Legislative Directive: EPACT 2005

Subtitle A – Energy Efficiency

Sec. 911. Energy Efficiency.

(c) Allocations. – From amounts authorized under subsection (a), the following sums are authorized:
    (1) For activities under section 912, $50,000,000 for each of fiscal years 2007 through 2009.
(d) Extended Authorization. – They are authorized to be appropriated to the Secretary to carry out section 912 $50,000,000 for each of fiscal years 2010 through 2013.

Sec. 912. Next Generation Lighting Initiative.

(a) Definitions. – In this section:
    (1) Advance Solid-State Lighting. – The term "advanced solid-state lighting" means a semiconducting device package and delivery system that produces white light using externally applied voltage.
    (2) Industry Alliance. – The term "Industry Alliance" means an entity selected by the Secretary under subsection (d).
    (3) Initiative. – The term "Initiative" means the Next Generation Lighting Initiative carried out under this section.
    (4) Research. – The term "research" includes research on the technologies, materials, and manufacturing processes required for white light emitting diodes.
    (5) White Light Emitting Diode. – The term "white light emitting diode" means a semiconducting package, using either organic or inorganic materials, that produces white light using externally applied voltage.
(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 the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms that, as a group, are broadly representative of the United States SSL 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) National Laboratories; and
        (C) 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 988.

(h) Intellectual Property. – The Secretary may require (in accordance with section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908)) 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 one 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 clause (i), the patent holder shall negotiate nonexclusive licenses and royalties in good faith with any interested participants 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.