

megawatts connecting at either distribution or transmission voltage levels to identify barriers to the deployment of combined heat and power systems and waste heat to power systems.

(2) Inclusion

The review under this subsection shall include a review of existing rules and procedures relating to—

(A) determining and assigning costs of interconnection service and additional services; and

(B) ensuring adequate cost recovery by an electric utility for interconnection service and additional services.

(c) Model guidance

(1) In general

Not later than 18 months after November 15, 2021, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall issue model guidance for interconnection service and additional services for consideration by State regulatory authorities and nonregulated electric utilities to reduce the barriers identified under subsection (b)(1).

(2) Current best practices

The model guidance issued under this subsection shall reflect, to the maximum extent practicable, current best practices to encourage the deployment of combined heat and power systems and waste heat to power systems while ensuring the safety and reliability of the interconnected units and the distribution and transmission networks to which the units connect, including—

(A) relevant current standards developed by the Institute of Electrical and Electronic Engineers; and

(B) model codes and rules adopted by—

(i) States; or

(ii) associations of State regulatory agencies.

(3) Factors for consideration

In establishing the model guidance under this subsection, the Secretary shall take into consideration—

(A) the appropriateness of using standards or procedures for interconnection service that vary based on unit size, fuel type, or other relevant characteristics;

(B) the appropriateness of establishing fast-track procedures for interconnection service;

(C) the value of consistency with Federal interconnection rules established by the Federal Energy Regulatory Commission as of November 15, 2021;

(D) the best practices used to model outage assumptions and contingencies to determine fees or rates for additional services;

(E) the appropriate duration, magnitude, or usage of demand charge ratchets;

(F) potential alternative arrangements with respect to the procurement of additional services, including—

(i) contracts tailored to individual electric consumers for additional services;

(ii) procurement of additional services by an electric utility from a competitive market; and

(iii) waivers of fees or rates for additional services for small electric consumers; and

(G) outcomes such as increased electric reliability, fuel diversification, enhanced power quality, and reduced electric losses that may result from increased use of combined heat and power systems and waste heat to power systems.

(Pub. L. 117-58, div. D, title V, §40556, Nov. 15, 2021, 135 Stat. 1078.)

Editorial Notes

REFERENCES IN TEXT

The Public Utility Regulatory Policies Act of 1978, referred to in subsec. (a)(3)(A), is Pub. L. 95-617, Nov. 9, 1978, 92 Stat. 3117. Title I (§101 et seq.) of the Act enacted subchapters I to IV of chapter 46 (§2611 et seq.) of Title 16, Conservation, and section 6808 of this title, and amended sections 6802 to 6807 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 16 and Tables.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.

SUBCHAPTER VI—WAGE RATE REQUIREMENTS

§ 18851. Wage rate requirements

(a) Davis-Bacon

All laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under this division or an amendment made by this division shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40 (commonly referred to as the “Davis-Bacon Act”).

(b) Authority

With respect to the labor standards specified in subsection (a), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40.

(Pub. L. 117-58, div. D, title XI, §41101, Nov. 15, 2021, 135 Stat. 1130.)

Editorial Notes

REFERENCES IN TEXT

This division, referred to in subsec. (a), is div. D of Pub. L. 117-58, Nov. 15, 2021, 135 Stat. 923, which enacted this chapter and enacted and amended numerous other sections and notes in the Code. For complete classification of div. D to the Code, see Tables.

The Davis-Bacon Act, referred to in subsec. (a), is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, which was classified generally to sections 276a to 276a-5 of former Title 40, Public Buildings, Property, and Works, and was repealed and reenacted as sections 3141-3144, 3146, and 3147 of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. For complete classification of this Act to the Code, see Tables.

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (b), is set out in the Appendix to Title 5, Government Organization and Employees.

SUBCHAPTER VII—MISCELLANEOUS

§ 18861. Office of Clean Energy Demonstrations

(a) Definitions

In this section:

(1) Covered project

The term “covered project” means a demonstration project of the Department that—

- (A) receives or is eligible to receive funding from the Secretary; and
- (B) is authorized under—
 - (i) this division; or
 - (ii) the Energy Act of 2020 (Public Law 116-260; 134 Stat. 1182).¹

(2) Program

The term “program” means the program established under subsection (b).

(b) Establishment

The Secretary, in coordination with the heads of relevant program offices of the Department, including the Office of Technology Transitions, the Loan Program Office, and all applied program offices, shall establish a program to conduct project management and oversight of covered projects, including by—

- (1) conducting evaluations of proposals for covered projects before the selection of a covered project for funding;
- (2) conducting independent oversight of the execution of a covered project after funding has been awarded for that covered project; and
- (3) ensuring a balanced portfolio of investments in covered projects.

(c) Duties

The Secretary shall appoint a head of the program who shall, in coordination with the heads of relevant program offices of the Department—

- (1) evaluate proposals for covered projects, including scope, technical specifications, maturity of design, funding profile, estimated costs, proposed schedule, proposed technical and financial milestones, and potential for commercial success based on economic and policy projections;
- (2) develop independent cost estimates for a proposal for a covered project, if appropriate;
- (3) recommend to the head of a program office of the Department, as appropriate, whether to fund a proposal for a covered project;
- (4) oversee the execution of covered projects that receive funding from the Secretary, including reconciling estimated costs as compared to actual costs;
- (5) conduct reviews of ongoing covered projects, including—

(A) evaluating the progress of a covered project based on the proposed schedule and technical and financial milestones; and

(B) providing the evaluations under subparagraph (A) to the Secretary; and

(6) assess the lessons learned in overseeing covered projects and implement improvements in the process of evaluating and overseeing covered projects.

(d) Employees

To carry out the program, the Secretary may hire appropriate personnel, including by using the authorities in section 19321 of this title, to perform the duties of the program.

(e) Additional authority

The Secretary may solicit, select, and manage covered projects directly through the program.

(f) Project termination

Should an ongoing covered project receive an unfavorable review under subsection (c)(5), the Secretary or their designee may cease funding the covered project and reallocate the remaining funds to new or existing covered projects carried out by that program office.

(g) Coordination

In carrying out the program, the head of the program shall coordinate with—

- (1) project management and acquisition management entities with the Department, including the Office of Project Management; and
- (2) professional organizations in project management, construction, cost estimation, and other relevant fields.

(h) Reports

(1) Report by Secretary

In accordance with section 16391a of this title, the Secretary shall include in each updated technology transfer execution plan submitted under subsection (h)(2) of section 16391 of this title information on the implementation of and progress made under the program, including, for the year covered by the report—

- (A) the covered projects under the purview of the program; and
- (B) the review of each covered project carried out under subsection (c)(5).

(2) Report by Comptroller General

Not later than 3 years after November 15, 2021, the Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report evaluating the operation of the program, including—

- (A) a description of the processes and procedures used by the program to evaluate proposals of covered projects and the oversight of covered projects; and
- (B) any recommended changes in the program, including changes to—
 - (i) the processes and procedures described in subparagraph (A); and
 - (ii) the structure of the program, for the purpose of better carrying out the program.

¹ See References in Text note below.