**The Nicholas School of the Environment and Earth Sciences**

**Duke Environmental Leadership Program**

**ENV 497 Proposal (3.0 Credit) – Independent Study for Henry McKoy**

***Energy Efficiency and Renewable Energy Legislation***

**Spring 2011**

**Course Overview**

In the months leading up to the November 2008 election the adoption of major energy legislation in the United States seemed to be a foregone conclusion. Both major candidates for the Presidential office campaigned on a platform that included Cap and Trade Legislation as a key solution to the major challenge of both Global Warming and Jobs. Coalitions from the private sector that included utilities, manufacturers and a broad array of others came together to try and influence what the pending legislation would entail, but also took it to be a foregone conclusion. States across the country passed their own energy legislation in anticipation of the federal policy. North Carolina was such a state, creating a Green Jobs Fund in 2007 and later passing major policy with Senate Bill 3 to set Energy Efficiency and Renewable Energy adoption goals and NC General Statute 113B-2 which created a strengthened Energy Policy Council to advise the Governor’s office.

However, two years after a historic election that promised to usher in a new energy economy built on innovative legislation, the pendulum of change seems to have swung in a different direction. Following the recent mid-term elections of 2010 that saw the Democratic Party lose outright majority in the Senate and numerical majority in the House, there are greater questions than ever as to what US energy legislation in the future will look like. The general public seems to have lost its interest in major energy legislation that is often deemed as “job killers” by the Republican Party. The Democratic Party leaders seem to now shy away from any policy that may seem controversial in hopes of making a rebound in the 2012 elections that would allow the party to return to clear majorities and keep the White House. The President seems to be running low on political capital after having used much of it during the first half of his term on legislation that supported the $787 Billion stimulus bill and a historic overhaul in Healthcare. In such a polarized environment, with an economy that is still fragile, how can policy that supports the creation of effective legislation to address both the Global Warming challenge and the Job challenge be successfully passed?

As part of the legislative process, the United States Congress considers thousands of bills each session. Yet, only a small percentage of them will ever reach the top of the President's desk for final approval or veto. Along their way to the White House, bills traverse a maze of committees and subcommittees, debates, and amendments in both chambers of Congress. The purpose of this course is to provide a structured outline of the numerous steps of our federal lawmaking process from the source of an idea for a legislative proposal through its publication as a statute. The student will bring together information gleaned from academic readings and case studies on the legislative process, reflection on personal experiences, and the advice and guidance of instructors, political leaders, and federal agency staff to craft an Energy Efficiency and Renewable Energy (EERE) Bill to be introduced in the 112th Congress. The goal would be to successfully implement an EERE Bill in the 112th Congress.

Throughout the semester the student will explore elements of the legislative process in 5 dedicated modules. These modules will include:

1. Scanning and Analyzing the EERE Policy Landscape
2. Current and Historical EERE Policy Analysis
3. Modeling EERE Policy
4. Constructing EERE Policy
5. Implementing EERE Policy

**Core Elements[[1]](#footnote-1)**

There will be four core elements of this course in which the student will actively participate:

***Policy Collaborator Conference Calls***

During the semester the student will take part in a series of working group conference calls. These calls will take place every 2 weeks. Those standing calls will include policy collaborators at the federal level including: 1) a Senior Economist from the White House Council of Economic Advisors; 2) an agency lead from the White House Domestic Policy Council; and 3) an agency lead from the United States Department of Energy. Others may be invited to the bi-weekly calls including congressional legislative staff and leadership, state and federal policy experts, other state and federal agency representatives, as well as, key allies and collaborators in the legislative process including those from the public, private and non-profit sectors. The calls will range from 30 minutes to 1 hour and attendance will be dependent on call topic and availability of call attendees. Day of the week and call time is to be determined.

***Policy Collaborator In-Person Meetings***

During the semester the student will take part in a series of in-person meetings that will supplement the Policy Collaborator Conference Calls. It is expected that these meetings would take place at least once a month, or as needed, in Washington, DC. The in-person meetings would include the same parties referenced in the Conference Calls section. Meeting date and time is to be determined.

***Journal Essays***

The student will keep a journal of this legislative process. This process will be documented in bi-weekly journal essays submitted to the instructor. These journal essays will be up to 3 pages single spaced. Each will be tailored to policy collaborator discussions, relevant reading materials, and issues related to the development of the final EERE legislative bill implementation. Papers will be submitted electronically to the instructor’s email address. Due dates of essays are to be determined.

***Energy Efficiency and Renewable Energy Legislative Policy Implementation Notebook***

The final project for the course will be the development of a Legislative Policy Implementation Notebook for the EERE policy proposal developed during this process. This notebook may incorporate elements of the semester readings, semester journal essays, as well as writings relevant to the EERE legislative process based on lessons from ENV 463, ENV 464, and other courses (i.e. Policy Analysis and Memos, Op-eds, Strategic Planning, etc.). It would include written documents and notes accumulated over the semester course related to the EERE legislative process with an introductory overview written by the student. At the end of the semester, during an on-campus session, the student will debrief the instructor on the semester experience. Though the goal of the course is to successfully introduce and shepherd an actual EERE Bill through the 112th Congress, the purpose of the course is to delve deeply into the energy legislative policy process, particularly as it relates to strategies for overcoming political obstacles and differences during a time of general policy discord, and environmental policy specifically, in the nation’s capital and across the country.

**Course Materials (proposed)**

***Books***

* Cunningham, L., Sissine, F., & Gurevitz, M. (2008). Energy Efficiency and Renewable Energy Legislation. Novinka Books.
* Metcalf, G. (2010). US Energy Tax Policy (1st ed.). Cambridge University Press.
* Stone, D. (2001). Policy Paradox: The Art of Political Decision Making [Revised] (3rd ed.). W.W. Norton & Company.

***Instructional Papers***

* www.senate.gov. (no date). *Legislative Process: How a Senate Bill Becomes Law*.
* Sullivan, J. (2007). *How Laws Are Made – The Legislative Process*.

***Legislation***

* Policy documents related to various legislation as needed

**Course Evaluation**

The grade in this course will be based on:

15% Journal Essay I – *Scanning and Analyzing the EERE Policy Landscape*

15% Journal Essay II – *Current and Historical EERE Policy Analysis* 15% Journal Essay III – *Modeling EERE Policy* 15% Journal Essay IV – *Constructing EERE Policy* 15% Journal Essay V – *Implementing EERE Policy* 25% Legislative Policy Implementation Notebook – student grade will be based on both the written assignment and student presentation during the on-campus session in April.

**Course Credit:**  This is proposed as a ***3 Credit*** Course

1. Course Instructor will be able to take part in Conference Calls and In-Person Meetings with Student if Desired [↑](#footnote-ref-1)