

## **Abstract**

The purpose of this research is to examine the outcomes of the Energy Independence and Security Act of 2007 passed by the 110th United States Congress. The bill sought to increase energy efficiency in public buildings, increase domestic energy production, and decrease the reliance on foreign energy. The bill was a response to the 2000s energy crisis where the price per barrel of crude oil climbed from \$30 a barrel in 2003 to its peak at \$147.30 in 2008. The first phase follows the bill from its inception, to its implementation. The second phase analyzes the results of the policy both domestically and internationally. Many of the EISA 2007 provisions have come under scrutiny from liberal institutions such as the United Nation who have made requests for the United States to abandon the ethanol standards put in place in the wake of 2012 North American Drought due to the potential risk to global food security. The research of EISA effects highlights the success and shortcomings of the law for consideration when shaping the future energy policy of the United States.

## The Energy Independence and Security Act (2007)

By: Jared Kelly

Agenda Building: The Energy Independence and Security Act of 2007 was sponsored by Democratic Senator Harry Reid of Nevada,<sup>1</sup> and Democratic House member Nick J. Rahall II of West Virginia's District 3.<sup>2</sup> Representative Rahall ran on a platform of clean energy and reliance on domestic energy production.<sup>3</sup> Rahall is a ranking member on the Committee on Transportation and Infrastructure. He is also on the sub-committee for Highways and Transit.<sup>4</sup> Rahall's influence on the bill is quite apparent, a provision in the bill grants revenues to fund initiatives for new highway, sea, and railroad infrastructure.<sup>5</sup> A separate provision that also benefits Rahall is the creation of the Office of Climate Change and Environment in the Department of Transportation.<sup>6</sup> The majority of congressman Rahall's campaign contributions came from unions and transportation agencies.<sup>7</sup> In the final version of the bill he sponsored, congressman Rahall voted against it. This is because there were provisions added in EISA that created more regulations on coal mining.<sup>8</sup> Congressman Rahall has been a strict supporter of coal mining rights throughout his terms.<sup>9</sup> Rahall supported the Energy Tax Prevention Act which limited the power of the EPA,<sup>10</sup> and voted against the American Clean Energy and Security Act of 2009 which would create an emission trading system similar to that of the EU. The senate majority leader and sponsor Harry Reid is an advocate for combating global warming and climate change. In Reid's legislative actions he has attempted to cut tax breaks for large oil companies and to instead allocate the revenues toward investing in renewable energy resource development. Reid's sponsorship of the bill was to use his position to

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<sup>1</sup> The bill was sponsored by senate majority leader Harry Reid of Nevada, the bill had no cosponsors in the senate <<http://thomas.loc.gov/cgi-bin/bdquery/z?d110:S1419>>

<sup>2</sup> In the House of Representatives the bill was sponsored by Rep Nick J. Rahall II [WV-3] there were 198 cosponsors, the bill was introduced on introduced 1/12/2007 .

<<http://thomas.loc.gov/cgi-bin/bdquery/z?d110:HR00006;TOM:/bss/d110query.html>>

<sup>3</sup> On Rahall's website he states "I have long been a leader on mining and energy issues, recognizing the need to develop our domestic energy resources, while ensuring protections for our lands, our communities, and our people." <<http://rahall.house.gov/issue>>

<sup>4</sup> House member Rahall's committee membership <<http://democrats.transportation.house.gov/about/membership>>

<sup>5</sup> Sec.244 (a.1.B) grants transportation infrastructure grants as well as Subtitle D—Highways

SEC. 1131. Increasing federal funding for CMAQ PROJECTS <<http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf>>

<sup>6</sup> Sec. 1101. Of the law details the creation of the Office of Climate Change and Environment. <<http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf>>

<sup>7</sup> His number one campaign contribution was from Atlas Air Worldwide, he receives many contributions from the oil and gas industries, trade unions, railroads, and the coal industry. Information was obtained from <<http://www.opensecrets.org/politicians/summary.php?cid=n00002198>>

<sup>8</sup> In the bill it lists the new coal mining standards "to remove at least 99 percent of sulfur dioxide; or to emit not more than 0.04 pound SO2 per million Btu, based on a 30-day average" located in Energy Policy (I)(aa),&(bb) of SEC.653 <<http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf>>

<sup>9</sup> In this article Rahall takes credit for blocking the bill that would prevent mountain top removal, West Virginia 2<sup>nd</sup> largest producer of coal behind Wyoming, coal makes up 3.5 billion annually in the gross state product of West Virginia." <<http://thehill.com/blogs/healthwatch/politics-elections/124339-rahall-takes-sole-credit-for-blocking-bill-to-end-mountaintop-mining>>

<[http://www.nma.org/pdf/c\\_production\\_state\\_rank.pdf](http://www.nma.org/pdf/c_production_state_rank.pdf)>,<<http://www.wvminesafety.org/wvcoalfacts.htm>>

<sup>10</sup> House Member Rahall's opposition to the EPA "I am dead set against the E.P.A.'s plowing ahead on its own with new regulations to limit greenhouse gases." <<http://www.washingtonpost.com/wp-dyn/content/article/2011/03/03/AR2011030302312.html>>

influence the Senate and promote his agenda. Senator Reid's top campaign contributor is MGM Resorts International.<sup>11</sup> EISA benefits MGM with bountiful tax incentives for building energy efficient commercial facilities.<sup>12</sup>

**Policy Formulation:** The bill was introduced into the House on January 12, 2007. That same day, the bill was referred to four separate committees: the House Committee on Ways and Means, the House Committee on Natural Resources, the House Budget Committee, and the House Rules Committee. The bill also went through sponsor Nick Rahall's House Committee on Transportation and Infrastructure.<sup>13</sup> While the bill was in the Rules Committee, it was amended,<sup>14</sup> then sent to the Senate and placed on the legislative calendar. On June 11, 2007, the bill was brought to the Senate floor after a cloture motion was invoked by the Senate through a yea-nay vote.<sup>15</sup> While the bill was being debated on the senate floor, the Senate made multiple amendments to the bill. This included removing a tax package that would fund green energy research through the repeal of oil and gas tax breaks. The Senate also repealed a provision requiring utilities to produce 15% of their power from renewable energy,<sup>16</sup> as well as removing Title I and II of the original bill.<sup>17</sup> When amending the bill, Senate Democrats attempted to raise taxes on gas and oil corporations by \$32 billion to fund renewable energy research, but the attempt was blocked.<sup>18</sup>

**Policy Adoption:** when the House received the bill from the Senate, they amended the bill and voted to agree with the Senate amendments and the new House amendment to the bill. The House agreed to the changes and voted with a Yea and Nay vote of 235 – 181.<sup>19</sup> The bill then went to the Senate where they added a new amendment was added to EISA,<sup>20</sup> and they voted to accept the bill by a Yea-Nay Vote of 86 – 8.<sup>21</sup> The bill went back to the House of Representatives after the senate vote. The House agreed to the new Senate amendment and voted on the bill which passed with a Yea-Nay vote of 314 – 100.<sup>22</sup> After the final House - vote, the bill was sent to the White House where it was cleared, then presented to the

<sup>11</sup> Reid's campaign contributors MGM donated a total of \$192,690 to his last campaign  
<<http://www.opensecrets.org/politicians/summary.php?cid=n00009922>>

<sup>12</sup> Website lists summary of the bill including incentives, many incentives would benefit MGM construction  
<[http://energy.senate.gov/public/\\_files/RL342941.pdf](http://energy.senate.gov/public/_files/RL342941.pdf)>

<sup>13</sup> The committees involved and the work done in committee <<http://thomas.loc.gov/cgi-bin/bdquery/z?d110:HR00006:@@C>>

<sup>14</sup> Amendment was H. Res. 66 from Representative James McGovern {D-MA(3)} passed after debate with a recorded vote of 230 – 194. Roll number 36 . The new rule detailed how to reduce the US dependency on foreign oil and create a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy. <<http://thomas.loc.gov/cgi-bin/bdquery/z?d110:H.RES.66>>

<sup>15</sup> Vote tally was 91 - 0. Record Vote Number: 208.

<[http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=110&session=1&vote=00208](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=110&session=1&vote=00208)>

<sup>16</sup> Senate failed to passed this provision by two cloture votes <<http://www.vnf.com/news-alerts-231.html>>

<sup>17</sup> Title I & II of the original bill were removed: the Ending Subsidies for Big Oil Act of 2007, & the Royalty Relief for American Consumers Act of 2007

<sup>18</sup> Attempt to include these provisions was blocked by senate republicans <[http://www.washingtonpost.com/wp-dyn/content/article/2007/06/21/AR2007062101026\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2007/06/21/AR2007062101026_pf.html)>

<sup>19</sup> Roll call number-1140 taken on 12/6/2007 <<http://clerk.house.gov/evs/2007/roll1140.xml>>

<sup>20</sup> (SA 3850) was introduced on 12/13/2007 bill was approved later in the day <<http://thomas.loc.gov/cgi-bin/bdquery/z?d110:HR00006:@@X>>

<sup>21</sup> Record Vote Number- 430, Vote taken on 12/13/2007

<[http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=110&session=1&vote=00430](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=110&session=1&vote=00430)>

<sup>22</sup> The bill was approved by the house Roll Number-1177 passed on 12/18/2007 <<http://clerk.house.gov/evs/2007/roll1177.xml>>

President.<sup>23</sup> On December 19, 2007, the Energy Independence and Security Act of 2007 was signed by President George W. Bush and became Public Law No: 110-140 (Pub.L. 110-140).<sup>24</sup> President Bush signed the law to launch his “Twenty in Ten” challenge<sup>25</sup> to reduce gasoline use by 20% in the next 10 years, which he addressed in his 2007 State of the Union Address.<sup>26</sup>

Policy Implementation: EISA consists of four major titles: Title I- Improved Vehicle Fuel Economy, Title II: Increased Production of Biofuels, Title III: Improved Standards for Appliance and Lighting, and Title IV: Energy Savings in Buildings and Industry. The law has many provisions including increasing the CAFE standards, creating efficient federal vehicle fleets, awarding to automakers for electric transportation technology, the establishment of Biomass-based Diesel fuel, creating the Renewable Fuel Standard,<sup>27</sup> grants to states for Biofuels Research, phasing out Incandescent light bulbs in the U.S., creating new efficiency standards for home residential items, and tax incentives for High-Performance Buildings. Many facets of the executive branch are in charge of carrying out the policy. The task of carrying out this policy belongs to facets of the executive branch. Such as the EPA,<sup>28</sup> the Secretary of Energy,<sup>29</sup> The Department of Housing and Urban Development,<sup>30</sup> The Department of Energy,<sup>31</sup> and the Department of Transportation<sup>32</sup> The Alliance to Save Energy conducted a study on EISA and estimated that eliminating incandescent bulbs completely would save \$18 billion per year (also equivalent to the output of 80 coal plants), the provision that require federal agencies to reduce their energy consumption will save roughly \$1.7 billion in taxpayer money each year, and the new CAFE standards for 2020 will be equivalent to taking 28 million of today’s cars off the road.<sup>33</sup>

Policy Evaluation: The Energy Independence and Security Act of 2007 was constitutional but did not solve the energy crisis or the rapid increase of energy prices. However, the law was successful and effective in mitigating the energy crisis problem. The average price of a barrel of oil still increased after

<sup>23</sup> Dates of major events that occurred with the law <<http://thomas.loc.gov/cgi-bin/bdquery/z?d110:HR00006:@@R>>

<sup>24</sup> Bill signed by president Bush <<http://thomas.loc.gov/cgi-bin/bdquery/z?d110:HR00006:@@X>>

<sup>25</sup> Information regarding Bush’s twenty in ten initiative <<http://georgewbush-whitehouse.archives.gov/stateoftheunion/2007/initiatives/energy.html>>

<sup>26</sup> Bush outlining his 20 in 10 plan in State of The Union Address <[http://www.forbes.com/2007/02/01/bush-energy-oil-biz-cx\\_0202oxford.html](http://www.forbes.com/2007/02/01/bush-energy-oil-biz-cx_0202oxford.html)>

<sup>27</sup> This tax payer funded program increases the amount of bio-fuel to be mixed in with gasoline Energy amended a section of the Policy Act of 2005 <[http://energy.senate.gov/public/\\_files/RL342941.pdf](http://energy.senate.gov/public/_files/RL342941.pdf)>

<sup>28</sup> The EPA must create a waste energy recovery program, and study the effects energy efficient buildings have on school aged children. <<http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf>>

<sup>29</sup> The Secretary of Energy must carry out studies on algae production for biofuel, how to elevate use of E-85 fuel <<http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf>>

<sup>30</sup> The Department of Housing and Urban Development must update the energy standards for public and assisted housing <<http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf>>

<sup>31</sup> The Department of Energy must develop ways to improve the energy efficiency of industry equipment, educate the public about high performance buildings, and create an Office of Commercial High Performance Green Buildings to create a nationwide zero net energy initiative for industrial/ commercial buildings built after 2025. <<http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf>>

<sup>32</sup> The Department of Transportation must create an Office of Climate Change and Environment <<http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf>>

<sup>33</sup> ASE estimates on effect of the future law <http://www.ase.org/resources/energy-independence-and-security-act-2007>

the law was passed, but the price increased at a less rapid rate.<sup>34</sup> A provision of the policy requires the US to increase the amount of biofuel added to gasoline.<sup>35</sup> The majority of the biofuel added to gasoline is derived from corn to create a corn-grain ethanol. During the 2012 North American drought, much of the U.S. corn crop was devastated. This caused over 100 House members and 25 Senators to ask the United States to suspend the renewable fuel standard to avoid a food crisis.<sup>36</sup> At the time the quota meant that biofuel production would use up 40% of the U.S. corn crop to meet the 13 billion gallon biofuel standard.<sup>37</sup> The US Agriculture Secretary Tom Vilsack defended the U.S. policy, saying it reduced reliance on foreign oil, lowered gas costs by approximately \$.25-\$1.30 a gallon, and suspending the program would hurt jobs.<sup>38</sup> While the law lowered gasoline prices it also increased the average fuel economy for all passenger vehicles and light trucks.<sup>39</sup> During the drought, many were concerned with the amount of corn going to the biofuel program, and that there was going to be a global food shortage. Because of this, the UN asked the U.S. to discontinue the program due to food security concerns.<sup>40</sup> In 2011, a bill was introduced into the House entitled the Fuel Feedstock Freedom Act which had a provision allowing states to sell ethanol free gasoline because of a recent study finding corn ethanol may hurt certain engines.<sup>41</sup> In the 2012 United States federal budget there was a provision that banned the spending of federal funds to enforce the EISA Title III<sup>42</sup> phase-out of incandescent light bulbs.<sup>43</sup> Despite allocating any further funds to the law, the provision states that the recipients who received more than \$1 million in Department of Energy grants still have to comply with the energy efficiency standards laid out in Title III of EISA.<sup>44</sup>

Conclusion: The Energy Independence and Security Act of 2007 fits in to two of the of six policy making models. The policy follows the systems model, and the incremental model. The law follows the systems model because the public was being affected by high energy prices, and was looking toward renewable energy resources. In a 2005 a Gallup Poll determined that 72% of American households said

<sup>34</sup> From the year 2007-2012 nominal inflation of the average price of crude oil increased 69% [http://inflationdata.com/Inflation/Inflation\\_Rate/Historical\\_Oil\\_Prices\\_Table.asp](http://inflationdata.com/Inflation/Inflation_Rate/Historical_Oil_Prices_Table.asp)

<sup>35</sup> Must increase biofuel cocktail to 36 billion gallons by 2022; the amount required when the law was passed was 4.7 billion gallons in 2007, which stems from a provision in the Energy Policy Act of 2005. <[http://www.epa.gov/oust/fedlaws/publ\\_109-058.pdf](http://www.epa.gov/oust/fedlaws/publ_109-058.pdf)>

<sup>36</sup> A press release from a house member asking to suspend the program <<http://matheson.house.gov/news-releases/matheson-calls-for-suspending-the-federal-mandate-that-diverts-food-to-fuel/>>

<sup>37</sup> Data on the percentages of corn needed to make quota <<http://www.bbc.co.uk/news/business-19206199>>

<sup>38</sup> US Agriculture Secretary Tom Vilsack defending US energy policy <<http://www.bbc.co.uk/news/business-19206199>>

<sup>39</sup> Law caused an increase in efficiency for passenger cars, and light trucks

<[http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/publications/national\\_transportation\\_statistics/html/table\\_04\\_23.html](http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/publications/national_transportation_statistics/html/table_04_23.html)>

<sup>40</sup> The UN asks the US to suspend Biofuel <<http://news.firedoglake.com/2012/08/10/un-begs-us-to-stop-corn-based-ethanol-production-during-drought/>>

<sup>41</sup> US senate committee environment and public works addressing corn-ethanol engine problems.

<[http://www.epw.senate.gov/public/index.cfm?FuseAction=Issues.View&Issue\\_id=1199e0d2-802a-23ad-468c-0f933c71fa53](http://www.epw.senate.gov/public/index.cfm?FuseAction=Issues.View&Issue_id=1199e0d2-802a-23ad-468c-0f933c71fa53)>

<sup>42</sup> Title III provisions <<http://ase.org/resources/energy-independence-and-security-act-2007>>

<sup>43</sup> Congress defunds Title III <<http://abcnews.go.com/blogs/politics/2011/12/congress-defunds-ban-on-incandescent-light-bulbs-but-doesnt-quite-save-them/>>

<sup>44</sup> company still must meet requirements <<http://www.washingtontimes.com/news/2011/dec/16/congress-overturms-incandescent-light-bulb-ban/>>

the increasing price of gasoline was bringing hardships on themselves or on their household.<sup>45</sup> In 2008 shortly after the legislation went into effect, Americans said they were 69%<sup>46</sup> more likely to vote for a candidate who established tax incentives to encourage energy conservation. They also said they were 64%<sup>47</sup> more likely to vote for a candidate who would invest in federal government research on biofuels and clean energy sources. The law also follows the incremental policy formulation model because many provisions in the law take small steps and changes that occur overtime. An example of this would fall under title IV section C of the law which lists the standards for new and renovated federal buildings<sup>48</sup> the law succeeded in creating more energy efficient public buildings, public vehicles, lowering the price of gasoline and increasing the average fuel economy for all vehicles.<sup>49</sup> The law helped ease the pain of the energy crisis but the law also created some new unanticipated problems. An example of this problem would deal with the Renewable Fuel Standard production of bio-fuel; if a natural phenomenon occurs and destroys a large portion of the corn crop, the global food security becomes an issue especially when the percentage of biofuel mixed into gasoline increases.

## Biography

Jared is an undergraduate student attending the University of California Berkeley. He is currently pursuing his B.A. in Political Science with a specialization in international relations. Jared's academic interests include sustainable design where he has been influenced by Zimbabwean subsistence farmer Zephaniah Phiri Misako, and American rain water harvester Brad Lancaster's work in the Sonoran Desert. Academically he is interested in policy implementation and the associated public health outcomes. Jared's interests outside of the classroom include sports, gardening, exploring new places, and discovering the beauty that surrounds us daily. Jared hopes to eventually live anywhere from Brazil to Borneo that has lots of rainfall.

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<sup>45</sup> 72% of American's say price increases in gasoline caused financial hardship on themselves or their household <<http://www.gallup.com/poll/147632/gas-prices.aspx>>

<sup>46</sup> Gallup poll data on American's voting for a candidate based on biofuel funding research stance. <<http://www.gallup.com/poll/2167/energy.aspx#2>>

<sup>47</sup> Gallup poll data on American's voting for a candidate based on stance for building conservation tax incentives stance. <<http://www.gallup.com/poll/2167/energy.aspx#2>>

<sup>48</sup> All federal buildings must reduce fossil fuel consumption by 55% of 2003 levels by 2010, reach 80% by 2020, and all new federal buildings must be carbon-neutral by the year 2030. <<http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf>>

<sup>49</sup> 2007 -27.5 , 22.2 2012 , 32.8 ,25.2

<[http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/publications/national\\_transportation\\_statistics/html/table\\_04\\_23.html](http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/publications/national_transportation_statistics/html/table_04_23.html)>

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