

**Authorizing Language from the  
Energy Independence and Security Act  
(EISA, P.L. 110-140, December 2007)**

**Subtitle B—High-Performance Commercial Buildings**

**SEC. 421. COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.**

**(a) DIRECTOR OF COMMERCIAL HIGH-PERFORMANCE GREEN**

**BUILDINGS.**—Notwithstanding any other provision of law, the Secretary, acting through the Assistant Secretary of Energy Efficiency and Renewable Energy, shall appoint a Director of Commercial High-Performance Green Buildings to a position in the career reserved Senior Executive service, with the principal responsibility to—

(1) establish and manage the Office of Commercial High-Performance Green Buildings; and

(2) carry out other duties as required under this subtitle.

**(b) QUALIFICATIONS.**—The Commercial Director shall be an individual, who by reason of professional background and experience, is specifically qualified to carry out the duties required under this subtitle.

**(c) DUTIES.**—The Commercial Director shall, with respect to development of high-performance green buildings and zero-energy commercial buildings nationwide—

(1) coordinate the activities of the Office of Commercial High-Performance Green Buildings with the activities of the Office of Federal High-Performance Green Buildings;

(2) develop the legal predicates and agreements for, negotiate, and establish one or more public-private partnerships with the Consortium, members of the Consortium, and other capable parties meeting the qualifications of the Consortium, to further such development;

(3) represent the public and the Department in negotiating and performing in accord with such public-private partnerships;

(4) use appropriated funds in an effective manner to encourage the maximum investment of private funds to achieve such development;

(5) promote research and development of high-performance green buildings, consistent with section 423; and

(6) jointly establish with the Federal Director a national high-performance green building clearinghouse in accordance with section 423(1), which shall provide high-performance green building information and disseminate research results through—

(A) outreach;

(B) education; and

(C) the provision of technical assistance.

**(d) REPORTING.**—The Commercial Director shall report directly to the Assistant Secretary for Energy Efficiency and Renewable Energy, or to other senior officials in a way that facilitates the integrated program of this subtitle for both energy efficiency and renewable energy and both technology development and technology deployment.

(e) **COORDINATION.**—The Commercial Director shall ensure full coordination of high-performance green building information and activities, including activities under this subtitle, within the Federal Government by working with the General Services Administration and all relevant agencies, including, at a minimum—

- (1) the Environmental Protection Agency;
- (2) the Office of the Federal Environmental Executive;
- (3) the Office of Federal Procurement Policy;
- (4) the Department of Energy, particularly the Federal Energy Management Program;
- (5) the Department of Health and Human Services;
- (6) the Department of Housing and Urban Development;
- (7) the Department of Defense;
- (8) the National Institute of Standards and Technology;
- (9) the Department of Transportation;
- (10) the Office of Science Technology and Policy; and
- (11) such nonprofit high-performance green building rating and analysis entities as the Commercial Director determines can offer support, expertise, and review services.

(f) **HIGH-PERFORMANCE GREEN BUILDING PARTNERSHIP CONSORTIUM.**—

(1) **RECOGNITION.**—Not later than 90 days after the date of enactment of this Act, the Commercial Director shall formally recognize one or more groups that qualify as a high-performance green building partnership consortium.

(2) **REPRESENTATION TO QUALIFY.**—To qualify under this section, any consortium shall include representation from—

- (A) the design professions, including national associations of architects and of professional engineers;
- (B) the development, construction, financial, and real estate industries;
- (C) building owners and operators from the public and private sectors;
- (D) academic and research organizations, including at least one national laboratory with extensive commercial building energy expertise;
- (E) building code agencies and organizations, including a model energy code-setting organization;
- (F) independent high-performance green building associations or councils;
- (G) experts in indoor air quality and environmental factors;
- (H) experts in intelligent buildings and integrated building information systems;
- (I) utility energy efficiency programs;
- (J) manufacturers and providers of equipment and techniques used in high-performance green buildings;
- (K) public transportation industry experts; and
- (L) nongovernmental energy efficiency organizations.

(3) **FUNDING.**—The Secretary may make payments to the Consortium pursuant to the terms of a public-private partnership for such activities of the Consortium undertaken under such a partnership as described in this subtitle directly to the Consortium or through one or more of its members.

(g) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Commercial Director, in consultation with the Consortium, shall submit to Congress a report that—

(1) describes the status of the high-performance green building initiatives under this subtitle and other Federal programs affecting commercial high-performance green buildings in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this subtitle; and

(B) the status of funding requests and appropriations for those programs; and

(2) summarizes and highlights development, at the State and local level, of high-performance green building initiatives, including executive orders, policies, or laws adopted promoting high-performance green building (including the status of implementation of those initiatives).

## **SEC. 422. ZERO NET ENERGY COMMERCIAL BUILDINGS INITIATIVE.**

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term “consortium” means a High-Performance Green Building Consortium selected by the Commercial Director.

(2) INITIATIVE.—The term “initiative” means the Zero-Net-Energy Commercial Buildings Initiative established under subsection (b)(1).

(3) ZERO-NET-ENERGY COMMERCIAL BUILDING.—The term “zero-net-energy commercial building” means a high-performance commercial building that is designed, constructed, and operated—

(A) to require a greatly reduced quantity of energy to operate;

(B) to meet the balance of energy needs from sources of energy that do not produce greenhouse gases;

(C) in a manner that will result in no net emissions of greenhouse gases; and

(D) to be economically viable.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Commercial Director shall establish an initiative, to be known as the “Zero-Net-Energy Commercial Buildings Initiative”—

(A) to reduce the quantity of energy consumed by commercial buildings located in the United States; and

(B) to achieve the development of zero net energy commercial buildings in the United States.

(2) CONSORTIUM.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commercial Director shall competitively select, and enter into an agreement with, a consortium to develop and carry out the initiative.

(B) AGREEMENTS.—In entering into an agreement with a consortium under subparagraph (A), the Commercial Director shall use the authority described in section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)), to the maximum extent practicable.

(c) GOAL OF INITIATIVE.—The goal of the initiative shall be to develop and disseminate technologies, practices, and policies for the development and establishment of zero net energy commercial buildings for—

- (1) any commercial building newly constructed in the United States by 2030;
- (2) 50 percent of the commercial building stock of the United States by 2040; and
- (3) all commercial buildings in the United States by 2050.

(d) COMPONENTS.—In carrying out the initiative, the Commercial Director, in consultation with the consortium, may—

- (1) conduct research and development on building science, design, materials, components, equipment and controls, operation and other practices, integration, energy use measurement, and benchmarking;
- (2) conduct pilot programs and demonstration projects to evaluate replicable approaches to achieving energy efficient commercial buildings for a variety of building types in a variety of climate zones;
- (3) conduct deployment, dissemination, and technical assistance activities to encourage widespread adoption of technologies, practices, and policies to achieve energy efficient commercial buildings;
- (4) conduct other research, development, demonstration, and deployment activities necessary to achieve each goal of the initiative, as determined by the Commercial Director, in consultation with the consortium;
- (5) develop training materials and courses for building professionals and trades on achieving cost-effective high-performance energy efficient buildings;
- (6) develop and disseminate public education materials to share information on the benefits and cost-effectiveness of high-performance energy efficient buildings;
- (7) support code-setting organizations and State and local governments in developing minimum performance standards in building codes that recognize the ready availability of many technologies utilized in high-performance energy efficient buildings;
- (8) develop strategies for overcoming the split incentives between builders and purchasers, and landlords and tenants, to ensure that energy efficiency and high-performance investments are made that are cost-effective on a lifecycle basis; and
- 9) develop improved means of measurement and verification of energy savings and performance for public dissemination.

(e) COST SHARING.—In carrying out this section, the Commercial Director shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

- (1) \$20,000,000 for fiscal year 2008;
- (2) \$50,000,000 for each of fiscal years 2009 and 2010;
- (3) \$100,000,000 for each of fiscal years 2011 and 2012; and
- (4) \$200,000,000 for each of fiscal years 2013 through 2018.

#### **SEC. 423. PUBLIC OUTREACH.**

The Commercial Director and Federal Director, in coordination with the Consortium, shall carry out public outreach to inform individuals and entities of the information and services available governmentwide by—

- (1) establishing and maintaining a national high-performance green building clearinghouse, including on the Internet, that—
  - (A) identifies existing similar efforts and coordinates activities of common interest; and
  - (B) provides information relating to high-performance green buildings, including hyperlinks to Internet sites that describe the activities, information, and resources of—
    - (i) the Federal Government;
    - (ii) State and local governments;
    - (iii) the private sector (including nongovernmental and nonprofit entities and organizations); and
    - (iv) international organizations;
- (2) identifying and recommending educational resources for implementing high-performance green building practices, including security and emergency benefits and practices;
- (3) providing access to technical assistance, tools, and resources for constructing high-performance green buildings, particularly tools to conduct life-cycle costing and life-cycle assessment;
- (4) providing information on application processes for certifying a high-performance green building, including certification and commissioning;
- (5) providing to the public, through the Commercial Director, technical and research information or other forms of assistance or advice that would be useful in planning and constructing high-performance green buildings;
- (6) using such additional methods as are determined by the Commercial Director to be appropriate to conduct public outreach;
- (7) surveying existing research and studies relating to high-performance green buildings; and
- (8) coordinating activities of common interest.