

(b) Initiative

The Secretary shall carry out a Next Generation Lighting Initiative in accordance with this section to support research, development, demonstration, and commercial application activities related to advanced solid-state lighting technologies based on white light emitting diodes.

(c) Objectives

The objectives of the Initiative shall be to develop advanced solid-state organic and inorganic lighting technologies based on white light emitting diodes that, compared to incandescent and fluorescent lighting technologies, are longer lasting, are more energy-efficient and cost-competitive, and have less environmental impact.

(d) Industry Alliance

Not later than 90 days after August 8, 2005, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms, open to large and small businesses, that, as a group, are broadly representative of United States solid-state lighting research, development, infrastructure, and manufacturing expertise as a whole.

(e) Research**(1) Grants**

The Secretary shall carry out the research activities of the Initiative through competitively awarded grants to—

- (A) researchers, including Industry Alliance participants;
- (B) small businesses;
- (C) National Laboratories; and
- (D) institutions of higher education.

(2) Industry alliance

The Secretary shall annually solicit from the Industry Alliance—

- (A) comments to identify solid-state lighting technology needs;
- (B) an assessment of the progress of the research activities of the Initiative; and
- (C) assistance in annually updating solid-state lighting technology roadmaps.

(3) Availability to public

The information and roadmaps under paragraph (2) shall be available to the public.

(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 with the National Institute of Building Sciences to—

- (1) conduct an assessment (in cooperation with industry, standards development organizations, and other entities, as appropriate) of whether the current voluntary consensus standards and rating systems for high performance buildings are consistent with the current technological state of the art, including relevant results from the research, development and demonstration activities of the Department;
- (2) determine if additional research is required, based on the findings of the assessment; and
- (3) recommend steps for the Secretary to accelerate the development of voluntary consensus-based standards for high performance buildings that are based on the findings of the assessment.

(c) Grant and technical assistance program

Consistent with subsection (b) and section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note), the Secretary shall establish a grant and technical assistance program to support the development of voluntary consensus-based standards for high performance buildings.

(Pub. L. 109–58, title IX, §914, Aug. 8, 2005, 119 Stat. 861.)

REFERENCES IN TEXT

Section 12(d) of the National Technology Transfer and Advancement Act of 1995, referred to in subsec. (c), is section 12(d) of Pub. L. 104–113, as amended, which is set out as a note under section 272 of Title 15, Commerce and Trade.

§ 16195. Secondary electric vehicle battery use program

(a) Definitions

In this section:

(1) Battery

The term “battery” means an energy storage device that previously has been used to provide motive power in a vehicle powered in whole or in part by electricity.

(2) Associated equipment

The term “associated equipment” means equipment located where the batteries will be used that is necessary to enable the use of the energy stored in the batteries.

(b) Program

(1) In general

The Secretary shall establish and conduct a program of research, development, demonstration, and commercial application of energy technology for the secondary use of batteries, if the Secretary finds that there are sufficient numbers of batteries to support the program.

(2) Administration

The program shall be—

(A) designed to demonstrate the use of batteries in secondary applications, including utility and commercial power storage and power quality;

(B) structured to evaluate the performance, including useful service life and costs, of such batteries in field operations, and the necessary supporting infrastructure, including reuse and disposal of batteries; and

(C) coordinated with ongoing secondary battery use programs at the National Laboratories and in industry.

(c) Solicitation

(1) In general

Not later than 180 days after August 8, 2005, the Secretary shall solicit proposals to demonstrate the secondary use of batteries and associated equipment and supporting infrastructure in geographic locations throughout the United States.

(2) Additional solicitations

The Secretary may make additional solicitations for proposals if the Secretary determines