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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 119--HOMELESS ASSISTANCE

SUBCHAPTER II--INTERAGENCY COUNCIL ON THE HOMELESS

Sec. 11311. Establishment

There is established in the executive branch an independent establishment to be known as the Interagency Council on the Homeless.

(Pub. L. 100-77, title II, Sec. 201, July 22, 1987, 101 Stat. 486.)

Section Referred to in Other Sections

This section is referred to in section 11317 of this title.

Sec. 11312. Membership

(a) Members The Council shall be composed of the following members:

(1) The Secretary of Agriculture, or the designee of the Secretary.

(2) The Secretary of Commerce, or the designee of the Secretary.

(3) The Secretary of Defense, or the designee of the Secretary.

(4) The Secretary of Education, or the designee of the Secretary.

(5) The Secretary of Energy, or the designee of the Secretary.

(6) The Secretary of Health and Human Services, or the designee of the Secretary.

(7) The Secretary of Housing and Urban Development, or the designee of the Secretary.

(8) The Secretary of the Interior, or the designee of the Secretary.

(9) The Secretary of Labor, or the designee of the Secretary.

(10) The Secretary of Transportation, or the designee of the Secretary.

(11) The Secretary of Veterans Affairs, or the designee of the Secretary.

(12) The Chief Executive Officer of the Corporation for National and Community Service, or the designee of the Chief Executive Officer.

(13) The Director of the Federal Emergency Management Agency, or the designee of the Director.

(14) The Administrator of General Services, or the designee of the Administrator.

(15) The Postmaster General of the United States, or the designee of the Postmaster General.

(16) 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.

(c) Meetings 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.

(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.

(Pub. L. 100-77, title II, Sec. 202, July 22, 1987, 101 Stat. 486; Pub. L. 101-645, title I, Sec. 101, Nov. 29, 1990, 104 Stat. 4674; Pub. L. 103-82, title IV, Sec. 405(m), Sept. 21, 1993, 107 Stat. 922.)

Amendments

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.''

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.

Section Referred to in Other Sections

This section is referred to in section 11314 of this title.

Sec. 11313. Functions

(a) Duties The Council shall--

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

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

(3) 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;

(4) provide professional and technical assistance (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) 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;

(5) collect and disseminate information relating to homeless individuals;

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

(7) 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.

(b) Authority In carrying out subsection (a) of this section, the Council may--

(1) arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to assist homeless individuals; and

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

(Pub. L. 100-77, title II, Sec. 203, July 22, 1987, 101 Stat. 487; Pub. L. 100-628, title II, Secs. 201-203, Nov. 7, 1988, 102 Stat. 3227, 3228.)

References in Text

This chapter, referred to in subsecs. (a)(4)(B) and (e), was in the original ``this Act'', meaning Pub. L. 100-77, July 22, 1987, 101 Stat. 482, known as the Stewart B. McKinney 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.

Amendments

1988--Subsec. (a)(4). Pub. L. 100-628, Sec. 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, Sec. 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, Sec. 201, added par. (7).

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

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 duties in the 10 standard Federal regions under section 203(a)(4) of such Act [42 U.S.C. 11313(a)(4)] 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)(4)

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

Ex. Ord. No. 12848. Federal Plan To Break Cycle of Homelessness

Ex. Ord. No. 12848, May 19, 1993, 58 F.R. 29517, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including title II of the Stewart B. McKinney Homeless Assistance Act, as amended (42 U.S.C. 11311-11320), and section 301 of title 3, United States Code, and in order to provide for the streamlining and strengthening of the Nation's efforts to break the cycle of homelessness, it is hereby ordered as follows:

Section 1. Federal member agencies acting through the Interagency Council on the Homeless, established under title II of the Stewart B. McKinney Homeless Assistance Act [42 U.S.C. 11311 et seq.], shall develop a single coordinated Federal plan for breaking the cycle of existing homelessness and for preventing future homelessness.

Sec. 2. The plan shall recommend Federal administrative and legislative initiatives necessary to carry out the plan and shall include a proposed schedule for implementing administrative initiatives and transmitting any necessary legislative proposals to the Congress. These initiatives and legislative proposals shall identify ways to streamline and consolidate, when appropriate, existing programs designed to assist homeless individuals and families.

Sec. 3. The plan shall make recommendations on how current funding programs can be redirected, if necessary, to provide links between housing, support, and education services and to promote coordination and cooperation among grantees, local housing and support service providers, school districts, and advocates for homeless individuals and families. The plan shall also provide recommendations on ways to encourage and support creative approaches and cost-effective, local efforts to break the cycle of existing homelessness and prevent future homelessness, including tying current homeless assistance programs to permanent housing assistance, local housing affordability strategies, or employment opportunities.

Sec. 4. To the extent practicable, the Council shall consult with representatives of State and local governments (including education agencies), nonprofit providers of services and housing for homeless individuals and families, advocates for homeless individuals and families, currently and formerly homeless individuals and families, and other interested parties.

Sec. 5. The Council shall submit the plan to the President no later than 9 months after the date of this order.

William J. Clinton.

Section Referred to in Other Sections This section is referred to in section 11320 of this title.

Sec. 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, Sec. 204, July 22, 1987, 101 Stat. 488.)

Sec. 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.

(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, Sec. 205, July 22, 1987, 101 Stat. 488.)

Sec. 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, Sec. 206, July 22, 1987, 101 Stat. 489.)

Sec. 11317. Definitions

For purposes of this subchapter:

(1) The term "Council" means the Interagency Council on the Homeless established in section 11311 of this title.

(2) The term "Federal agency" has the meaning given the term "agency" in section 551(1) of title 5.

(Pub. L. 100-77, title II, Sec. 207, July 22, 1987, 101 Stat. 489.)

Sec. 11318. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter \$1,500,000 for fiscal year 1993 and \$1,563,000 for fiscal year 1994.

(Pub. L. 100-77, title II, Sec. 208, July 22, 1987, 101 Stat. 489; Pub. L. 100-628, title II, Sec. 204, Nov. 7, 1988, 102 Stat. 3228; Pub. L. 101-645, title I, Sec. 102, Nov. 29, 1990, 104 Stat. 4674; Pub. L. 102-550, title XIV, Sec. 1421, Oct. 28, 1992, 106 Stat. 4043.)

Amendments

1992--Pub. L. 102-550 amended section generally. Prior to amendment, section read as follows: "There are authorized to be appropriated to carry out this subchapter \$1,200,000 for fiscal year 1991 and \$1,300,000 for fiscal year 1992."

1990--Pub. L. 101-645 amended section generally. Prior to amendment, section read as follows: "There are authorized to be appropriated to carry out this subchapter \$1,100,000 for fiscal year 1989 and \$1,200,000 for fiscal year 1990."

1988--Pub. L. 100-628 amended section generally, substituting "\$1,100,000 for fiscal year 1989 and \$1,200,000 for fiscal year 1990" for "\$200,000 for fiscal year 1987 and \$2,500,000 for fiscal year 1988".

Sec. 11319. Termination

The Council shall cease to exist, and the requirements of this subchapter shall terminate, on October 1, 1994.

(Pub. L. 100-77, title II, Sec. 209, July 22, 1987, 101 Stat. 489; Pub. L. 100-628, title II, Sec. 205, Nov. 7, 1988, 102 Stat. 3228; Pub. L.

101-402, Sec. 2, Oct. 1, 1990, 104 Stat. 866; Pub. L. 101-645, title I, Sec. 103, Nov. 29, 1990, 104 Stat. 4675; Pub. L. 102-550, title XIV, Sec. 1422, Oct. 28, 1992, 106 Stat. 4043.)

Amendments

1992--Pub. L. 102-550 substituted ``October 1, 1994" for ``October 1, 1992".

1990--Pub. L. 101-645 substituted ``October 1, 1992" for ``October 31, 1990".

Pub. L. 101-402 substituted ``October 31, 1990" for ``October 1, 1990".

1988--Pub. L. 100-628 substituted ``on October 1, 1990" for ``upon the expiration of the 3-year period beginning on July 22, 1987".

Effective Date of 1990 Amendment

Amendment by Pub. L. 101-402 deemed to have taken effect as if enacted Sept. 29, 1990, see section 1(a) of Pub. L. 101-494, set out as an Effective Date of Temporary Extension of Emergency Low Income Housing Preservation Act of 1987 and Correction of Any Repeal note under section 1715l of Title 12, Banks and Banking.

Temporary Extension of Council

Pub. L. 101-494, Sec. 3, Oct. 31, 1990, 104 Stat. 1185, provided that:

``(a) Extension.--If upon enactment of this Act [Oct. 31, 1990], section 209 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11319) provides for the termination of the Interagency Council on the Homeless on October 31, 1990, then notwithstanding such section, the Interagency Council on the Homeless shall cease to exist, and the requirements of title II of the Stewart B. McKinney Homeless Assistance Act [42 U.S.C. 11311 et seq.] shall terminate, on November 30, 1990.

``(b) Limitations.--If upon enactment of this Act [Oct. 31, 1990] such section 209 provides for termination of the Council (referred to in subsection (a)) on a date other than October 31, 1990, this section shall not apply. This section shall not apply with respect to any

amendment to section 209 of the Stewart B. McKinney Homeless Assistance Act made after the date of the enactment of this Act."

Sec. 11320. Encouragement of State involvement

(a) State contact persons Each State shall designate an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council, including the bimonthly bulletin described in section 11313(a)(7) of this title.

(b) State interagency councils and lead agencies Each State is encouraged to establish a State interagency council on the homeless or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local agencies as necessary.

(Pub. L. 100-77, title II, Sec. 210, as added Pub. L. 100-628, title II, Sec. 206(a), Nov. 7, 1988, 102 Stat. 3229.)