# OCS – Same 1AC as OLC Rd 1

# 2AC

## Russia/Environment

### Add-On

#### But they conceded the internal link – we shift market share from Russia

#### Putin rent-seeking dooms the economy

O.G.E. ’10 – Leading Oil and Gas Report on Eurasia

Russia's "Resource Curse": How High Oil Prices Are Stunting Reforms, Oil & Gas Eurasia, August 2, 2010

http://www.oilandgaseurasia.com/tech\_trend/russias-resource-curse-how-high-oil-prices-are-stunting-reforms/page/0/1

The resource curse means, of course, that Russian elites will prefer to postpone restructuring the economy and modernizing the country’s political and economic institutions. This will undermine economic performance, making it very unlikely that Russia will catch up with the advanced economies in the next 10-15 years, as officials promise.¶ Fast and sustainable economic growth requires the rule of law, accountable, meritocratic, and non-corrupt bureaucrats, protection of property rights, contract enforcement, and competitive markets. Such institutions are difficult to build in every society. In Russia, the task is especially problematic, because the ruling elite’s interests run counter to undertaking it.¶ In post-crisis Russia, the resource curse is reinforced by two factors. First, massive renationalization since 2004 has left state-owned companies once again controlling the commanding heights of the economy. These firms have no interest in developing modern institutions that protect private property and promote the rule of law.¶ Second, Russia’s high degree of economic inequality sustains the majority’s preference for redistribution rather than private entrepreneurship.¶ Russia’s leaders acknowledge the need for modernization, and pay it frequent lip-service, as is evidenced by President Dmitri Medvedev’s manifesto "Go, Russia!” But the incentives to escape the resource trap are weakened by the overwhelming importance of the resource rents to the wider political elite.¶ When the economy was near collapse during the recent crisis, we thought that the government would recognize the need to push ahead with radical reforms that would eventually lead to a diverse, de-centralized, and fast-growing economy. But, while stimulus policies were mostly effective in dealing with the immediate crisis, they did not address the long-term issues that impede growth.¶ Still, the government continues to tout plans to boost the economy. Vertical industrial policy, horizontal industrial policy, investment in education ― all have been tried in the last 10 years. Yet Russia’s public institutions remain as weak as ever (for example, corruption is as prevalent as it was 10 years ago, if not more so), and the economy is no less dependent on commodity prices.¶ Today’s economic silver bullet is an "innovation city” in Skolkovo, which the government hopes will spur inflows of modern technology. But there are no magic recipes for modernization. Moreover, there is no need to reinvent the wheel. A comprehensive and consistent reform plan was already included in then-President Vladimir Putin’s own economic agenda at the beginning of his first term in 2000.¶ The so-called Gref Program (named after former Minister of the Economy German Gref) foresaw many of the reforms that are vitally needed ― privatization, deregulation, accession to the World Trade Organization, and reform of the government, natural monopolies, and social security. Many of these reforms are outlined in the current government’s own "Long-Term Strategy for 2020.” The problem is that ― as with the Gref program in 2000 ― the Strategy is unlikely to be fully implemented, owing to the same old weak incentives.¶ Even the recently announced privatization of non-controlling stakes in the largest state-owned firms ― while timely and laudable ― will not create an irreversible commitment to reform. So far, the government does not want to let control over these firms get into private hands. Hence, the sales that Prime Minister Putin announced will not increase the demand for pro-market institutions.¶ By contrast, the "70-80” scenario seems increasingly likely. In June, during the St. Petersburg Economic Forum, participants in two sessions ― Russian government and business leaders, as well as influential foreign players ― were asked about the future of Russia’s economy. The results were drearily similar.¶ In one session, 61 percent of participants foresaw stagnation in the next 2-5 years (33 percent predicted growth and 5 percent expected a crisis). In the other session, 55 percent of participants foresaw stagnation in the next 10 years (with 41 percent projecting growth and 4 percent expecting collapse).¶ The factors that drove the Putin era of rapid economic growth ― high and rising oil prices, cheap labor, and unused production capacity ― are all exhausted. Russia will thus be forced to start spending the reserves that saved the economy in the recent crisis.¶ The "70-80” scenario will preserve the status quo, but eventually the economy will reach a dead end, at which point the only choice will be genuine economic reform or decline and dangerous civil disorder.

#### We trigger reforms---prevent Putin rise

Levitt ’11 – Arctic Researcher and Writer for The Ecologist

Arctic special: Putin’s Russia will lead a ‘new era of Arctic industrialisation’, Tom Levitt, 19th October, 2011,http://www.theecologist.org/News/news\_analysis/1092215/putins\_russia\_will\_lead\_a\_new\_era\_of\_arctic\_industrialisation.html

For Russia, more than any other Arctic nation except possibly Greenland, these new fossil fuel supplies are seen as vital for the country's future prosperity and for the survival of its political establishment.¶ As a so-called ‘petro-state’, the country is heavily dependent on revenues from existing oil and gas reserves, with 40 per cent of its GDP derived from oil exports (it vies with Saudi Arabia to be the largest producer in the world). It is also the second largest exporter of natural gas, after the US.   With the flow of oil from Russia's existing oil fields declining, it desperately needs the Arctic region to maintain its current production levels.¶ 'In the eyes of the Kremlin, producing Russia's Arctic resources is not a choice, it is a strategic necessity,' concludes Charles Emmerson in his recent book, 'The future history of the Arctic'.

#### Putin causes Russia-NATO war and expansionism

Cohen 12 Ariel, Ph.D., is Senior Research Fellow for Russian and Eurasian Studies and International Energy Policy at The Heritage Foundation, “Putin’s Crackdown Foretells “Fortress Russia””, October 18, 2012, http://www.heritage.org/research/commentary/2012/10/putins-new-fortress-russia

As the Russian punk-rock band members “Pussy Riot” appeal their two-year sentence for a political protest in the Russian Orthodox Cathedral, a pale of repression is settling over their country. This crackdown is wrapped in legislative garb, but the iron grip of authoritarianism is unmistakable.¶ The United States must specifically recognize that its “reset” policy of “see no evil, hear no evil,” has contributed to the trampling of human rights in Russia. Putin’s tightening of the screws is a part of a broader pattern, which includes a return to a confrontation with the United States and NATO.¶ Moscow is cozying up to China, supporting the Assad regime in Syria, and ignoring the Iranian nuclear race. The Kremlin is hard at work to create a sphere of influence along its periphery and a “pole” in the perceived multi-polar world, which would stand up to Washington.¶ Recent developments have an unmistakably Soviet flavor from the 1920s and 1930s, when people were sent to the GULAG for who they were, not for what they did. For example, the Cheka -- the grandfather of the FSB -- preventively arrested those of noble descent or with relatives abroad.¶ Vladimir Lenin, the founder of the Soviet state, and a lawyer by training, wrote: “The courts should not do away with terror -- to promise otherwise would be to deceive ourselves and others -- but should give it foundation and legality, clearly, honestly, and without embellishments.” In the past, Putin called Joseph Stalin “an effective manager.” One wonders if the sorcerer has become a role model for the apprentice.¶ ¶ In this spirit, three weeks ago, the Duma unanimously passed new amendments proposed by the FSB that will expand the definition of "high treason." The newly created crime can be applied to almost any Russian citizen who works with foreign organizations or has ever had contact with a foreigner.¶ The "treason" no longer refers only to a concrete crime, such as knowingly passing state secrets to a foreign power. It could apply to any behavior that the state secret services, prosecutors and judges deem undermining "constitutional order, sovereignty, and territorial and state integrity" in the eyes of the authorities.¶ Moreover, the courts, which will sit in judgment on treason cases, are not truly independent. The Kremlin expanded “telephone justice,” a Soviet practice, by which judges receive verbal instructions from the top on how to decide cases. Prominent opponents, such as Mikhail Khodorkovsky, the former CEO of the YUKOS oil company, are sentenced to lengthy prison terms, which many Russian and foreign experts view as politically motivated.¶ These changes are an addition to a package of draconian laws and practices that curtain the citizens’ rights and that were introduced this year, with nary a protest from the Obama administration:¶ • In June 2012, the Duma passed a law that criminalized unauthorized protests, giving the government the ability to fine organizers exorbitant sums.¶ • In July 2012, the Duma approved a bill that allows the government to block websites it deems harmful to the public. ¶ • The law on NGO registration now requires that every "politically active" non-governmental organization, which receives funding from abroad, must register as a "foreign agent." ¶ • The Duma is considering a bill "On the protection of religious feelings of the citizens of Russia," which criminalizes blasphemy, including the possibility of a prison term. The courts would use the “experts” who are close to the Orthodox Church, to decide what is blasphemous. The regime would then decide which offensive materials to censor, just as authorities in Rostov recently banned the rock opera “Jesus Christ Superstar.”¶ The blasphemy law is a sop to the Patriarch Kirill, who is expanding the Church’s function as an ideological crutch for the state. The law is an important step to distance Russia from European, Western values, which the liberal intelligentsia desperately tried to inculcate for the last quarter of a century. They seem to be losing out – Slavophiles and “Eurasianists” are on the ascendancy.¶ Since Putin’s return to the Kremlin, a crackdown is on its way in Russia, conveniently ignored by the Obama administration. Free from concern about a serious U.S. response, corruption and abuse of power in Russia continue to rise as well.¶ The recent legislative developments have severe geopolitical implications. There are clear signs of an authoritarian reversal: Putin is implementing a "Fortress Russia" policy, which is based on repression at home and confrontation abroad. It is used to justify an already-decided-upon $700 billion, massive military buildup.

#### Extinction

Helfand and Pastore 9 Ira, M.D., and John O, M.D., are past presidents of Physicians for Social Responsibility. March 31, 2009, “U.S.-Russia nuclear war still a threat”, http://www.projo.com/opinion/contributors/content/CT\_pastoreline\_03-31-09\_EODSCAO\_v15.bbdf23.html

President Obama and Russian President Dimitri Medvedev are scheduled to Wednesday in London during the G-20 summit. They must not let the current economic crisis keep them from focusing on one of the greatest threats confronting humanity: the danger of nuclear war. Since the end of the Cold War, many have acted as though the danger of nuclear war has ended. It has not. There remain in the world more than 20,000 nuclear weapons. Alarmingly, more than 2,000 of these weapons in the U.S. and Russian arsenals remain on ready-alert status, commonly known as hair-trigger alert. They can be fired within five minutes and reach targets in the other country 30 minutes later. Just one of these weapons can destroy a city. A war involving a substantial number would cause devastation on a scale unprecedented in human history. A study conducted by Physicians for Social Responsibility in 2002 showed that if only 500 of the Russian weapons on high alert exploded over our cities, 100 million Americans would die in the first 30 minutes. An attack of this magnitude also would destroy the entire economic, communications and transportation infrastructure on which we all depend. Those who survived the initial attack would inhabit a nightmare landscape with huge swaths of the country blanketed with radioactive fallout and epidemic diseases rampant. They would have no food, no fuel, no electricity, no medicine, and certainly no organized health care. In the following months it is likely the vast majority of the U.S. population would die. Recent studies by the eminent climatologists Toon and Robock have shown that such a war would have a huge and immediate impact on climate world wide. If all of the warheads in the U.S. and Russian strategic arsenals were drawn into the conflict, the firestorms they caused would loft 180 million tons of soot and debris into the upper atmosphere — blotting out the sun. Temperatures across the globe would fall an average of 18 degrees Fahrenheit to levels not seen on earth since the depth of the last ice age, 18,000 years ago. Agriculture would stop, eco-systems would collapse, and many species, including perhaps our own, would become extinct. It is common to discuss nuclear war as a low-probabillity event. But is this true? We know of five occcasions during the last 30 years when either the U.S. or Russia believed it was under attack and prepared a counter-attack. The most recent of these near misses occurred after the end of the Cold War on Jan. 25, 1995, when the Russians mistook a U.S. weather rocket launched from Norway for a possible attack. Jan. 25, 1995, was an ordinary day with no major crisis involving the U.S. and Russia. But, unknown to almost every inhabitant on the planet, a misunderstanding led to the potential for a nuclear war. The ready alert status of nuclear weapons that existed in 1995 remains in place today.

## Economy

**Empirics prove**

**Sesit 8** (Michael, Bloomberg News Columnist, “The four myths of economic decoupling,” The Korea Herald, February 16, 2008, Lexis)

**Myth** No. 2: **The rest of the world can escape the** clutches of a **U.S. slowdown. Not according to history**. **The United States has had five recessions since 1970. Each time, other economies'** GDP growth also **declined.** The U.S. economy fell an average of 3.8 percent during the recessions of 1974-75, 1980, 1982, 1991 and 2001, with other industrial countries slowing an average of 2 percent, Latin America falling 1.7 percent and emerging Asia declining 1.3 percent, according to the International Monetary Fund. "**Despite all the chatter about one region or another being immune from problems in the U**nited **S**tates, **the reality is that in a globalized economy** characterized by rising cross-border flows of goods, services and capital, **only hermit economies** like North Korea **are truly de-linked** from planet Earth," says Joseph Quinlan, New York-based chief market strategist at Bank of America Capital Management. "Every one, more or less, sinks or swims in the global village." Myth No. 3**: Rising demand in the developing world** will compensate for the expected drop in U.S. consumer spending.Emerging-market countries are consuming more, yet growth in many of **them is still mostly driven by exports, not domestic demand.** Moreover, 2.55 billion people -- almost half the population of the developing world -- lived on less than $2 a day in 2004, the latest year of available data, according to the World Bank and Bank of America. **U.S. consumers spent** $9.27 trillion in 2006, or **3.5 times the aggregate** $2.62 trillion personal-consumption **expenditure of the so-called BRIC countries**: Brazil, Russia, India and China. Myth No. 4: Growing intra-Asian trade -- especially that between China and other countries in the region -- will make up for lost exports caused by a steep U.S. slowdown. No doubt, intra-regional trade is growing rapidly, but much of it reflects shipments of intermediate goods. Still, 61 percent of emerging Asia's exports are ultimately consumed in the U.S., European Union and Japan, according to the Asian Development Bank, while Asian developing countries account for just 21 percent of final demand. "The U.S. is still more important to each Asian country's total output than demand from other ex-Japan Asian economies combined," the bank said in a recent report.Myth No. 5: Europe is becoming less dependent on the United States. True, America accounts for only 12 percent of EU exports to countries outside the 25-nation bloc, down from 18 percent in 2000. But exports aren't the whole story. Sales by U.S. affiliates of German companies totaled $352 billion in 2005, the last year of available data -- four times the $86 billion of German exports to America. Meanwhile, Dutch U.S. affiliate sales were 16 times exports, U.K.-affiliate sales 7.6 times British exports and French-affiliate sales 5.9 times. "If the U.S. economy heads south, so too will the earnings of many European firms," Quinlan says. What's more, Wall Street's pull on the world's financial markets is unrivaled. "U.S. equity returns remain the single biggest driver of global equity returns," says David Woo, London-based head of global currency strategy at Barclays Capital. "**A sizable U.S. equity correction**, by precipitating a global equity correction, **will** likely **lead to a synchronized global economic slowdown."**

## Solvency

#### Even if oil takes time to be extracted, economic benefits are immediate

Hastings 11 Doc, Chairman of the House Natural Resources Committee, "Forget 10 Years--Drilling ANWR Would Pay Off Right Away", November 3, www.usnews.com/debate-club/is-it-time-to-drill-in-the-arctic-refuge/forget-10-years--drilling-anwr-would-pay-off-right-away

Critics argue that we shouldn't drill in ANWR because it will take 10 years for the oil produced to become available. This fuzzy logic has been used for the last 20 years by those who simultaneously argue that renewable energies like wind and solar need decades to mature, along with billions in government subsidies. This inconsistent comparison is illogical and fails to provide equity in America's need for an all-of-the-above energy policy. While oil from ANWR might take a couple of years to get online, the job creation and effect on the economy would be almost instantaneous, as infrastructure and development activity could start immediately, sending billions to the federal government and employing thousands of people.

#### Current drilling unsustainable---fields will be exhausted soon

EB 12/18 Econbrowser, Analysis of current economic conditions and policy, citing David Hughes of the Post-Carbon Institute, "Future production from U.S. shale or tight oil", 2012, www.econbrowser.com/archives/2012/12/future\_producti.html

I attended the American Geophysical Union meeting in San Francisco two weeks ago at which I heard a very interesting presentation by David Hughes of the Post Carbon Institute. He is more pessimistic about future production potential from U.S. shale gas and tight oil formations than some other analysts. Here I report some of the data on tight oil production that led to his conclusion.¶ A number of analysts have issued optimistic assessments of the future production potential of U.S. shale or tight oil. For example, the International Energy Agency recently predicted that the U.S. would be producing over 10 million barrels per day of oil and natural gas liquids by 2020 before resuming a gradual decline. Citigroup is even more optimistic.¶ David Hughes has been studying detailed data on each individual well in shale gas and tight oil formations in the United States as part of a study that will be released by the Post Carbon Institute in February. The most successful new oil-producing region is the Bakken in North Dakota and Montana, which currently accounts for 42% of the U.S. tight oil total and accounts for about 1/5 of the tight oil production that is projected by Citigroup for 2022. Hughes finds that once output from a typical Bakken well begins to decline, within 24 months its production flow is down to 1/5 the level achieved at its peak. This is in line with estimated decline rates separately published by the North Dakota Department of Mineral Resources.¶ Given the observed decline rates on existing wells, it is then a straightforward mechanical exercise to ask the following question. Suppose that no new wells were drilled after 2010. What would the path of Bakken oil production then look like?¶ Increasing the annual production thus requires not just new wells but an increasing number of new wells each year; Hughes estimates that 820 new wells are needed just to offset Bakken field decline. But a second feature in the data posing challenges for that plan is that while a few wells in the Bakken have proven to be very productive, the average well productivity is much lower. A limited number of lucrative sweet spots account for much of the success so far.¶ Hughes argues that there are limits to the number of new wells that will plausibly be drilled each year and the number of available well locations. These factors make achieving the IEA or Citigroup objectives difficult and mean a much more rapid decline in the production rate after the peak is reached. For example, here are Hughes' calculations if the current drilling rate were maintained-- 1500 new wells per year leading to a tripling in the number of operating wells-- and if the EIA's estimate of remaining productive locations is accepted. By contrast, the Citigroup projection of a continuous plateau after reaching peak production would require tens of thousands more well locations than estimated to be available by the EIA.¶ Oil produced from shale or tight formations is going to be very helpful to the U.S. economy. But this is an expensive way to try to get oil, and there may have been some overselling of how much these fields are actually going to deliver.

## T

### 2AC T – Substantially

#### C/I – Substantial means a large amount

Dictionary.com 12

sub·stan·tial   [suhb-stan-shuhl] Show IPA adjective 1. of ample or considerable amount, quantity, size, etc.: a substantial sum of money.

#### Substantial is qualitative not quantitive

H. Beau Baez 6, Assistant Professor of Law, Liberty University School of Law, Seattle University Law Review Spring, 2006 29 Seattle Univ. L. R. 581

The Supreme Court has interpreted the Commerce Clause to prohibit state actions that discriminate against or unduly burden interstate commerce as part of its Negative Commerce Clause jurisprudence. n83 A state's attempt to tax out-of-state companies may be seen as such a burden if, among other things, n84 the tax is applied to a company that does not have "substantial nexus" with the taxing state. n85 Expressly rejecting a facts-and-circumstances test, which would have weighed various factors, the Quill Court instead created a simple bright-line test measured by physical presence in a state. n86 The Quill Court held that the physical presence of a company in the taxing state satisfies the Commerce Clause substantial nexus test. n87 Unfortunately, lower courts have found some ambiguity in Quill, and have struggled to apply the bright-line to the facts of real cases. n88¶ Admittedly, part of the confusion lies in the name given to the legal requirement by the Quill Court: "substantial nexus." The word "substantial" connotes weighing of factors, yet the Court attached a bright-line test to the legal phrase "substantial nexus." Thus, we have a legal requirement that requires a company to have substantial nexus with a state before it can be subjected to a state's regulatory use tax authority, but [\*596] that legal requirement is determined by a bright-line physical presence test.¶ This lack of clarity by the Court is not new. Before Quill, the Court referred to the "substantial nexus" n89 requirement alternatively as "sufficient nexus," n90 "sufficiently connected," n91 "requisite nexus," n92 "necessary basis," n93 "sufficient relation," n94 "necessary nexus," n95 "adequate nexus," n96 "obvious nexus," n97 "clear and sufficient nexus," n98 and Chief Justice Rehnquist's colorful phrase "nexus aplenty." n99 However, even after Quill -- the seminal nexus case of the last twenty-five years -- the Court has continued describing the "substantial nexus" requirement in different ways, such as "adequate nexus," n100 "sufficient nexus," n101 "Commerce Clause nexus," n102 "nexus aplenty" n103 (this phrase is apparently just too good for the Justices to let go), and, in one of its most recent state tax cases, "minimal connection." n104 These interchangeable phrases suggest that the phrase "substantial nexus" in Quill is the Court's shorthand for Commerce Clause nexus -- any substantive meaning of the phrase must be found in the case law and not in the phrase "substantial nexus" itself. n105¶ The Quill Court likewise lacks clarity when it describes the due process minimum contacts test: "due process nexus analysis requires that we ask whether an individual's connections with a State are substantial enough to legitimate the State's exercise of power over him." n106 It is curious that the Court describes the due process minimum contacts test as requiring substantial contacts; n107 a threshold that is easily met by most companies doing business across state lines. Since the Court spent so [\*597] much time explaining that there are two separate nexus tests, it would be odd for the Court to then define them similarly.¶ Examining the legal definition of "substantial" provides some light as to what the Court meant by "substantial nexus" in Quill. Black's Law Dictionary defines "substantial" as "belonging to substance; actually existing; real; not seeming or imaginary; not illusive; solid; true; veritable." n108 This legal definition furnishes evidence that "**substantial" is defined qualitatively, not quantitatively.** Webster's Dictionary also lends support to the qualitative nature of the word by defining its primary meaning as "consisting of or relating to substance; not imaginary or illusory: real, true; important, essential," n109 while the notion of "substantial" as quantitative is relegated to a secondary meaning of the word. n110¶ Though the phrase "substantial nexus" is amorphous, Quill does attempt to provide guidance for Commerce Clause nexus by providing a test that examines qualitative contacts that do and do not create nexus (i.e., the bright-line physical presence test). Specifically, the Quill Court eliminates any room for quantitative nexus speculation because its bright-line test "firmly establishes the boundaries of legitimate state authority." n111 A "substantial nexus" test that looks primarily at the quantity of contacts ignores both the bright-line test as well as the Court's explicit rejection of "tests with more contextual balancing inquiries." n112 The Court was aware that it could have established a facts-and-circumstances test (i.e., a test where the number of contacts is weighed); however, the Court refused to do so after extensive discussion of the topic. n113 A brightline test is "artificial at its edges . . . [however] this artificiality . . . is more than offset by the benefits of a clear rule." n114 If a business has contacts that fall on one side of the state line they have nexus, while if their contacts are on the other side of the state line there is no nexus. This is a simple and clear rule that does not take into account factors like the number of contacts or the type of contact (e.g., solicitation, technical support, or training).¶ Given the history and context of the phrases used by the Court to describe Commerce Clause nexus, it is useless to try to discern any substantive meaning from the phrases "substantial nexus," "sufficient nexus," or "nexus aplenty" themselves. Should state tax jurisdiction debates be relegated to a tit-for-tat where those that want to avoid nexus [\*598] use the phrase "substantial nexus" while those wanting to create nexus rely on the phrases "sufficient nexus" or "minimal contacts?" **Only modern-day sophists n115 would seriously contend that such debate would be useful.** n116 In the end it is case law that animates the concept of Commerce Clause nexus; out-of-context discussions on "substantial nexus" border on the frivolous and are shibboleths. The poet, admittedly taken out of context, nevertheless captures this debate best: And we are here as on a darkling plain Swept with confused alarms of struggle and flight, Where ignorant armies clash by night. n117

#### Reasonability is uniquely applicable to determining whether an aff is substantial

Linda Stadler 93 “NOTE: Corrosion Proof Fittings v. EPA: Asbestos in the Fifth Circuit--A Battle of Unreasonableness ” Tulane Environmental Law Journal Summer, 1993 6 Tul. Envtl. L.J. 423

n3 Matthew J. McGrath, Note, Convergence of the Substantial Evidence and Arbitrary and Capricious Standards of Review During Informal Rulemaking, 54 GEO. WASH. L. REV. 541, 546 n.30 (1986), (quoting H.R. REP. NO. 1980, 79th Cong., 2d Sess. 45 (1945)), reprinted in ADMINISTRATIVE PROCEDURE ACT LEGISLATIVE HISTORY, S. DOC. NO. 248, 79th Cong., 2d Sess. 11, 233, 279 (1945). The substantial evidence standard does however possess some ambiguity as to the definition of "substantial." See, e.g., Chemical Mfrs. Ass'n v. EPA, 899 F.2d 344, 359 (5th Cir. 1990) (stating that "'substantial' is an **inherently imprecise** word"). However, 'substantial' is generally **held to a reasonableness** standard, i.e., would a **reasonable mind** accept it as adequate to support a conclusion. E.g., Consolidated Edison Co. v. NLRB, 305 U.S. 197, 229 (1938).

## CP

### 2AC Guidance CP

#### CP causes uncertainty

Fraser 10 (Thomas J. – J.D., Boston University School of Law, 2010; B.A., Boston College, 2007., “INTERPRETIVE RULES: CAN THE AMOUNT OF DEFERENCE ACCORDED THEM OFFER INSIGHT INTO THE PROCEDURAL INQUIRY?”, 2010, http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/FRASER.pdf)

Without a simple way to determine the validity of agency rules promulgated without the procedural machinery required for binding pronouncements of agency policy, affected parties may waste resources trying to discern the **precise effect of the rule and whether the agency has overstepped its bounds**. Furthermore, **confusion** over the appropriate level of deference for a particular agency rule can translate into uncertainty regarding the extent to which that rule, while not technically binding, can have binding effect; the harder it is for a regulated entity to challenge a rule in court, the more compliant that entity will be.

#### Wrecks solvency

Chazan and Crooks 12 Guy Chazan and Ed Crooks, writers for the Financial Times, September 4, 2012, “Shell woes deter others from US Arctic”, http://www.ft.com/intl/cms/s/0/48b8471a-f6aa-11e1-9dff-00144feabdc0.html#axzz26B8B8Ak1

Royal Dutch Shell’s regulatory problems in the US Arctic, where it has faced repeated delays to an ambitious oil exploration campaign, **are deterring other energy groups** with licences in the US’s northern oceans, according to one of the most active companies in the region.¶ Tim Dodson, head of exploration at Norway’s Statoil, said Shell’s experience, which was a “bellwether” for the industry, had reduced the appeal of working in the Chukchi Sea north-west of Alaska.¶ “As long as Shell has not been able to show they can get the permits and start to drill, we’re a bit sceptical about moving forward,” he said in an interview. “**You need that kind of comfort that they will be allowed to do it in a predictable manner**.”

#### The counterplan is a reduction – restrictions must be enforced – if it’s on paper but not enforced it is NOT a restriction

Berger 1 Justice Opinion, INDUSTRIAL RENTALS, INC., ISAAC BUDOVITCH and FLORENCE BUDOVITCH, Appellants Below, Appellants, v. NEW CASTLE COUNTY BOARD OF ADJUSTMENT and NEW CASTLE COUNTY DEPARTMENT OF LAND USE, Appellees Below, Appellees. No. 233, 2000SUPREME COURT OF DELAWARE776 A.2d 528; 2001 Del. LEXIS 300April 10, 2001, Submitted July 17, 2001, Decided lexis

We disagree. Statutes must be read as a whole and all the words must be given effect. 3 The word "restriction" means "a limitation (esp. in a deed) placed on the use or enjoyment of property." 4 If a deed restriction has been satisfied, and no longer limits the use or enjoyment of the property, then it no longer is a deed restriction -- even though the paper on which it was written remains. [\*\*6] Thus, the phrase "projects containing deed restrictions requiring phasing…," in Section 11.130(A)(7) means presently existing deed restrictions. As of June 1988, the Acierno/Marta Declaration contained no remaining deed restrictions requiring phasing to coincide with improvements to the transportation system. As a result, the Acierno/Marta projects should not have been included in the scope of the Budovitches' TIS.

#### CP links more to politics

Bloomberg 11 – “Backlash Against ‘Guidance as Rulemaking' Leads to Actions in Federal Court, Congress,” July 15, 2011, online: http://www.bna.com/backlash-against-guidance-n12884902458/

The decision comes as the Obama administration faces a backlash from industry, Republicans in Congress, and state regulators over what they say is its pursuit of policy initiatives through guidance in lieu of rulemaking. Critics are challenging a practice—particularly on the part of EPA and to a lesser degree the Interior Department—they see as establishing new mandates without proper notice and comment. ¶ The Clean Air Act document aside, EPA in the past 14 months has issued guidance to curb the impact of surface coal mining on water quality, to clarify which waters merit protection under the Clean Water Act, and to outline the best available technologies to curb greenhouse gases. ¶ Interior, meanwhile, issued two guidance documents in June 2010 in the wake of the explosion at the Deepwater Horizon drilling rig in the Gulf of Mexico that required oil and gas companies to implement safety and environmental measures for drilling operations.¶ ‘Poster Child' for Regulatory Overreach¶ EPA's actions have drawn the wrath of House Republicans. Appropriations Committee Chairman Hal Rogers (R-Ky.), speaking at a July 6 markup of the EPA appropriations bill for fiscal year 2012, said the agency has been “running roughshod” over every sector of the U.S. economy.¶ “This agency is the poster child for this Administration's widespread regulatory overreach, having vastly overstepped the authority granted by this Congress,” Rogers said.¶ Guidance, as defined by the Administrative Procedure Act, is a document that clarifies how an agency and its delegated state permitting agencies will interpret a law, such as the Clean Water Act or the Surface Mining Control and Reclamation Act, or it conveys administrative procedures to its various offices. A rule, unlike guidance, is a legally binding document that is subject to notice and comment.

#### CP sends an incoherent signal and doesn’t lead to the plan

Anthony 92 (Robert A., Foundation Professor of Law – George Mason University School of Law, “Interpretive Rules, Policy Statements, Guidances, Manuals, And The Like Should Federal Agencies Use Them To Bind The Public?”, Duke Law Journal, June, 41 Duke L.J. 1311, Lexis)

Although the subject is complex and evidence is laborious to assemble, it is manifest that nonobservance of APA rulemaking requirements is widespread. Several agencies rely in major part upon nonlegislative issuances to propagate new and changed elements in their regulatory or benefit programs. 15 This Article examines a number of agency attempts to make nonlegislative policy documents bind the public. 16 Frequently such rules are **not challenged in court**, because the affected private parties cannot afford the cost or the delay of litigation, or because for other practical [\*1317] reasons they must accept a needed agency approval or benefit on whatever terms the agency sets. 17

The use of nonlegislative policy documents generally serves the important function of informing staff and the public about agency positions, and in the great majority of instances is proper and indeed very valuable. But the misuse of such documents -- to bind, where legislative rules should have been used -- carries great costs. Affected members of the public are likely to be confused or misled about the reach and legal quality of the standards the agency has imposed. One consequence of this uncertainty can be that affected persons are unaware that the agency intends to give its nonlegislative issuance binding effect. Probably more often, though, the private parties realize all too clearly that the agency will insist upon strict compliance, but conclude that there is little they can do to resist. In either case, the uncertainty can breed costly waste of effort among private parties trying to puzzle out how far they are bound or otherwise affected by the informal agency document. 18

#### CP triggers endless litigation---destroys solvency and makes rollback likely

David L. Franklin 10, Professor of Law at DePaul, November 2010, “ARTICLE: Legislative Rules, Nonlegislative Rules, and the Perils of the Short Cut,” The Yale Law Journal, 120 Yale L.J. 276, p. lexis

There is perhaps no more vexing conundrum in the field of administrative law than the problem of defining a workable distinction between legislative and nonlegislative rules. The problem is relatively easy to state. Under standard doctrine, these two types of rules differ from one another in both a substantive and a procedural sense. Substantively, legislative rules are designed to have binding legal effect on both the issuing agency and the regulated public; procedurally, the Administrative Procedure Act (APA) requires such rules to undergo the expensive and time-consuming process known as notice-and-comment rulemaking before being promulgated. n1 Nonlegislative rules, by contrast, are not meant to have binding legal effect, and are exempted from notice and comment by the APA as either "interpretative rules" or "general statements of policy." n2

So far, so good. The problem arises when we leave the airy realm of theory and enter the untidy arena of litigation. Here is the usual sequence of events: a federal agency issues some sort of pronouncement - a guidance, a circular, an advisory - without using notice and comment; parties that believe that they are adversely affected by the new pronouncement go to court, perhaps before it has even been enforced against anyone; the challengers argue that the pronouncement is in fact a legislative rule and is therefore procedurally invalid for failure to undergo notice and comment.

Even by the standards of administrative law - a field in which uniform, predictable rules of black-letter law are hard to come by - the resulting litigation is considered notoriously difficult. The problem is not just that the Supreme Court has not supplied a test for distinguishing between the two types of rules, or that the APA does not define the exempt categories of interpretative rules and general statements of policy. The problem runs deeper: it turns out to be maddeningly hard to devise a test that reliably determines which rules are legislative in nature and which are not. Currently, courts do their best by examining the text, structure, and history of the rule, its relationship to existing statutes and rules, and the manner in which it has been enforced (if at all) in an effort to ascertain whether the rule was intended to have binding legal effect or instead was merely designed to clarify existing law or to inform the public and lower-level agency employees about the agency's intentions. Given the amount of indeterminacy built into this inquiry, it is no wonder that courts have labeled the distinction between legislative and [\*279] nonlegislative rules "tenuous," "baffling," and "enshrouded in considerable smog." n3

## DA

### 2AC Methane DA

#### US drilling comparatively better for preventing methane leaks

Smith 10 Eric R.A.N. Smith is professor of political science at the University of California, Santa Barbara, August 30, 2010, http://www.foreignpolicy.com/articles/2010/08/30/think\_again\_offshore\_drilling

Other environmental injuries have worldwide effects. Methane, a common byproduct of oil production, is a powerful greenhouse gas. In the United States, methane is typically captured and pumped into the natural gas system or reinjected into oil wells. Relatively little escapes. **In many other countries**, however, **methane is simply vented into the air, where it contributes to global warming**. Mexico produces less than half the oil the United States does every year, but it vents six times more methane into the atmosphere.

#### No move to solve warming now

LeVine 12 Steve, JUNE 5, “Can We Survive the New Golden Age of Oil?”, http://www.foreignpolicy.com/articles/2012/06/05/can\_we\_survive\_the\_new\_golden\_age\_of\_oil?page=0,0

Intentionally or not, the golden-age scenario seems tailored for the current international political and economic landscape. In the United States, President Barack Obama's administration is muddling along in climate change discussions, as emissions containment has been out of political favor since the 2009 congressional failure to pass cap-and-trade legislation. The Republican Party has by and large branded climate change a hoax, and Democrats barely discuss it. World leaders are due to gather in two weeks in Rio de Janeiro for the 20th anniversary of the first Earth Summit, the precursor to the landmark 1997 Kyoto talks on climate change. But Obama, British Prime Minister David Cameron, and German Chancellor Angela Merkel have already sent their regrets. After the disappointment of 2009 Copenhagen climate change conference, they seem to have little stomach for another go at climate talks in an atmosphere of economic crisis and political dissonance. And in an election season, Obama hardly has the political strength to do much other than embrace the golden-age scenario.

#### No impact---mitigation and adaptation will solve

Robert O. Mendelsohn 9, the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf

These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences. The science and economics of climate change is quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two in the case of Stern 2006) of no mitigation. Many of the predicted impacts assume there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long‐run balanced responses.

#### No impact

Gillis 11 Justin Gillis, citing William S. Reeburgh, emeritus scientist at the University of California, expert on methane, The New York Times—Environment, 12/20/11, “Arctic Methane: Is Catastrophe Imminent?”, <http://green.blogs.nytimes.com/2011/12/20/arctic-methane-is-catastrophe-imminent/>

The basic worry is that as the climate changes, the ocean temperature could rise enough to destabilize many of these offshore methane deposits, sending them into the atmosphere. If you go beyond the Arctic and count deposits that exist off the margins of all the continents, there’s probably enough methane that a rapid release could turn the earth into a hothouse. But senior scientists I spoke with told me they considered any such rapid release to be highly unlikely, at least for the deeper deposits. A United States government report came to basically the same conclusion a few years ago. While examples can already be found of warmer ocean currents that are apparently destabilizing such deposits—for example, at this site off Spitsbergen, an island in the Svalbard archipelago in the Arctic—the scientists explained that a pervasive ocean warming sufficient to destabilize a lot of methane hydrates would almost certainly take thousands of years. And even if that happened, many scientists say that the methane released would largely be consumed in the sea (by bacteria that specialize in eating methane) and would not reach the atmosphere. That is what seems to be happening off Svalbard. “I think it’s just dead wrong to talk about ‘Arctic Armageddon,’ ” said William S. Reeburgh, an emeritus scientist at the University of California, Irvine, who spent decades studying such matters and says the likely consumption of methane within the ocean should not be underestimated. “Most of this methane is never going to see the atmosphere.”

### 2AC Immigration DA

#### **Won’t pass---both parties have incentives to prevent a deal**

Koons 2-1 – Andy Koons, writer for the Daily Iowan, February 1st, 2013, "Koons: Immigration reform not done" [www.dailyiowan.com/2013/02/01/Opinions/31576.html](http://www.dailyiowan.com/2013/02/01/Opinions/31576.html)

Immigration reform is not a done deal, though it should be. America’s immigration system has been a travesty for decades. Despite being a nation of immigrants, needing workers to fill unpopular jobs and needing to remain competitive in a global economy in which education and knowledge are paramount, we haven’t found it in ourselves to move to a more fair pro-economic growth immigration system.¶ Why has it been so difficult? **Powerful forces stand against fixing immigration. Democrats benefit from Latinos refusing to vote for anti-reform Republicans, businesses appreciate low cost under-the-table labor and the conservative base treasures American citizenship and is loath to give it to what they consider “lawbreakers.”**¶ I am concerned that current reform efforts will not be successful because those forces are still present. Reform is being considered now because of a single change in dynamics. National Republican leaders are stinging from Obama’s substantial re-election victory and know that they have a diminishing chance of winning future national elections unless the growing Latino vote is put in play.¶ The Latino vote will never be attainable by the right as long as national Republican nominees are pressured to position themselves against immigration reform. Is that realization by Republican leaders enough to pass reform? The conservative base is very skeptical about reform proposals — will they include enough border protection, be too lenient on undocumented immigrants, contain left-leaning provisions such as allowing foreign same-sex couples a pathway to citizenship — and don’t want to hand Obama another historic win.¶ And make no mistake: Obama will be given credit if immigration reform passes. A big win this early in his second term will strengthen the wind already at his back from his election. Obamacare passed after almost two years of work and sucked the president dry of electoral goodwill. If Republicans don’t use immigration to sap Obama’s political capital, Obama will have enough remaining momentum to take on climate change before the midterms.¶ Don’t discount the intelligence of Republican strategists either — they know that there is a real possibility that the Latino vote may never join the Republican big tent even after reforming immigration. That vote may be religious, generally, but they are also composed of a great deal of low-income workers who may feel more at home with Democrats and be against changing safety-net policies.¶ Republican **House members come from solidly conservative districts in which the only** re-election threats are challenges by people more extreme than themselves**.** Will those members risk their seats **to give party leaders a chance to win the presidency in four years? House Speaker John Boehner hasn’t had much luck leading his members so far.**¶ If we could stop politicking for a moment and let the right thing happen, immigration reform would pass — but **politics never ends**. The best that can be hoped is that the political balance has shifted enough after Obama’s re-election that Republican leaders feel vulnerable without reform and that Republican House members are receptive. I’m afraid that may be asking a lot.

#### Obama’s strategy means no passage

Munro 12-31 – Neil Munro, reporter for the Daily Caller, December 31st, 2012, "Obama promises new immigration plan but keeps endgame close to his vest" dailycaller.com/2012/12/31/obama-promises-new-immigration-plan-but-keeps-endgame-close-to-his-vest/?print=1

President Barack Obama promised Dec. 30 to introduce an immigration bill during 2013, but activists on all sides of the debate are trying to understand his strategy.¶ **He may be gunning for a victory in the mid-term elections by introducing** a bill so radical that it will **spark an emotional controversy from whites**, which would then **spur many angry Latino**s to vote Democratic in the 2014 midterm elections, said Robert de Posada, former head of a GOP-affiliated group, The Latino Coalition.¶ **“The word that I’ve heard from many, is [that** he will] submit a very, very liberal plan that most Republicans will not support, that most southern and moderate Democrats will not support**,”** he said.¶ When the bill fails**, “they can announce once again that they tried [and that Latinos] need to rally in the next election**,” said Posada, who helped President George W. Bush win 40 percent of the Latino vote in 2004, during the housing boom.

#### Rubio supports increased OCS drilling

TBT 10 Tampa Bay Times, May 4, "Rubio calls oil spill 'horrifying' but maintains push for more offshore drilling", May 4, www.tampabay.com/blogs/the-buzz-florida-politics/content/rubio-calls-oil-spill-horrifying-maintains-push-more-offshore-drilling

Marco Rubio called the oil spill a "horrifying" ecological and environmental problem but said it should not derail plans for more domestic oil production as part of an overall energy policy.¶ Rubio said the immediate focus must be on mitigating the damage andinvestigating the cause of the problem. But on oil drilling, "I ultimately think that still has to be part of our overall energy strategy."¶ “The issue of offshore drilling is not going away, because America and the world depends heavily on petroleum products," the Republican U.S. Senate candidate told the St. Petersburg Times this morning.

#### Rubio’s key to immigration

Drucker and Trygstad 1/30 David M and Kyle, "Rubio Must Sell Immigration Changes to GOP, Grass Roots", 2013, www.rollcall.com/news/rubio\_must\_sell\_immigration\_changes\_to\_gop\_grass\_roots-222044-1.html?pos=hftxt

The fate of an immigration overhaul rests almost exclusively with Sen. Marco Rubio, the Florida Republican whose star power with conservatives is crucial to moving a bill through Congress.¶ President Barack Obama retains veto power, and Democrats hold the Senate floor. But no comprehensive immigration changes are likely to pass Congress without the healthy support of House Republicans. And Florida’s junior senator, perhaps more than any other Republican serving in Washington today, has the political credibility and communication skills to sell such complicated, sensitive legislation to skeptical conservative members, grass-roots voters and influential media commentators.¶ Rubio’s position is all the more unique because congressional Democrats and Obama need him, too, and appear to realize his importance to the legislative endgame.¶ Republicans warn that Obama and congressional Democrats could sink Washington’s immigration policy rewrite by attaching controversial social provisions or watering down the border enforcement and security measures included in the bipartisan Senate framework that Rubio helped negotiate. The Florida lawmaker has said he’ll pull his support from any bill if that occurs, and Republicans say comprehensive policy changes will fail to garner meaningful GOP support without Rubio’s backing.¶ “If Rubio signals any mistrust or misgivings, the whole thing collapses,” GOP pollster Brock McCleary said.

#### Plan isn’t legislation

Janofsky 6 (Michael, Veteran Journalist, “Offshore Drilling Plan Widens Rifts Over Energy Policy,” New York Times, 4-9, http://www.nytimes.com/2006/04/09/washington/09drill.html)

A Bush administration proposal to open an energy-rich tract of the Gulf of Mexico to oil and gas drilling has touched off a tough fight in Congress, the latest demonstration of the political barriers to providing new energy supplies even at a time of high demand and record prices. The two-million-acre area, in deep waters 100 miles south of Pensacola, Fla., is estimated to contain nearly half a billion barrels of oil and three trillion cubic feet of natural gas, enough to run roughly a million vehicles and heat more than half a million homes for about 15 years. The site, Area 181, is the only major offshore leasing zone that the administration is offering for development. But lawmakers are divided over competing proposals to expand or to limit the drilling. The Senate Energy Committee and its chairman, Pete V. Domenici, Republican of New Mexico, are pushing for a wider drilling zone, while the two Florida senators and many from the state's delegation in the House are arguing for a smaller tract. Other lawmakers oppose any new drilling at all. The debate could go a long way toward defining how the nation satisfies its need for new energy and whether longstanding prohibitions against drilling in the Outer Continental Shelf, the deep waters well beyond state coastlines, will end. The fight, meanwhile, threatens to hold up the confirmation of President Bush's choice to lead the Interior Department, Gov. Dirk Kempthorne of Idaho. Mr. Kempthorne was nominated last month to replace Gale A. Norton, a proponent of the plan, who stepped down March 31. Like Ms. Norton, Mr. Kempthorne, a former senator, is a determined advocate of developing new supplies of energy through drilling. While environmental groups say that discouraging new drilling would spur development of alternative fuels, administration officials say that timely action in Area 181 and beyond could bring short-term relief to the nation's energy needs and, perhaps, lower fuel costs for consumers. "It's important to have expansions of available acres in the Gulf of Mexico as other areas are being tapped out," Ms. Norton said recently. She predicted that drilling in the offshore zone would lead to further development in parts of the Outer Continental Shelf that have been off-limits since the 1980's under a federal moratorium that Congress has renewed each year and that every president since then has supported. States are beginning to challenge the prohibitions. Legislatures in Georgia and Kansas recently passed resolutions urging the government to lift the bans. On Friday, Gov. Tim Kaine of Virginia, a Democrat, rejected language in a state energy bill that asked Congress to lift the drilling ban off Virginia's coast. But he did not close the door to a federal survey of natural gas deposits. Meanwhile, Representative Richard W. Pombo, Republican of California, the pro-development chairman of the House Resources Committee, plans to introduce a bill in June that would allow states to seek control of any energy exploration within 125 miles of their shorelines. Senators John W. Warner of Virginia, a Republican, and Mark Pryor of Arkansas, a Democrat, introduced a similar bill in the Senate last month. Currently, coastal states can offer drilling rights only in waters within a few miles of their own shores. Mr. Pombo and other lawmakers would also change the royalty distribution formula for drilling in Outer Continental Shelf waters so states would get a share of the royalties that now go entirely to the federal government. Senators from Alabama, Louisiana and Mississippi are co-sponsoring a bill that would create a 50-50 split. As exceptions to the federal ban, the western and central waters of the Gulf of Mexico produce nearly a third of the nation's oil and more than a fifth of its natural gas. But Area 181 has been protected because of its proximity to Florida and the opposition of Mr. Bush's brother, Gov. Jeb Bush. By its current boundaries, the pending lease area is a much smaller tract than the 5.9 million acres the Interior Department first considered leasing more than 20 years ago and the 3.6 million acres that the department proposed to lease in 2001. This year, two million acres of the original tract are proposed for lease as the only waters of the Outer Continental Shelf that the administration is making available for 2007-12. The proposal is an administrative action that does not require Congressional approval, but it is still subject to public comment before being made final. Unless Congress directs the administration to change course, the administration's final plan would lead to bidding on new leases in 2007.

#### Low PC inevitable and not key

Schier 11 Steven E. Schier is the Dorothy H. and Edward C. Congdon professor of political science at Carleton College, The contemporary presidency: the presidential authority problem and the political power trap. Presidential Studies Quarterly December 1, 2011 lexis

Implications of the Evidence¶ The evidence presented here depicts a decline in presidential political capital after 1965. Since that time, presidents have had lower job approval, fewer fellow partisans and less voting support in Congress, less approval of their party, and have usually encountered an increasingly adverse public policy mood as they governed.¶ Specifically, average job approval dropped. Net job approval plummeted, reflecting greater polarization about presidential performance.The proportion of fellow partisans in the public dropped and became less volatile. Congressional voting support became lower and varied more. The number of fellow partisans in the House and Senate fell and became less volatile. Public issue mood usually moved against presidents as they governed. All of these measures, with the exception of public mood, correlate positively with each other, suggesting they are part of a broader phenomenon.¶ That "phenomenon" is political authority. The decline in politicalcapital has produced great difficulties for presidential political authority in recent decades. It is difficult to claim warrants for leadership in an era when job approval, congressional support, and partisan affiliation provide less backing for a president than in times past.¶ Because of the uncertainties of political authority, recent presidents have adopted a governing style that is personalized, preemptive,and, at times, isolated. Given the entrenched autonomy of other elite actors and the impermanence of public opinion, presidents have had to "sell themselves" in order to sell their governance. Samuel Kernell (1997) first highlighted the presidential proclivity to "go public"in the 1980s as a response to these conditions. Through leveraging public support, presidents have at times been able to overcome institutional resistance to their policy agendas. Brandice Canes-Wrone (2001) discovered that presidents tend to help themselves with public opinion by highlighting issues the public supports and that boosts their congressional success--an effective strategy when political capital is questionable.¶ Despite shrinking political capital, presidents at times have effectively pursued such strategies, particularly since 1995. Clinton's centrist "triangulation" and George W. Bush's careful issue selection early in his presidency allowed them to secure important policy changes--in Clinton's case, welfare reform and budget balance, in Bush's tax cuts and education reform--that at the time received popular approval. This may explain the slight recovery in some presidential political capital measures since 1993. Clinton accomplished much with a GOPCongress, and Bush's first term included strong support from a Congress ruled by friendly Republican majorities. David Mayhew finds that from 1995 to 2004, both highly important and important policy changeswere passed by Congress into law at higher rates than during the 1947-1994 period. (2) A trend of declining political capital thus does not preclude significant policy change, but a record of major policy accomplishment has not reversed the decline in presidential political capital in recent years, either. Short-term legislative strategies can win policy success for a president but do not serve as an antidote to declining political capital over time, as the final years of both the Clinton and George W. Bush presidencies demonstrate.

#### Secretary of the Interior does the plan

OCS Lands Act 2K Outer Continental Shelf Lands Act, December 29, 2000, http://epw.senate.gov/ocsla.pdf

SEC. 8. LEASING OF OUTER CONTINENTAL SHELF.—(a)(1) The Secretary is authorized to grant to the highest responsible qualified bidder or bidders by competitive bidding, under regulations promulgated in advance, any oil and gas lease on submerged lands of the outer Continental Shelf which are not covered by leases meeting the requirements of subsection (a) of section 6 of this Act. Such regulations may provide for the deposit of cash bids in an interestbearing account until the Secretary announces his decision on whether to accept the bids, with the interest earned thereon to be paid to the Treasury as to bids that are accepted and to the unsuccessful bidders as to bids that are rejected. The bidding shall be by sealed bid and, at the discretion of the Secretary, on the basis of— ¶ (A) cash bonus bid with a royalty at not less than 121⁄2 per centum fixed by the Secretary in amount or value of the production saved, removed, or sold;¶ (B) variable royalty bid based on a per centum in amount or value of the production saved, removed, or sold, with either a fixed work commitment based on dollar amount for exploration or a fixed cash bonus as determined by the Secretary, or both;¶ (C) cash bonus bid, or work commitment bid based on a dollar amount for exploration with a fixed cash bonus, and a diminishing or sliding royalty based on such formulae as the Secretary shall determine as equitable to encourage continued production from the lease area as resources diminish, but not less than 121⁄2 per centum at the beginning of the lease period in amount or value of the production saved, removed, or sold;¶ (D) cash bonus bid with a fixed share of the net profits of no less than 30 per centum to be derived from the production of oil and gas from the lease area;¶ (E) fixed cash bonus with the net profit share reserved as the bid variable;¶ (F) cash bonus bid with a royalty at no less than 121⁄2 per centum fixed by the Secretary in amount or value of the production saved, removed, or sold and a fixed per centum share of net profits of no less than 30 per centum to be derived from the production of oil and gas from the lease area;¶ (G) work commitment bid based on a dollar amount for exploration with a fixed cash bonus and a fixed royalty in amount or value of the production saved, removed, or sold;¶ (H) cash bonus bid with royalty at no less than 12 and 1⁄2 per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary, which suspensions may vary based on the price of production from the lease; or¶ (I) subject to the requirements of paragraph (4) of this subsection, any modification of bidding systems authorized in subparagraphs (A) through (G), or any other systems of bid variables, terms, and conditions which the Secretary determines to be useful to accomplish the purposes and policies of this Act, except that no such bidding system or modification shall have more than one bid variable.¶ (2) The Secretary may, in his discretion, defer any part of the payment of the cash bonus, as authorized in paragraph (1) of this subsection, according to a schedule announced at the time of the announcement of the lease sale, but such payment shall be made in total no later than five years after the date of the lease sale.¶ (3)(A) The Secretary may, in order to promote increased production on the lease area, through direct, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease for such area.

#### Winner’s win

Hirsh 2/7 Michael, chief correspondent for National Journal; citing Ornstein, a political scientist and scholar at the American Enterprise Institute and Bensel, gov’t prof at Cornell, "There's No Such Thing as Political Capital", 2013, [www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207](http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207)

But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple: You just don’t know what you can do until you try. Or as Ornstein himself once wrote years ago, “Winning wins.” In theory, and in practice, depending on Obama’s handling of any particular issue, even in a polarized time, he could still deliver on a lot of his second-term goals, depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote.¶ Some political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is, at best, an empty concept, and that almost nothing in the academic literature successfully quantifies or even defines it. “It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. Winning on one issue often changes the calculation for the next issue; there is never any known amount of capital. “The idea here is, if an issue comes up where the conventional wisdom is that president is not going to get what he wants, and he gets it, then each time that happens, it changes the calculus of the other actors” Ornstein says. “If they think he’s going to win, they may change positions to get on the winning side. It’s a bandwagon effect.”

#### **Gun control and debt sap PC**

Cillizza 2-6 Chris, writer for the Washington Post, 2013, "President Obama is enjoying a second political honeymoon. But how long will it last?" [www.washingtonpost.com/blogs/the-fix/wp/2013/02/06/president-obama-is-enjoying-a-second-political-honeymoon-but-how-long-will-it-last/](http://www.washingtonpost.com/blogs/the-fix/wp/2013/02/06/president-obama-is-enjoying-a-second-political-honeymoon-but-how-long-will-it-last/)

Regardless of the reason, it’s clear that Obama has a limited time — six months perhaps? — to take legislative advantage of his second political honeymoon.¶ He seems committed to taking on three separate and distinct fights during that time: 1) gun control 2) immigration reform 3) debt and spending. **Each of those legislative scraps will shorten his honeymoon as he** expends political capital to try to get what he wants out of a Congress — particularly in the House — that seems likely to be resistant.¶ And, it’s possible — given the glacially slow pace at which Congress works and the aforementioned partisanship that seems to seize any and every issue — that Obama’s honeymoon will fade well before he gets all three of those priorities accomplished.¶ A look back at **the trend line on his job approval in his first term is telling in that regard**.¶ 2013-02-06 Obama honeymoon 1Even though Obama started off considerably higher in his first term than he began his second term, by August 2009 he had dropped to 54 percent approval in WaPo-ABC polling — thanks to the bailout of the American auto industry, the fight over the economic stimulus package and the earlier positioning over his health-care bill.¶ Considering that Obama is — at best — in the mid-50s in terms of job approval at the moment and the fact that the past showdowns on fiscal issues have revealed the massively different approaches advocated by the two parties, it’s not at all far fetched to assume that taking on just one of those fights might be enough to end **the president’s second term honeymoon.**

#### Cyber veto

Jennifer Martinez 2-8, The Hill, “House panel to reintroduce controversial cyber bill, setting up White House fight”, http://thehill.com/blogs/hillicon-valley/technology/281963-house-intelligence-committee-leaders-to-re-introduce-cispa-next-week-

The leaders of the House Intelligence Committee plan to re-introduce on Wednesday a controversial cybersecurity bill that has faced pushback from the White House. House Intelligence Committee Chairman Mike Rogers (R-Mich.) and ranking member Rep. Dutch Ruppersberger (D-Md.) said Friday that they plan to re-introduce the Cyber Intelligence Sharing and Protection Act (CISPA) next week during a speech at the Center for Strategic and International Studies in Washington. The bill is aimed at improving information-sharing about cyber threats between government and industry so cyberattacks can be thwarted in real time. The bill that Rogers and Ruppersberger plan to introduce next week will be identical to the version of CISPA that passed the House last spring. The White House issued a veto threat against CISPA before it was taken up on the House floor last year, saying the president's top advisers would recommend that he veto the bill if it came to his desk. It's unclear whether the White House would issue a similar threat this time around due to its concern over a lack of privacy protections in the bill.¶ A spokeswoman for the White House did not respond to a request for comment on what action it planned to take.¶ The bill would allow the government, namely the intelligence community, to share classified cyber threat information with the private sector so companies can protect their computer systems and networks from cyberattacks. It would also encourage companies to share anonymous cyber-threat information with one another, and provide liability protection for businesses so they don't get hit with legal action for sharing data about cyber threats. ¶ In a statement, Rogers said the recent cyberattacks against U.S. banks and newspapers have highlighted the need for Congress to pass the information-sharing bill. “American businesses are under siege," Rogers said. "We need to provide American companies the information they need to better protect their networks from these dangerous cyber threats. It is time to stop admiring this problem and deal with it immediately.” The bill was "developed in close consultation with a broad range of private sector companies, trade groups, privacy and civil liberties advocates, and the executive branch," according to the House Intelligence Committee leaders. Last year CISPA enjoyed support from a range of industry groups and companies, including Facebook, AT&T and Oracle. But civil-liberties groups and privacy advocates rallied hard against CISPA last year, arguing that the measure lacked sufficient privacy protections and would increase the pool of people's electronic communications flowing to the military and secretive National Security Agency. Despite the veto threat and pushback that CISPA received, the bill boasted 112 co-sponsors from both sides of the aisle and cleared the House. The bill went untouched in the Senate, largely because the upper chamber was working on its own comprehensive measure last year. In a speech earlier this week, Rogers attempted to head off the privacy concerns raised about the bill last year. "We're talking about exchanging packets of information, zeroes and ones, if you will, one hundred millions times a second," he said. "So some notion that this is a horrible invasion of content reading is wrong. It is not even close to that." But privacy and civil-liberties advocates expect to revive their efforts to fight against the bill this year. Michelle Richardson, a legislative counsel in the American Civil Liberties Union's Washington office, argued that CISPA opponents have the White House veto threat on their side. Privacy advocates also backed the information-sharing section of a cybersecurity bill in the Senate last year, which the House Intelligence Committee could use as a template for their legislation, she said. "I think it's a different ballgame this time," Richardson said. "I feel emboldened after what happened in the Senate last fall and [with] the veto threat." "I don't think this sort of broad and unaccountable approach to information sharing [legislation] is going to go anywhere," she added.

#### PC’s not key to immigration

Hirsh 2/7 Michael, chief correspondent for National Journal, previously served as the senior editor and national economics correspondent for Newsweek, has appeared many times as a commentator on Fox News, CNN, MSNBC, and National Public Radio, has written for the Associated Press, The New York Times, The Washington Post, Foreign Affairs, Harper’s, and Washington Monthly, and authored two books, "There's No Such Thing as Political Capital", 2013, [www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207](http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207)

Meanwhile, the Republican members of the Senate’s so-called Gang of Eight are pushing hard for a new spirit of compromise on immigration reform, a sharp change after an election year in which the GOP standard-bearer declared he would make life so miserable for the 11 million illegal immigrants in the U.S. that they would “self-deport.” But this turnaround has very little to do with Obama’s personal influence—his political mandate, as it were. It has almost entirely to do with just two numbers: 71 and 27. That’s 71 percent for Obama, 27 percent for Mitt Romney, the breakdown of the Hispanic vote in the 2012 presidential election. Obama drove home his advantage by giving a speech on immigration reform on Jan. 29 at a Hispanic-dominated high school in Nevada, a swing state he won by a surprising 8 percentage points in November. But the movement on immigration has mainly come out of the Republican Party’s recent introspection, and the realization by its more thoughtful members, such as Sen. Marco Rubio of Florida and Gov. Bobby Jindal of Louisiana, that without such a shift the party may be facing demographic death in a country where the 2010 census showed, for the first time, that white births have fallen into the minority. It’s got nothing to do with Obama’s political capital or, indeed, Obama at all.

#### Plan’s bipartisan---their link’s about clean energy

Russell 12 Barry Russell is President of the Independent Petroleum Association of America, August 15, 2012, “Energy Must Transcend Politics”, http://energy.nationaljournal.com/2012/08/finding-the-sweet-spot-biparti.php#2238176

There have been glimpses of great leadership, examples when legislators have reached across the aisle to construct and support common-sense legislation that encourages American energy production. Recent legislation from Congress which would replace the Obama administration’s five-year offshore leasing plan and instead **increase access America’s abundant offshore oil** and natural gas **is one example of such bipartisanship**. The House passed legislation with support from 25 key Democrats. The support from Republicans and Democrats is obviously not equal, but this bipartisan legislative victory demonstrates a commitment by the House of Representatives to support the jobs, economic growth and national security **over stubborn allegiance to political party**. The same is happening on the Senate side. Democratic Senators Jim Webb (VA), Mark Warner (VA), and Mary Landrieu (LA) cosponsored the Senate’s legislation to expand offshore oil and natural gas production with Republican Senators Lisa Murkowski (AK), John Hoeven (ND), and Jim Inhofe (OK). Senator Manchin (WV) is another Democratic leader who consistently votes to promote responsible energy development.

#### Plan’s an olive branch to the GOP---key to immigration

Morasch 10 Charlie, Staff Writer for Landline Magazine, "President’s oil drilling plan could clear path for climate/energy bill", 4/2, www.landlinemag.com/Story.aspx?StoryID=18970

President Obama unveiled a new oil drilling strategy this week of drilling into offshore reserves that have been protected for decades. The plan may appease Republicans and clear the path for climate and energy legislation that likely will directly affect trucking businesses.¶ Mike Joyce, OOIDA director of legislative affairs, said the president’s announcement was made in front of an Air Force fighter plane for a reason – to show that offshore drilling may increase domestic oil production and help the U.S. buy less foreign oil, thereby bolstering national security.¶ The announcement, Joyce said, may help Congress push through a new combined climate change and energy bill.¶ “President Obama, quite frankly, is using this as an olive branch to some conservative Republicans that had echoed the sentiment of ‘drill baby drill!’ during the last election,” Joyce told Land Line Now host Mark Reddig on Thursday. “He’s tapping into that as goodwill to potentially get a climate change bill passed, although Republicans were responding cautiously to the proposal following the announcement.”

#### Dems won’t backlash or drain PC

Hughes 2/6 Brian, "Obama's base increasingly wary of drone program", 2013, washingtonexaminer.com/obamas-base-increasingly-wary-of-drone-program/article/2520787

"Democrats, they're going to want the president to succeed on domestic priorities and don't want to do anything to erode his political capital," said Christopher Preble, vice president for defense and foreign policy studies at the Cato Institute. "It's just so partisan right now. An awful lot of [lawmakers] think the president should be able to do whatever he wants."

#### XO solves

Nakamura 1-6 – David Nakamura and Tara Bahrampour, January 6th, 2013 "Obama using authority for immigrant issues," Washington Post, [www.journalgazette.net/article/20130106/NEWS03/301069950/1066/NEWS03](http://www.journalgazette.net/article/20130106/NEWS03/301069950/1066/NEWS03)

WASHINGTON - The Obama administration’s decision this week to ease visa requirements for hundreds of thousands of illegal immigrants represents its latest move to reshape immigration through executive action, even as the White House gears up for an uncertain political fight over a far-more-sweeping legislative package in the months ahead.¶ Immigration advocates on Thursday hailed a rule change at the Department of Homeland Security that would make it easier for many undocumented immigrants to stay in the United States as they seek permanent residency, saying it will improve the lives of relatives who could have been separated for years without the changes.¶ For President Obama – who has called the inability to achieve comprehensive immigration reform among the biggest regrets of his first term – the new policy is among a series of steps his administration has taken over the past year aimed in part at easing the pace of deportations, which have surged during his tenure. The steps also came amid a presidential campaign that included sharp disagreements over immigration policy and strong support among Latinos and Asians for Obama.¶ The centerpiece was Obama’s decision, announced last June, to stop deporting people who were brought to the country as children and have gone on to be productive and otherwise law-abiding residents.¶ “He is checking off every administrative box he can of what he can do with executive authority that comports with his overall view of immigration policy,” said Angela Kelley, an analyst at the Center for American Progress, a liberal think tank allied with the White House.¶ The latest policy change is focused on illegal immigrants who have a spouse, parent or child with U.S. citizenship. Currently, in order to become legal they must leave the United States and apply for a waiver forgiving their unlawful presence in the country. Only then can they apply for an immigrant visa. And if they don’t get a waiver, they are barred from returning to the United States for up to 10 years, depending on the case.¶ The specter of being barred deterred many from applying. But under the rule change finalized Wednesday, those who qualify will be able to apply for waivers from within the United States starting March 4. Applicants must return to their native country for a brief period for the consular immigrant visa process.¶ The new rule greatly reduces the risk inherent in applying for a waiver, as people whose applications are rejected would still be in the United States when they heard the news. Even for those whose applications are approved, the new rule will allow them to spend much less time outside the United States, as they will travel abroad with waivers in hand.

### Yglesias

#### Loss of PC still results in visas

Yglesias 1/15 Matthew, Slate, 2013, How the GOP Can Roll Obama on Immigration, www.slate.com/blogs/moneybox/2013/01/15/immigration\_reform\_will\_obama\_get\_rolled.html

Of the major policy issues under discussion in Washington, "immigration reform" stands out for having unusually undefined content. For the major immigration-advocacy groups, the goal is clear, a comprehensive bill that includes a path to citizenship for the overwhelming majority of unauthorized migrants already living in the United States. But many other aspects of immigration law are in the mix as part of a proposed deal, and it seems to me that there's a fair chance that a nimble Republican Party could essentially roll the Democratic coalition and pass an "immigration reform" bill that doesn't offer the path Latino advocacy groups are looking for.¶ Elise Foley has the key line from her briefing on the administration's thinking about immigration, namely that a piecemeal approach "could result in passage of the less politically complicated pieces, such as an enforcement mechanism and high-skilled worker visas, while leaving out more contentious items such as a pathway to citizenship for undocumented immigrants."¶ And indeed it could. But how can they stop it? The last House GOP effort to split the high-tech visas question from the path to citizenship question was an absurd partisan ploy. If Republicans want to get serious about it they should be able to make it work. The centerpiece would be something on increased immigration of skilled workers. That's something the tech industry wants very much, it's a great idea on the merits, and few influential people have any real beef with it. High tech visas will easily generate revenue to pay for some stepped-up enforcement. Then instead of adding on a poison pill so Democrats will block the bill, you need to add a sweetener. Not the broad path to citizenship, but something small like the DREAM Act. Now you've got a package that falls massively short of what Latino groups are looking for, but that I think Democrats will have a hard time actually blocking. After all, why would they block it? It packages three things—more skilled immigration, more enforcement, and help for DREAMers—they say they want. Blocking it because it doesn't also do the broad amnesty that liberals want and conservatives hate would require the kind of fanaticism that is the exact opposite of Obama's approach to politics.

### AT: Latin America Relations

#### US influence inevitable in Latin America

Hakim 8**—** President of the Inter-American Dialogue (Peter, “Latin America: the next U.S. President’s agenda”, http://www.thedialogue.org/PublicationFiles/Peter%20Hakim%20-%20Great%20Decisions%202008.pdf)

Most countries have made clear they want strong trade links and other economic ties with the U.S. Eleven of Latin America’s 19 nations have signed bilateral free-trade pacts with Washington, although two of them still await U.S. congressional approval. Even governments that reject free-trade negotiations with the U.S.—Bolivia and Ecuador, for instance—have lobbied Washington hard for trade preferences to keep U.S. tariffs low. The most vitriolic critic of U.S.-Latin America trade deals, Venezuela, sends most of its oil to the U.S. duty-free. The U.S., however, is not merely a huge market and capital reserve for Latin America. For better or worse, the U.S. continues to play an important political role throughout the region. No other country was prepared to assist Colombia’s battle for survival against illicit drug trafficking and guerrilla violence. Mexico is now turning to the U.S. to help contain its burgeoning wave of criminal violence. It was the U.S. that took the controversial step of pressing Rev. Jean-Bertrand Aristide to give up power in Haiti in 2004, and that subsequently prodded Brazil to lead a peacekeeping mission in the country. In 2006, Washington helped to stop the constitutionally suspect ouster of Nicaraguan President Enrique Bolaños Geyer. It also clumsily (and unsuccessfully) intervened to prevent the reelection of its old nemesis, President Daniel Ortega. Even Brazil, which pursues the region’s most stubbornly independent and diverse foreign policy, has made plain how much it values good relations with the U.S. Top foreign policy officials in Brazil’s left-leaning government publicly insist the U.S.-Brazilian relationship has never been stronger. Brazil knows that its international and regional ambitions require amiable ties with the U.S.—and that an adversarial relationship would be costly in multiple ways. Many in Latin America deeply resent and mistrust the U.S., and take pride in resisting Washington’s pressures and inducements. They are sometimes delighted when Chávez or Cuba’s Fidel Castro vilifies Washington, even if they would never do so themselves. But most Latin American governments, whatever their feelings about the U.S. and its policies, resist the anti-American temptation. They know, often from experience, that alienating Washington can carry a high price—and therefore usually try to maintain cordial relationships with the world’s superpower.

# 1AR

## Solvency

### AT: Drilling Now

#### 98% of offshore oil potential is locked up

Pyle 12 (Thomas – president of the Institute for Energy Research, “Energy Department sneaks offshore moratorium past public”, 7/9, http://www.washingtontimes.com/news/2012/jul/9/energy-department-sneaks-offshore-moratorium-past-/)

While the Obama administration was taking a victory lap last week after the 5-4 Supreme Court decision to uphold the president’s signature legislative accomplishment, Obamacare, the Interior Department was using the media black hole to release a much-awaited five-year plan for offshore drilling. That plan reinstitutes a 30-year moratorium on offshore energy exploration that will keep our most promising resources locked away until long after President Obama begins plans for his presidential library. Given the timing, it is clear that the self-described “all of the above” energy president didn’t want the American people to discover that he was denying access to nearly 98 percent of America’s vast energy potential on the Outer Continental Shelf (OCS). The Outer Continental Shelf Lands Act (OCSLA) of 1953 provided the interior secretary with the authority to administer mineral exploration and development off our nation’s coastlines. At its most basic level, the act empowers the interior secretary - in this case, former U.S. Sen. Kenneth L. Salazar of Colorado - to provide oil and gas leases to the highest-qualified bidder while establishing guidelines for implementing an oil and gas exploration-and-development program for the Outer Continental Shelf. In 1978, in the wake of the oil crisis and spiking gasoline prices, Congress amended the act to require a series of five-year plans that provide a schedule for the sale of oil and gas leases to meet America’s national energy needs. But since taking office, Mr. Obama and Mr. Salazar have worked to restrict access to our offshore oil and gas resources by canceling lease sales, delaying others and creating an atmosphere of uncertainty about America’s future offshore development that has left job creators looking for other countries’ waters to host their offshore rigs. More than 3 1/2 years into the Obama regime, nearly 86 billion barrels of undiscovered oil on the Outer Continental Shelf remain off-limits to Americans. Alaska alone has about 24 billion barrels of oil in unleased federal waters. The Commonwealth of Virginia - where Mr. Obama has reversed policies that would have allowed offshore development - is home to 130 million barrels of offshore oil and 1.14 trillion cubic feet of natural gas. But thanks to the president, Virginians will have to wait at least another five years before they can begin creating the jobs that will unlock their offshore resources. Once you add those restrictions to the vast amount of shale oil that is being blocked, the administration has embargoed nearly 200 years of domestic oil supply. No wonder the administration wanted to slip its plan for the OCS under the radar when the whole country was focused on the health care decision. But facts are stubborn things, and the Obama administration cannot run forever from its abysmal energy record. In the past three years, the government has collected more than 250 times less revenue from offshore lease sales than it did during the last year of the George W. Bush administration - down from $9.48 billion in 2008 to a paltry $36 million last year. Meanwhile, oil production on federal lands dropped 13 percent last year, and the number of annual leases is down more than 50 percent from the Clinton era. Under the new Obama plan, those numbers will only get worse. The 2012-17 plan leaves out the entire Atlantic and Pacific coasts and the vast majority of OCS areas off Alaska. It cuts in half the average number of lease sales per year, requires higher minimum bids and shorter lease periods and dramatically reduces lease terms. Yet, somehow, we’re supposed to believe that our “all of the above” president is responsible for increased production and reduced oil import. With oil hovering around $85 a barrel and nationwide gas prices nearly double what they were when Mr. Obama took office, you’d think the administration might implement a sensible plan to promote robust job creation and safe offshore energy development. Instead, what we get is the latest phase in the Obama administration’s war on affordable energy, filed under cover of media darkness while the nation was swallowing its Obamacare medicine.

### Yes China War

#### SCS risk high, old impact defense doesn’t apply

Leszek Buszynski 12, Visiting Fellow at the Strategic and Defence Studies Centre at the Australian National University, “The South China Sea: Oil, Maritime Claims, and U.S.—China Strategic Rivalry,” The Washington Quarterly, Vol. 35, No. 2, p. 139-156

The risk of conflict escalating from relatively minor events has increased in the South China Sea over the past two years with disputes now less open to negotiation or resolution. Originally, the disputes arose after World War II when the littoral states - China and three countries of the Association of Southeast Asian Nations (ASEAN), Indonesia, Malaysia and the Philippines, as well as Vietnam which joined later - scrambled to occupy the islands there. Had the issue remained strictly a territorial one, it could have been resolved through Chinese efforts to reach out to ASEAN and forge stronger ties with the region. Around the 1990s, access to the sea’s oil and gas reserves as well as fishing and ocean resources began to complicate the claims. As global energy demand has risen, claimants have devised plans to exploit the sea’s hydrocarbon reserves with disputes not surprisingly ensuing, particularly between China and Vietnam. Nevertheless, these energy disputes need not result in conflict, as they have been and could continue to be managed through joint or multilateral development regimes, for which there are various precedents although none as complicated as the South China Sea.¶ Now, however, the issue has gone beyond territorial claims and access to energy resources, as the South China Sea has become a focal point for U.S.—China rivalry in the Western Pacific. Since around 2010, the sea has started to become linked with wider strategic issues relating to China’s naval strategy and America’s forward presence in the area. This makes the dispute dangerous and a reason for concern, particularly as the United States has reaffirmed its interest in the Asia Pacific and strengthened security relations with the ASEAN claimants in the dispute.

## Memo CP

# Politics

## Impact

### No Econ/Heg Internal

#### No economic benefit to legalization

Hill et al. 10 – Laura E. Hill is a research fellow at the Public Policy Institute of California. She has been a research associate at The SPHERE Institute and a National Institute of Aging postdoctoral fellow. She holds a Ph.D. in demography from the University of California, Berkeley AND\*\*\* Magnus Lofstrom is a research fellow at the Public Policy Institute of California. He also holds appointments as a research fellow at the Institute for the Study of Labor (IZA) at the University of Bonn and as a research associate at the Center for Comparative Immigration Studies at the University of California, San Diego. He has also served as a researcher and has taught at IZA and at the University of California, Irvine. He received his Ph.D. in economics from the University of California, San Diego. AND\*\*\* Joseph M. Hayes is a research associate at the Public Policy Institute of California, where he studies migration and population change throughout the state. He has studied migration in the Central Valley, the families of newly arrived immigrants to California, and the state’s prison population. He holds an M.S. in agricultural economics from the University of Wisconsin, Madison. 2010, “Immigrant Legalization Assessing the Labor Market Effects,” Public Policy Institute of California, [www.ppic.org/content/pubs/report/R\_410LHR.pdf#ppic](http://www.ppic.org/content/pubs/report/R_410LHR.pdf#ppic)

Legalization of the estimated 12 million unauthorized immigrants residing in the United States would lead to both **economic benefits and costs for the nation.** **Some arguments for comprehensive immigration reform suggest that legalizing immigrants will help end the current recession.** This seems unlikely. Our research suggests that earlier findings from the IRCA era may overstate anticipated earnings from a new reform, at least in the short run. ¶ We do expect occupational mobility to improve for formerly unauthorized immigrants with higher skill levels. When compared to the continuously legal, their occupational earnings growth was about 9 to 10 percent. These higher-skill unauthorized immigrants are more likely to be overstayers than crossers, but unauthorized immigrants with college degrees are found in both groups. **Lower-skill unauthorized immigrants are not likely to experience strong occupational mobility as a result of a legalization program** (although their occupational earnings grow over time in the United States). It will be important that any new legislation give legalized immigrants incentives to improve their skills, especially in English. ¶ The majority of studies investigating the effect of legalizing immigrants on natives’ earnings suggest that the effects are slightly negative for workers with low skill levels. Since we find no improvements in occupational mobility or wages for the lowest skill levels in the short run, we do not expect that legalizing immigrants would place any increased pressure on the wages of low-skill natives or low-skill legal immigrants. Tax revenues may increase, although **many unauthorized immigrants already file federal and state tax returns and pay sales and payroll taxes.** We found that about 90 percent of unauthorized immigrants filed federal tax returns in the year before gaining LPR status. We expect that increases in **tax revenues** resulting from increased earnings among the formerly unauthorized would be modest.

### XT – CIR Fails/Squo Solves

#### Comprehensive reform fails

Morrison 12-9 – Bruce Morrison, a former U.S. Representative from Connecticut, was the chairman of the House immigration subcommittee and the author of the Immigration Act of 1990. December 9th, 2012, "One Bill of Compromises Isn’t the Answer” www.nytimes.com/roomfordebate/2012/12/09/understanding-immigration-reform/one-immigration-bill-of-compromises-isnt-the-answer

To many, “comprehensive immigration reform” means “fix it and forget it.” But doing it all in one bill reprises what got us in the current mess in the first place. After major reform bills in 1986 and 1990, the failing employment verification scheme and the clogged green card process were allowed to go unattended. The “enforcement only” 1996 law only froze the mess in place.¶ Save the 'punishment' for those that do not comply with a system that works, not those ensnared in the current system that does not.¶ **A huge compromise of all competing immigration fixes larded into one bill will involve compromises that do not serve the nation’s interests.** Instead we need to assemble the votes to do the two things that must be done — a broad earned legalization program for the 11 million now illegally resident in the country in conjunction with the assurance that this problem will not happen again. That assurance will come from a universal, electronic, identity-authenticating screening of all workers to ensure that they are authorized to work in the U.S.¶ Because almost all who make unauthorized entries and overstays do so to seek and accept employment, no other tool will get the result we need to make legalization politically and philosophically justified — that we have fixed the source of the problem. And this also means using the employment relationship to roll-in legalization while rolling out universal verification.¶ The key point is that prevention of illegal presence is the goal. Save the “punishment” for those that do not comply with a system that works, not those ensnared in the current system that does not.¶ Our legal immigration system needs lots of fixing, like the increase of STEM green cards passed by the House last week and much more. But these fixes, including all future flows beyond the current one million annual immigrants and the millions who will be legalized, will get much easier to negotiate when the legalization-prevention barrier is removed.

### XT – XO Solves

#### Obama will use agency rules to bypass Congress and reform immigration

Whitesides 1-4 – John Whitesides, writer for Reuters, January 4th, 2013, "Obama Second-Term Plans Threatened By Bruising Budget Fights" www.huffingtonpost.com/2013/01/04/obama-second-term-plans\_n\_2411168.html

When blocked in Congress, Obama has shown a willingness to use executive orders and agency rules to make policy changes. During last year's campaign, **Obama ordered an end to deportations of young undocumented immigrants who came to the country as children and had never committed a crime**.¶ **This week, the** D**epartment of** H**omeland** S**ecurity changed its rules** to make it easier for undocumented immigrants to get a waiver allowing them to stay in the country as they seek permanent residency.

#### **Adding new immigrants not key---immigration and visas are already increasing**

Porter 2-5 – Eduardo Porter, writer for the New York Times, February 5th, 2013, "Immigration Reform Issue: The Effect on the Budget" [www.nytimes.com/2013/02/06/business/immigration-reform-issue-the-effect-on-the-budget.html?pagewanted=all&pagewanted=print](http://www.nytimes.com/2013/02/06/business/immigration-reform-issue-the-effect-on-the-budget.html?pagewanted=all&pagewanted=print)

Yet immigration reform today means something quite different than it did in 2007. Notably, the elements needed to stop the flow of illegal immigrants north are much less important to the enterprise. The Obama administration has already spent huge amounts of money on border enforcement. Today, border policing costs about $18 billion a year — nearly 50 percent more than it did in 2006. And deportations have soared. What’s more, **illegal immigration has slowed to a trickle**, as Mexico has grown more robustly than the United States. The illegal immigrant population has even been shrinking in the last few years. And it may continue to do so as the Mexican population of prime migration-age people stops growing.¶ Also, **many employers have already gotten some of what they wanted: the number of workers entering the United States on temporary visas for low-end jobs in** agriculture **and other industries has increased sharply.**¶ “The discussion is in a different environment,” said Gordon H. Hanson, an **expert on the economics of immigration at the University of California**, **San Diego.** “The flow of new immigrants is not the story anymore.”