### 2NC Solvency Precedent

#### States solve domestic matters better

Patterson 6 (Thomas E., Bradlee Professor of Government, “We the People”, McGraw-Hill, <http://highered.mcgraw-hill.com/sites/dl/free/0072481218/15807/pat81218_72dpi_ch03.pdf>, page 91) LL

Although it is uncertain how far devolution will be extended, American federalism has clearly entered a new stage, where answers to the nation’s domestic problems will be sought less in Washington than in the states and localities. Devolution has resulted in a modification of fiscal and cooperative federalism rather than their demise. The federal government will continue to be part of the answer to problems in policy areas once reserved almost exclusively to the states. Because of the complexity of modern policy issues and because of the interdependency of American society, the states will never regain the level of autonomy that they ex- ercised in the early twentieth century. Through devolution, however, they have acquired a greater degree of discretionary authority in some policy areas.

#### Public perception of economy encourages devolution

Meyner 98 (Robert B. and Helen S., Professor of Government and Public Service-Lafayette College, “The Devolution Tortoise and the Centralization Hare”, *New* England Economic Review, <http://geography.tamu.edu/class/bednarz/neer398c.pdf>, page 19) LL

Certain historical imperatives, especially the perceived fiscal crisis of the federal government, have added force to rationales for shifting power toward the states. This was the reality facing President Clinton when he declared the end of the era of “big government.” Regardless of one’s views about federal budget deficits and the size of the federal government, the weight of public opinion perceives these to be serious problems, even though the public does not endorse draconian remedies. The federal government lacks the fiscal resources, and perhaps the political will as well, to sustain, let alone augment, the kinds of expansive and state-intrusive policies associated with the New Deal of the 1930s and the Great Society of the 1960s. By a combination of default, deaccession, and disinvestment, therefore, certain powers and responsibilities must necessarily flow into the states, and the Congress will likely dump certain fiscally onerous and politically volatile func- tions onto states and localities.

**Extend Chourney who shows that states can lead the development on SMR**

### A2: Perm (with Federalism)

#### Crises paralyze the federal government – states are more efficient without interference

Elazar 90 [professor of political science at Temple University]

(Daniel J., May 1990, “Opening the Third Century of American Federalism: Issues and Prospects,” Annals of the American Academy of Politics and Social Science, Volume: 509, p. 11, EBB)

Nevertheless, within this deteriorating constitutional and political framework, the states have become stronger and more vigorous than ever. They have reasserted themselves as polities and have become the principal source of governmental innovation in the United States as well as the principal custodians of most domestic programs. In this extraordinary turnaround, they have been helped by the catastrophes that have befallen previous presidents and by the positive efforts of the Reagan administration to have the federal government turn over certain functions to the states, free certain revenue sources to ac- company them, and reduce federal regulatory interventions in state affairs and the processes of state governance.7 Fifteen years ago, the crisis of the Nixon administration-Watergate, the Arab oil embargo, the national truckers' strike, and the collapse of South Vietnam- paralyzed the federal government. The states, particularly the governors, acted to fill the vacuum in the true spirit of federalism, and in a manner that demonstrated the virtues of federalism as providing useful redundancy and fail-safe mechanisms, so that when one part of the political system cannot function, other parts can take over. The states organized the distribution of limited oil and gas resources, governors settled the truckers' strike, and state and local agencies came to the fore in resettling Southeast Asian refugees. State officials discovered that they had powers of their own derived from the very existence of their states as states and did not need to wait for federal initiatives or permission, in other words, that the states are indeed polities. Moreover, they enjoyed exercising those powers and did so well.

Empirics prove cooperative federalism doesn’t work– federal cooption and expenses will increase

Ressetar 3 [Senior Staff member of APA]

(Robert, “The Yucca Mountain Nuclear Waste Repository from a Federalism Perspective,” Journal of Land, Resources, & Environmental Law, 23 J. Land Resources & Envtl. L. 219, Lexis, JS)

To enforce the national environmental standards, most federal legislation employs what has been referred to as "cooperative federalism," in which the federal and state governments share regulatory responsibility.n21 Cooperative federalism works through a combination of financial and regulatory incentives by which the federal government encourages the states to assume regulatory responsibility for federal standards, thereby allowing a degree of local control and consideration of local situations, made more palatable to the states by means of cash subsidies. An additional incentive for state participation is the threat that the federal government will assume regulatory and enforcement authority if the state fails to fulfill its regulatory burdens. However, this implies that the states have the option of withdrawing their participation and abandoning the field to the federal government. n22 Critics claim that "cooperative federalism has proved better in theory than in practice" as either the regulated or benefited parties gain control of the federal program, or, in attempting to avoid capture, the programs become unduly expensive.n23 However, the federal government has an alternative to cooperative federalism in establishing national environmental standards. Although rarely used in the environmental arena, the federal government may use its [\*222] preemptive powers under the Commerce Clause to directly regulate the use of environmentally sensitive articles of interstate commerce,n24 as it has done in the Toxic Substances Control Act. n25 Preemption as a means of environmental protection has generally been restricted to regulation of products that are nationally distributed, and the courts have preferred not to infer preemption in cases on federal pollution control laws absent a clear congressional intent to preempt. n26

#### The perm kills federalism by creating normalization- the one-size-fits-all standard of the aff guts solvency and innovation

Allan 8 University of Queensland School of Law

(James, September 12th, staff writer, “Cooperative federalism a load of hot air,” The Australian, Lexis, JS)

Take a few of the arguments in favour of federalism. First off there's this point, and it's amazing how often it is overlooked: that uniformity and standardisation are only good things if you assume that the uniform or one-size-fits-all rule that's chosen is the best one on offer. So, if we're talking about what curriculum to follow in educating our kids or how to run a medical system, uniformity is bad if the one-size-fits-all rule that ends up being chosen is less than great. Here's where one's attitude to government comes into play. If you think government gets it right almost always, then federalism really is a dumb idea. On that assumption you really are just talking about duplication. But why assume that? If you think that government, any government, is lucky to get things right even half the time, then difference becomes a mighty good thing. On that second assumption we certainly don't want one curriculum across the country. We want six or more curricula. Some will be awful. Some will be not so bad. And the best bits from here and there can be copied. This defence of federalism starts from the very plausible premise that one-size-fits-all rules are overwhelmingly sub-optimal ones. And as someone who works in the Australian university sector, where the obsession with the one-size-fits-all rule surpasses even that of the former East Germany, I can tell you that there is very little reason to believe any bureaucracy or government will generally choose the best set of rules. More to the point, if federalism really is so inefficient, why is it that the United States and Switzerland are among the wealthiest places in the world? These are countries where federalism is taken far more seriously than here, and where there are lots and lots and lots of different sets of rules. Don't forget that on the face of things capitalism also looks a lot less efficient than central planning. In capitalism, companies regularly go under; lots of businesses are making the same product but doing so differently; one-size-fits-all is wholly shunned. Command economies with central planning from the top, by contrast, have a superficial veneer of efficiency, when in fact they're a disaster. Another argument for federalism also revels in differences. This is the argument that different rules in different parts of a country can satisfy more citizens' preferences. Take something contentious, like legalising euthanasia or prostitution. And imagine that either way you go on these about half the population will disagree and be unhappy. But if you leave it to the states to decide, so that Queensland can do what it wants and NSW what it wants, you may find that 60-70 per cent of citizens now live under rules they think appropriate. A third argument points to the implications in terms of checks and balances and citizens' freedoms that can come with a federal arrangement, rather than with the unitary (or one-size-fits-all) state. Here's the thing. Federalism really only makes sense if it involves differences across the country. At heart, federalism is about competition and difference. Of course, I well know that bureaucrats and planners and lots of big businessmen and not a small number of judges dislike this idea of a diversity of arrangements and different regulatory regimes. Life can be far more difficult for them under federalist arrangements. And if that were the ultimate test of what we should do, that might be determinative. But of course it's not. When this Government talks about co-operative federalism, that talk is almost incoherent. Federalism at its heart is simply not a co-operative endeavour. It's a competitive one. Different jurisdictions try different things and, with luck, one or two of them occasionally get things right. And other places eventually, not soon but eventually, copy them. Co-operation really just means standardisation, at which point you've thrown out the baby with the bath water.

#### Federal Pre-emption crowds out state regulation

Ruth 10 [corporate law scholar and professor of law]

(Mason, “Federalism and the Taxing Power,” California Law Review,

http://www.californialawreview.org/assets/pdfs/99-4/02\_Mason.pdf, Vol. 99;975, pg. 994, accessed 7-9)

But in some cases, states accepting conditional funds oblige themselves to carry out federal policies that they otherwise would not pursue. Since states have limited legislative and other resources, such conditional grants crowd out state and local policy priorities. Although this Article so far has argued that federal tax incentives may work similarly to crowd out state regulation, certain federal tax incentives bolster both specific state policies and state autonomy more generally. For example, by denying federal deductions for fines and penalties assessed by state governments, federal tax law makes violating state law more expensive. Similarly, by denying deductions for the costs of drug trafficking that violates state law, the federal government increases the deterrent effect of state criminal law. Such federal tax penalties are not efficiently calibrated to maximize deterrence because they link the tax penalty to the taxpayer’s marginal rate, rather than his or her propensity for committing the infraction.223 However, by increasing the penalty for state law violations, they support, rather than undermine, state policy.¶ Three forms of coercion and cajolery are employed by the federal government to induce state reliance and cooperation on federal controls. In the first, states and localities are made eligible for grants in exchange for their agreement and achievement of federal objectives. In the second, states and localities are ordered to implement federal programs and are given grants to fund those programs. In the third, states and localities are ordered to implement federal programs but are given no funds, or are given woefully inadequate funds, to cover the cost of the programs.

#### Federal involvement causes delays

Gramlich 94 (Edward M. Gramlich, Professor of Economics at the University of Michigan, “Infrastructure Investment: A Review Essay”, Journal of Economic Literature, Vol. 32, No. 3 (Sep., 1994), pp. 1176-1196, http://www.jstor.org/stable/2728606)

The problems with overly generous inframarginal matching could be even worse than they seem. Suppose state or local officials know that there is too little of some type of public infrastructure na- tionally, and they think that Congress will rise to the bait and pass a new grant program. Rather than simply building the facility in short supply, the generous federal matching gives these officials a powerful incentive to wait and see if they can get a federal grant, rather than just going ahead with their own project. Exactly this seems to have happened, first with a countercyclical public works grant program passed in the late 1970s (Gram- lich 1978) and later with pollution-control grants (James Jondrow and Robert Levy 1984).

**And they can’t solve anything in the long run because of the abandonment, in cross ex, they say congress will just stop regulating, so when the next congress is elected, the benefits of the plan go away. The CP solves better since it solves for the long term rather than until the new congress comes into power.**

### Politics

#### Obama wins – models and the debate doesn’t matter

Solman and Rothschild 10/12 (Paul, corespondandt for PBS News, David Rothschild, Econ PHD who works at Microsoft Research, http://www.pbs.org/newshour/bb/politics/july-dec12/makingsense\_10-12.html)

PAUL SOLMAN: But since every pollster claims to come up with a scientific random sample eventually, how can the results be Romney up by four and Obama down by three at the very same time?¶ A hefty margin of error, says newly minted Ph.D. economist David Rothschild, who works at Microsoft Research in Manhattan.¶ So, Rothschild incorporates models, polls, and markets into a constantly updated forecast on his blog PredictWise.com.¶ Last we looked, his data mash-up gave President Obama a 65 percent chance to win.¶ DAVID ROTHSCHILD, Microsoft Research: I never sweat too much about any individual poll because there's too much noise.¶ PAUL SOLMAN: Too much noise meaning?¶ DAVID ROTHSCHILD: Too much movement.¶ PAUL SOLMAN: Take the so-called bumps after a vice presidential pick, or a convention. Or take the first presidential debate. Say you're a Democrat the morning after.¶ DAVID ROTHSCHILD: A pollster calls you, you don't want anything to do with it. You're just -- you're upset. You hang up that phone.¶ They call another guy, exact same demographics as you, because they're trying to fill some sort of demographic hole or whatnot. He's a Republican. He's stoked. He wants to yell for how excited he is for Romney.¶ The same person on paper looks like he switched to Republican, but what happened really is, is that the Republicans want to talk that day vs. a Democrat who is like, I'm not even answering the phone. I'm in a bad mood. Obama screwed up last night. So...

The Cooper card they read that says nuclear is popular isn’t specific about SMRs, our Chourney 6/23 is specifically about SMRs.

### Federalism

#### Recent policies prove that power is shifting toward the states

Metzger, 12 (Gillian E., Constitutional Law Scholar and Professor @ Columbia Law School, “Obama's Reforms Give States a Shot at Coming Out Winners”, March 26th, <http://www.law.upenn.edu/blogs/regblog/2012/03/obamas-reforms-give-states-a-shot-at-coming-out-winners.html>, 7/7/12, AH)

Specifically, states have been given a pivotal role in implementing both of President Obama’s signature legislative accomplishments: the Patient Protection and Affordable Care Act (ACA) and the Dodd-Frank financial reform law. The provisions of the health care legislation that will have the greatest direct impact on the states are the expansion of Medicaid and the creation of state–based health exchanges. In both matters, the states stand to come out winners: The federal government’s responsibility to pay the vast majority of the costs of Medicaid expansion was a significant legislative victory for the states. So was the decision to grant the states primary authority to run the exchanges, and the states are being offered significant flexibility in how they do so. States also gained powers under the Dodd-Frank Act. For example, Dodd-Frank created the Consumer Financial Protection Bureau (CFPB) and granted the states authority to enforce existing CFPB regulations as well as a special role in instigating CFPB rulemaking. Dodd-Frank also limited the occasions in which state regulation of national banks is preempted and protected state regulatory authority over insurance. And, in a novel move, Dodd-Frank provided that three state regulatory officials—a banking supervisor, an insurance commissioner, and a securities commissioner—would serve as nonvoting members of the new Financial Stability Oversight Council, the top federal financial regulatory entity charged with guarding against systemic risks of the kind that led to the recent financial crisis.

### Warming

#### Unless China reduces its GHGs, warming can’t be stopped

**Leggett 11** (Jane A. Leggett Specialist in Environmental and Energy Policy at [Library of Congress](http://www.linkedin.com/company/library-of-congress?trk=ppro_cprof) former Senior Advisor at Environmental Protection Agency, Director, Climate Change Division at [US EPA](http://www.linkedin.com/company/us-epa?trk=ppro_cprof), Administrator at Organisation for Economic Cooperation and Development, Administrator at OECD, Regulatory Impact Analyst at [US EPA](http://www.linkedin.com/company/us-epa?trk=ppro_cprof). “China’s Greenhouse Gas Emissions and Mitigation Policies” Congress Research Service July 18, 2011 DOA August 16, 12 <http://www.fas.org/sgp/crs/row/R41919.pdf>)

**China’s** greenhouse gas **(GHG) emissions have drawn attention** in the United States **because of their environmental and economic implications.** China’s actions to address climate change also hold implications for broader economic and security concerns in the United States.

Scientific evidence that the Earth’s climate is changing, and that human-related GHG emissions are a major driver of that change, has led to debate over whether and how to control GHG emissions. Once emitted, GHG persist in the atmosphere for years to centuries (and for some gases, millennia). They allow solar radiation to enter the Earth’ system, but prevent much of the absorbed energy from escaping back out to space. Scientists agree that the Earth’s atmosphere serves as a “blanket” that warms the Earth’s surface and that a certain concentration of GHG is essential to maintain the planet at habitable temperatures. There is less agreement on how much warming would result from the higher atmospheric GHG concentrations expected if emissions from fossil fuel use, deforestation, and some agricultural and industrial processes continue. Scientific concerns in the 1980s led to initiation of inter-governmental discussions in 1989 to stabilize GHG concentrations and avoid potentially “dangerous” global temperature rise. These concerns led to negotiation of the United Nations Framework Convention on Climate Change (UNFCCC).

In the late 1980s, climate experts broadly understood that climate change driven by human- related GHG emissions was a global challenge: all major emitting countries would need to engage in slowing then reducing their emissions of GHG as well as increasing GHG removals by “sinks” (e.g., growing forests). When the UNFCCC was opened for signature in 1992,1 the already industrialized countries2 emitted almost 80% of the global carbon dioxide (CO2) from energy and industry.3,4 The CO2 emissions of the United States and the European Union were about 23% and 20%, respectively, of the global total. China’s were about 11%. All the “developing” countries at the time contributed about one-third. Low income countries saw GHG-driven climate change as a problem made by the industrialized countries. Considering low income countries’ challenged financial, technological, and governance capacities, they were not included in the UNFCCC’s Annex I, which lists countries with quantitative GHG control targets for the 1990s. Nonetheless, the UNFCCC contained a principle of “common but differentiated responsibilities” among its Parties, with consensus that the already industrialized countries should lead in controlling their emissions and that all countries have obligations to address climate change. Annex I established a bifurcation between the Parties listed in Annex I and the Non-Annex I Parties. (Countries are frequently referred to as “developed” versus “developing,” although the distinction is undefined and arguably a misleading simplification of the spectrum of differences among countries).

**Scientific analyses have concluded that rising GHG concentrations in the atmosphere cannot be stabilized unless all major emitting countries abate their net emissions to near zero.5** Despite efforts of many countries to reduce their GHG emissions, the continued and rapid growth of emissions from such large emitters as China and the United States has called into question the efficacy of the UNFCCC in meeting its objective of stabilizing concentrations of GHG in the atmosphere. **As China’s share of global GHG emissions has grown from about 11% in 1990 to** about **21% today, and continues to grow**, a broad set of observers have concluded that **effectively slowing human-induced climate change depends on Chinese reductions of its emissions**, as well as reductions from the United States and all other large emitters.