

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was classified generally to sections 276a to 276a-5 of former Title 40, Public Buildings, Property, and Works, and was repealed and reenacted as sections 3141-3144, 3146, and 3147 of Title 40, Public Buildings, Property, and Works, by Pub.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).<sup>1</sup>

##### (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.

<sup>1</sup> See References in Text note below.

**(i) Omitted**

(Pub. L. 117-58, div. D, title XII, §41201, Nov. 15, 2021, 135 Stat. 1130; Pub. L. 117-167, div. B, title VI, §10723, Aug. 9, 2022, 136 Stat. 1709.)

**Editorial Notes**

REFERENCES IN TEXT

This division, referred to in subsec. (a)(1)(B)(i), 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 Energy Act of 2020, referred to in subsec. (a)(1)(B)(ii), is div. Z of Pub. L. 116-260, Dec. 27, 2020, 134 Stat. 2418. For complete classification of div. Z to the Code, see Short Title of 2020 Amendment note under section 17001 of this title and Tables.

CODIFICATION

Section is comprised of section 41201 of div. D of Pub. L. 117-58. Subsec. (g) (now subsec. (i)) of section 41201 of div. D of Pub. L. 117-58 amended section 16391 of this title.

AMENDMENTS

2022—Subsec. (b). Pub. L. 117-167, §10723(1), inserted “including the Office of Technology Transitions, the Loan Program Office, and all applied program offices,” after “Department,” in introductory provisions.

Subsec. (d). Pub. L. 117-167, §10723(2), inserted “, including by using the authorities in section 19321 of this title,” after “personnel”.

Subsecs. (e) to (i). Pub. L. 117-167, §10723(3)–(5), added subsecs. (e) and (f), redesignated former subsecs. (e) to (g) as (g) to (i), respectively, and in introductory provisions of subsec. (h)(1), as redesignated, substituted “In accordance with section 16391a of this title, the Secretary” for “The Secretary”.

**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.

**CHAPTER 163—RESEARCH AND DEVELOPMENT, COMPETITION, AND INNOVATION**

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18901. Definitions.

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18932. Greenhouse gas measurement research.

18933. Software security and authentication.

18934. Biometrics research and testing.

18935. Dissemination of resources for research institutions.

18936. Neutron scattering.

18937. Artificial intelligence.

18938. Sustainable chemistry research and education.

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18939. Premise plumbing research.

18940. Dr. David Satcher Cybersecurity Education Grant Program.

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18952. Standards development organization grants.

PART C—HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP

18961. National Supply Chain Database.

PART D—MANUFACTURING USA PROGRAM

18971. Expanding opportunities through the Manufacturing USA Program.

18972. Promoting domestic production of technologies developed under Manufacturing USA Program.

SUBCHAPTER III—NATIONAL SCIENCE FOUNDATION FOR THE FUTURE

PART A—PRELIMINARY MATTERS

18981. Definitions.

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18991. PreK-12 STEM education.

18992. Undergraduate STEM education.

18993. Graduate STEM education.

18994. STEM workforce data.

18995. Cyber workforce development research and development.

18996. Cybersecurity workforce data initiative.

18997. Microelectronics workforce development activities.

18998. Mandatory cost-sharing.

18999. Programs to address the STEM workforce.

PART C—BROADENING PARTICIPATION

19011. Robert Noyce Teacher Scholarship program update.

19012. NSF Eddie Bernice Johnson INCLUDES Initiative.

19013. Broadening participation on major facilities awards.

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19015. Diversity in tech research.

19016. Chief Diversity Officer of the NSF.

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19031. Office of Research Security and Policy.

19032. Chief of Research Security.

19033. Reporting to Congress.

19034. Online resource.

19035. Research awards.

19036. Authorities.

19037. Research security and integrity information sharing analysis organization.

19038. Plan with respect to controlled information and background screening.

19039. Foundation funding to institutions hosting or supporting Confucius Institutes.

19040. Foreign financial support.

PART E—FUNDAMENTAL RESEARCH

19051. Broader impacts.

19052. Research ethics.

19053. Research reproducibility and replicability.

19054. Climate change research.

19055. Social, behavioral, and economic sciences.

19056. Measuring impacts of Federally funded research and development.