

**(f) Development, demonstration, and commercial application****(1) In general**

The Secretary shall carry out a development, demonstration, and commercial application program for the Initiative through competitively selected awards.

**(2) Preference**

In making the awards, the Secretary may give preference to participants in the Industry Alliance.

**(g) Cost sharing**

In carrying out this section, the Secretary shall require cost sharing in accordance with section 16352 of this title.

**(h) Intellectual property**

The Secretary may require (in accordance with section 202(a)(ii) of title 35, section 2182 of this title, and section 5908 of this title) that for any new invention developed under subsection (e)—

(1) that the Industry Alliance participants who are active participants in research, development, and demonstration activities related to the advanced solid-state lighting technologies that are covered by this section shall be granted the first option to negotiate with the invention owner, at least in the field of solid-state lighting, nonexclusive licenses and royalties on terms that are reasonable under the circumstances;

(2)(A) that, for 1 year after a United States patent is issued for the invention, the patent holder shall not negotiate any license or royalty with any entity that is not a participant in the Industry Alliance described in paragraph (1); and

(B) that, during the year described in subparagraph (A), the patent holder shall negotiate nonexclusive licenses and royalties in good faith with any interested participant in the Industry Alliance described in paragraph (1); and

(3) such other terms as the Secretary determines are required to promote accelerated commercialization of inventions made under the Initiative.

**(i) National Academy review**

The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct periodic reviews of the Initiative.

(Pub. L. 109–58, title IX, §912, Aug. 8, 2005, 119 Stat. 858.)

**§ 16193. National Building Performance Initiative****(a) Interagency group****(1) In general**

Not later than 90 days after August 8, 2005, the Director of the Office of Science and Technology Policy shall establish an interagency group to develop, in coordination with the advisory committee established under subsection (e), a National Building Performance Initiative (referred to in this section as the “Initiative”).

**(2) Cochairs**

The interagency group shall be co-chaired by appropriate officials of the Department and

the Department of Commerce, who shall jointly arrange for the provision of necessary administrative support to the group.

**(b) Integration of efforts**

The Initiative shall integrate Federal, State, and voluntary private sector efforts to reduce the costs of construction, operation, maintenance, and renovation of commercial, industrial, institutional, and residential buildings.

**(c) Plan****(1) In general**

Not later than 1 year after August 8, 2005, the interagency group shall submit to Congress a plan for carrying out the appropriate Federal role in the Initiative.

**(2) Inclusions**

The plan shall include—

(A) research, development, demonstration, and commercial application of energy technology systems and materials for new construction and retrofit relating to the building envelope and building system components;

(B) research, development, demonstration, and commercial application of energy technology and infrastructure enabling the energy efficient, automated operation of buildings and building equipment; and

(C) the collection, analysis, and dissemination of research results and other pertinent information on enhancing building performance to industry, government entities, and the public.

**(d) Department of Energy role**

Within the Federal portion of the Initiative, the Department shall be the lead agency for all aspects of building performance related to use and conservation of energy.

**(e) Advisory committee**

The Director of the Office of Science and Technology Policy shall establish an advisory committee to—

(1) analyze and provide recommendations on potential private sector roles and participation in the Initiative; and

(2) review and provide recommendations on the plan described in subsection (c).

**(f) Administration**

Nothing in this section provides any Federal agency with new authority to regulate building performance.

(Pub. L. 109–58, title IX, §913, Aug. 8, 2005, 119 Stat. 860.)

**§ 16194. Building standards****(a) Definition of high performance building**

In this section, the term “high performance building” means a building that integrates and optimizes all major high-performance building attributes, including energy efficiency, durability, life-cycle performance, and occupant productivity.

**(b) Assessment**

Not later than 120 days after August 8, 2005, the Secretary shall enter into an agreement