

Federal High-Performance Green Buildings established under section 17092(a) of this title.

**(19) Practices**

The term “practices” means design, financing, permitting, construction, commissioning, operation and maintenance, and other practices that contribute to achieving zero-net-energy buildings or facilities.

**(20) Zero-net-energy commercial building**

The term “zero-net-energy commercial building” means a commercial building that is designed, constructed, and operated to—

- (A) require a greatly reduced quantity of energy to operate;
- (B) meet the balance of energy needs from sources of energy that do not produce greenhouse gases;
- (C) therefore result in no net emissions of greenhouse gases; and
- (D) be economically viable.

(Pub. L. 110-140, title IV, §401, Dec. 19, 2007, 121 Stat. 1596.)

REFERENCES IN TEXT

This title, referred to in text, is title IV of Pub. L. 110-140, Dec. 19, 2007, 121 Stat. 1596, which enacted this subchapter, part C (§6341 et seq.) of subchapter III of chapter 77 of this title, sections 6371h-1 and 7628 of this title, and subchapter V (§2695 et seq.) of chapter 53 of Title 15, Commerce and Trade, amended sections 6832, 6834, 6862, 6872, 8253, 8254, and 12709 of this title, and enacted provisions set out as notes under sections 6834 and 6872 of this title. For complete classification of title IV to the Code, see Tables.

Section 484, referred to in par. (2), probably should be a reference to section 494 of Pub. L. 110-140, which is classified to section 17123 of this title.

This Act, referred to in par. (5)(A)(ii)(III), is Pub. L. 110-140, Dec. 19, 2007, 121 Stat. 1492, known as the Energy Independence and Security Act of 2007, which enacted this chapter and enacted and amended numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 17001 of this title and Tables.

Title III, referred to in par. (5)(A)(ii)(III), is title III of Pub. L. 110-140, Dec. 19, 2007, 121 Stat. 1549, which enacted section 3313 of Title 40, Public Buildings, Property, and Works, amended sections 6291 to 6295, 6297, 6302, 6304, 6311, 6313 to 6316, 15821, and 16191 of this title and sections 3307, 3310, and 3314 to 3316 of Title 40, and enacted provisions set out as notes under sections 6291, 6294, 6295, and 6313 of this title. For complete classification of title III to the Code, see Tables.

Sections 431 through 435, referred to in pars. (6)(C) and 9(A), are sections 431 to 435 of Pub. L. 110-140. Sections 431 to 434 amended sections 6832, 6834, and 8253 of this title and enacted provisions set out as a note under section 6834 of this title. Section 435 enacted section 17091 of this title.

Title V, referred to in par. (6)(C), is title V of Pub. L. 110-140, Dec. 19, 2007, 121 Stat. 1655, which enacted subchapter IV (§17131 et seq.) of this chapter, part D (§8279) of subchapter III of chapter 91 of this title, and sections 1824, 2162a, and 2169 of Title 2, The Congress, amended sections 6325, 6834, 8256, 8258, 8259b, 8287, and 8287c of this title, section 2162 of Title 2, section 2913 of Title 10, Armed Forces, section 3203 of Title 15, Commerce and Trade, and section 2621 of Title 16, Conservation, and enacted provisions set out as a note under section 8259b of this title. For complete classification of title V to the Code, see Tables.

Sections 511 through 525, referred to in par. (6)(C), are sections 511 to 525 of Pub. L. 110-140, which enacted part A (§17131) of subchapter IV of this chapter and section 17141 of this title, amended sections 6834, 8256, 8258,

8259b, 8287, and 8287c of this title and section 2913 of Title 10, Armed Forces, and enacted provisions set out as a note under section 8259b of this title.

PART A—RESIDENTIAL BUILDING EFFICIENCY

**§ 17071. Energy Code improvements applicable to manufactured housing**

**(a) Establishment of standards**

**(1) In general**

Not later than 4 years after December 19, 2007, the Secretary shall by regulation establish standards for energy efficiency in manufactured housing.

**(2) Notice, comment, and consultation**

Standards described in paragraph (1) shall be established after—

- (A) notice and an opportunity for comment by manufacturers of manufactured housing and other interested parties; and
- (B) consultation with the Secretary of Housing and Urban Development, who may seek further counsel from the Manufactured Housing Consensus Committee.

**(b) Requirements**

**(1) International Energy Conservation Code**

The energy conservation standards established under this section shall be based on the most recent version of the International Energy Conservation Code (including supplements), except in cases in which the Secretary finds that the code<sup>1</sup> is not cost-effective, or a more stringent standard would be more cost-effective, based on the impact of the code<sup>1</sup> on the purchase price of manufactured housing and on total life-cycle construction and operating costs.

**(2) Considerations**

The energy conservation standards established under this section may—

- (A) take into consideration the design and factory construction techniques of manufactured homes;
- (B) be based on the climate zones established by the Department of Housing and Urban Development rather than the climate zones under the International Energy Conservation Code; and
- (C) provide for alternative practices that result in net estimated energy consumption equal to or less than the specified standards.

**(3) Updating**

The energy conservation standards established under this section shall be updated not later than—

- (A) 1 year after December 19, 2007; and
- (B) 1 year after any revision to the International Energy Conservation Code.

**(c) Enforcement**

Any manufacturer of manufactured housing that violates a provision of the regulations under subsection (a) is liable to the United States for a civil penalty in an amount not exceeding 1 percent of the manufacturer's retail list price of the manufactured housing.

<sup>1</sup> So in original. Probably should be “Code”.

(Pub. L. 110-140, title IV, § 413, Dec. 19, 2007, 121 Stat. 1601.)

PART B—HIGH-PERFORMANCE COMMERCIAL BUILDINGS

**§ 17081. 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 part.

**(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 part.

**(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 17083 of this title; and
- (6) jointly establish with the Federal Director a national high-performance green building clearinghouse in accordance with section 17083(1) of this title, 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 part 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 part, 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 December 19, 2007, 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-