 1990 AMENDMENT

Pub. L. 101-645, title IV, §401(c), Nov. 29, 1990, 104 Stat. 4723, as amended by Pub. L. 106-400, §2, Oct. 30, 2000, 114 Stat. 1675, provided that: “For purposes of section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411) (as amended by this Act) the terms ‘unutilized’ and ‘underutilized’ when used to describe property have the same meaning such terms had before the date of the enactment of this Act [Nov. 29, 1990] under such section 501.”

§ 11412. Making surplus personal property available to nonprofit agencies

(a) Omitted

(b) Requirement for notification

Within 90 days after July 22, 1987, the Administrator of General Services shall require each State agency administering a State plan under section 549(a)–(e) of title 40 to make generally available information about surplus personal property which may be used in the provision of food, shelter, or other services to homeless individuals.

(c) Costs

Surplus personal property identified pursuant to this section shall be made available to providers of assistance to homeless individuals by a State agency distributing such property at (1) a nominal cost to such organization or (2) at no cost when the Administrator agrees to reimburse the State agency for the costs of care and handling of such property.

(Pub. L. 100-77, title V, §502, July 22, 1987, 101 Stat. 510.)

CODIFICATION

Section is comprised of section 502 of Pub. L. 100-77. Subsec. (a) of section 502 amended section 203(j)(3)(B) of the Federal Property and Administrative Services Act of 1949, which was classified to section 484(j)(3)(B) of former Title 40, Public Buildings, Property, and Works, and was repealed and reenacted as section 549(c)(3)(B) of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304.

In subsec (b), “section 549(a)–(e) of title 40” substituted for “203(j) of the Federal Property and Administrative Services Act of 1949” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

SUBCHAPTER VI—EDUCATION AND TRAINING

PART A—ADULT EDUCATION FOR HOMELESS

§ 11421. Repealed. Pub. L. 105-220, title I, § 199(b)(1), Aug. 7, 1998, 112 Stat. 1059

Section, Pub. L. 100-77, title VII, §701, as added Pub. L. 103-382, title III, §322, Oct. 20, 1994, 108 Stat. 3956, related to State literacy initiatives.

A prior section 11421, Pub. L. 100-77, title VII, §702, July 22, 1987, 101 Stat. 525; Pub. L. 100-297, title VI, §6001, Apr. 28, 1988, 102 Stat. 423; Pub. L. 100-628, title VII, §701, Nov. 7, 1988, 102 Stat. 3244; Pub. L. 101-645, title VI, §611, Nov. 29, 1990, 104 Stat. 4734, related to State literacy initiatives, prior to the general amendment of this part by Pub. L. 103-382.

EFFECTIVE DATE OF REPEAL

Pub. L. 105-220, title I, §199(c)(2)(A), Aug. 7, 1998, 112 Stat. 1059, which provided that the repeal made by subsection (b)(1) (repealing sections 11421, 11461 to 11466, 11471, and 11472 of this title) would take effect on July 1, 1999, was repealed by Pub. L. 113-128, title V, §511(a), July 22, 2014, 128 Stat. 1705.

PART B—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS

§ 11431. Statement of policy

The following is the policy of the Congress:

(1) Each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.

(2) In any State where compulsory residency requirements or other requirements, in laws, regulations, practices, or policies, may act as a barrier to the identification of, or the enrollment, attendance, or success in school of, homeless children and youths, the State educational agency and local educational agencies in the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths.

(3) Homelessness is not sufficient reason to separate students from the mainstream school environment.

(4) Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State academic standards to which all students are held.

(Pub. L. 100-77, title VII, §721, as added Pub. L. 107-110, title X, §1032, Jan. 8, 2002, 115 Stat. 1989; amended Pub. L. 114-95, title IX, §9101, Dec. 10, 2015, 129 Stat. 2124.)

PRIOR PROVISIONS

A prior section 11431, Pub. L. 100-77, title VII, §721, as added Pub. L. 103-382, title III, §323, Oct. 20, 1994, 108 Stat. 3957, stated policy of Congress, prior to the general amendment of this part by Pub. L. 107-110.

Another prior section 11431, Pub. L. 100-77, title VII, §721, July 22, 1987, 101 Stat. 525; Pub. L. 101-645, title VI, §612(a), Nov. 29, 1990, 104 Stat. 4735, stated policy of Congress, prior to the general amendment of this part by Pub. L. 103-382.

AMENDMENTS

2015—Par. (2). Pub. L. 114-95, §9101(1), substituted “In any State where compulsory residency requirements or other requirements, in laws, regulations, practices, or policies, may act as a barrier to the identification of, or the enrollment, attendance, or success in school of, homeless children and youths, the State educational agency and local educational agencies in the State will review” for “In any State that has a compulsory residency requirement as a component of the State’s compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youths, the State will review”.

Par. (3). Pub. L. 114-95, §9101(2), struck out “alone” after “Homelessness”.

Par. (4). Pub. L. 114-95, §9101(3), substituted “challenging State academic standards” for “challenging State student academic achievement standards”.

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-95, title IX, §9107, Dec. 10, 2015, 129 Stat. 2137, provided that: “Except as provided in section 9105(b) [set out as a note under section 11434a of this title] or as otherwise provided in this Act [see Tables for classification], this title [probably means “this part”, meaning part A (§§9101-9107) of title IX of Pub. L. 114-95, amending this section and sections 11432 to 11435 of this title and enacting provisions set out as notes under section 11434a of this title] and the amendments made by this title take effect on October 1, 2016.”

EFFECTIVE DATE

Section effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as a note under section 6301 of Title 20, Education.

§ 11432. Grants for State and local activities for the education of homeless children and youths

(a) General authority

The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d) through (g).

(b) Grants from allotments

The Secretary shall make the grants to States from the allotments made under subsection (c)(1).

(c) Allocation and reservations

(1) Allocation

(A) Subject to subparagraph (B), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 11435 of this title that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 11434(d) and (h) of this title, as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6332] to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except that no State shall receive less than the greater of—

(i) \$150,000;

(ii) one-fourth of 1 percent of the amount appropriated under section 11435 of this title for that year; or

(iii) the amount such State received under this section for fiscal year 2001.

(B) If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (A), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

(2) Reservations

(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 11435 of this title to be allocated by the Secretary among