

The Energy Policy Act of 2005

The Energy Policy Act of 2005, 42 U.S.C. ch. 149 § 15801 et seq., 16 U.S.C. ch. 46 § 2601 et seq., 42 U.S.C. ch. 134 § 13201 et seq., provided tax incentives and loan guarantees for energy production of various types. The statute contained many disparate conditions, however, the one of greatest relevance to BOEM authorized the Department of the Interior to grant leases for activity that involves the production, transportation or transmission of energy on the Outer Continental Shelf lands from sources other than gas and oil (Section 388).

This statute effectively granted BOEM, acting on behalf of the Department of the Interior, to establish its Renewable Energy Program for projects that would take place on the Outer Continental Shelf of the US (i.e., in Federal waters of the U.S. offshore of the States).

The Energy Policy Act (EPA) addressed numerous aspects of energy production in the United States, including: (1) energy efficiency; (2) renewable energy; (3) oil and gas; (4) coal; (5) Tribal energy; (6) nuclear matters and security; (7) vehicles and motor fuels, including ethanol; (8) hydrogen; (9) electricity; (10) energy tax incentives; (11) hydropower and geothermal energy; and (12) climate change technology. The Act also provided loan guarantees for entities that develop or use innovative technologies that avoid the by-production of greenhouse gases. Another provision of the Act increased the amount of biofuel that must be mixed with gasoline sold in the United States.