

relevant agency under section 1397n-4 of this title has access to Federal administrative data to assist the State or local government and the evaluator in evaluating the performance and outcomes of the project;

(6) address issues that will influence the future of social impact partnership projects in the United States;

(7) provide guidance to the executive branch on the future of social impact partnership projects in the United States;

(8) prior to approval by the Secretary, certify that each State and local government application for a social impact partnership contains rigorous, independent data and reliable, evidence-based research methodologies to support the conclusion that the project will yield savings to the State or local government or the Federal Government if the project outcomes are achieved;

(9) certify to the Secretary, in the case of each approved social impact partnership that is expected to yield savings to the Federal Government, that the project will yield a projected savings to the Federal Government if the project outcomes are achieved, and coordinate with the relevant Federal agency to produce an after-action accounting once the project is complete to determine the actual Federal savings realized, and the extent to which actual savings aligned with projected savings; and

(10) provide periodic reports to the Secretary and make available reports periodically to Congress and the public on the implementation of this division.

(b) Composition of Council

The Council shall have 11 members, as follows:

(1) Chair

The Chair of the Council shall be the Director of the Office of Management and Budget.

(2) Other members

The head of each of the following entities shall designate one officer or employee of the entity to be a Council member:

- (A) The Department of Labor.
- (B) The Department of Health and Human Services.
- (C) The Social Security Administration.
- (D) The Department of Agriculture.
- (E) The Department of Justice.
- (F) The Department of Housing and Urban Development.
- (G) The Department of Education.
- (H) The Department of Veterans Affairs.
- (I) The Department of the Treasury.
- (J) The Corporation for National and Community Service.

(Aug. 14, 1935, ch. 531, title XX, §2056, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 278.)

§ 1397n-6. Commission on Social Impact Partnerships

(a) Establishment

There is established the Commission on Social Impact Partnerships (in this section referred to as the “Commission”).

(b) Duties

The duties of the Commission shall be to—

(1) assist the Secretary and the Federal Interagency Council on Social Impact Partnerships in reviewing applications for funding under this division;

(2) make recommendations to the Secretary and the Federal Interagency Council on Social Impact Partnerships regarding the funding of social impact partnership agreements and feasibility studies; and

(3) provide other assistance and information as requested by the Secretary or the Federal Interagency Council on Social Impact Partnerships.

(c) Composition

The Commission shall be composed of nine members, of whom—

(1) one shall be appointed by the President, who will serve as the Chair of the Commission;

(2) one shall be appointed by the Majority Leader of the Senate;

(3) one shall be appointed by the Minority Leader of the Senate;

(4) one shall be appointed by the Speaker of the House of Representatives;

(5) one shall be appointed by the Minority Leader of the House of Representatives;

(6) one shall be appointed by the Chairman of the Committee on Finance of the Senate;

(7) one shall be appointed by the ranking member of the Committee on Finance of the Senate;

(8) one member shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives; and

(9) one shall be appointed by the ranking member of the Committee on Ways and Means of the House of Representatives.

(d) Qualifications of Commission members

The members of the Commission shall—

(1) be experienced in finance, economics, pay for performance, or program evaluation;

(2) have relevant professional or personal experience in a field related to one or more of the outcomes listed in this division; or

(3) be qualified to review applications for social impact partnership projects to determine whether the proposed metrics and evaluation methodologies are appropriately rigorous and reliant upon independent data and evidence-based research.

(e) Timing of appointments

The appointments of the members of the Commission shall be made not later than 120 days after February 9, 2018, or, in the event of a vacancy, not later than 90 days after the date the vacancy arises. If a member of Congress fails to appoint a member by that date, the President may select a member of the President’s choice on behalf of the member of Congress. Notwithstanding the preceding sentence, if not all appointments have been made to the Commission as of that date, the Commission may operate with no fewer than five members until all appointments have been made.

(f) Term of appointments

(1) In general

The members appointed under subsection (c) shall serve as follows:

- (A) Three members shall serve for 2 years.
- (B) Three members shall serve for 3 years.
- (C) Three members (one of which shall be Chair of the Commission appointed by the President) shall serve for 4 years.

(2) Assignment of terms

The Commission shall designate the term length that each member appointed under subsection (c) shall serve by unanimous agreement. In the event that unanimous agreement cannot be reached, term lengths shall be assigned to the members by a random process.

(g) Vacancies

Subject to subsection (e), in the event of a vacancy in the Commission, whether due to the resignation of a member, the expiration of a member's term, or any other reason, the vacancy shall be filled in the manner in which the original appointment was made and shall not affect the powers of the Commission.

(h) Appointment power

Members of the Commission appointed under subsection (c) shall not be subject to confirmation by the Senate.

(Aug. 14, 1935, ch. 531, title XX, §2057, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 279.)

§ 1397n-7. Limitation on use of funds

Of the amounts made available to carry out this division, the Secretary may not use more than \$2,000,000 in any fiscal year to support the review, approval, and oversight of social impact partnership projects, including activities conducted by—

- (1) the Federal Interagency Council on Social Impact Partnerships; and
- (2) any other agency consulted by the Secretary before approving a social impact partnership project or a feasibility study under section 1397n-3 of this title.

(Aug. 14, 1935, ch. 531, title XX, §2058, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 280.)

§ 1397n-8. No Federal funding for credit enhancements

No amount made available to carry out this division may be used to provide any insurance, guarantee, or other credit enhancement to a State or local government under which a Federal payment would be made to a State or local government as the result of a State or local government failing to achieve an outcome specified in an agreement.

(Aug. 14, 1935, ch. 531, title XX, §2059, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 281.)

§ 1397n-9. Availability of funds

Amounts made available to carry out this division shall remain available until 10 years after February 9, 2018.

(Aug. 14, 1935, ch. 531, title XX, §2060, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 281.)

§ 1397n-10. Website

The Federal Interagency Council on Social Impact Partnerships shall establish and maintain a public website that shall display the following:

(1) A copy of, or method of accessing, each notice published regarding a social impact partnership project pursuant to this division.

(2) A copy of each feasibility study funded under this division.

(3) For each State or local government that has entered into an agreement with the Secretary for a social impact partnership project, the website shall contain the following information:

(A) The outcome goals of the project.

(B) A description of each intervention in the project.

(C) The target population that will be served by the project.

(D) The expected social benefits to participants who receive the intervention and others who may be impacted.

(E) The detailed roles, responsibilities, and purposes of each Federal, State, or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

(F) The payment terms, methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

(G) The project budget.

(H) The project timeline.

(I) The project eligibility criteria.

(J) The evaluation design.

(K) The metrics used to determine whether the proposed outcomes have been achieved and how these metrics are measured.

(4) A copy of the progress reports and the final reports relating to each social impact partnership project.

(5) An estimate of the savings to the Federal, State, and local government, on a program-by-program basis and in the aggregate, resulting from the successful completion of the social impact partnership project.

(Aug. 14, 1935, ch. 531, title XX, §2061, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 281.)

§ 1397n-11. Regulations

The Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, may issue regulations as necessary to carry out this division.

(Aug. 14, 1935, ch. 531, title XX, §2062, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 282.)

§ 1397n-12. Definitions

In this division:

(1) Agency

The term “agency” has the meaning given that term in section 551 of title 5.

(2) Intervention

The term “intervention” means a specific service delivered to achieve an impact through a social impact partnership project.