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#### Restrictions must be currently enforced to be 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.

#### The aff violates---EPA regs won’t be enforced till 2015

Fitzsimmons and Tennis 12

Mark Fitzsimmons, is a partner in the toxic tort and environmental litigation section, and Rachel Tennis, is an associate in the litigation and environmental regulatory sections, of Steptoe & Johnson LLP in the firm’s Washington, D.C., office, Power Magazine, April 18, 2012, "Fracking Industry Braces for a Wave of Regulation", http://www.powermag.com/gas/Fracking-Industry-Braces-for-a-Wave-of-Regulation\_4542\_p4.html

Water quality is not the only issue on the EPA's radar. On April 18, the EPA issued new regulations using its authority under the Clean Air Act. The rule expands New Source Performance Standards to apply to gas wellheads and other equipment used in hydraulic fracturing. It also amends the National Emissions Standards for Hazardous Air Pollutants as they apply to oil and gas production, storage, and transportation. Under the rule, all fractured wells will eventually be required to use an emissions-reduction technology called “green completions,” which allows for the capture and sale of natural gas emissions. However, the agency is delaying implementation until 2015 to give industry time to acquire the technology. In the meantime, producers can choose between green completions and flaring emissions.

#### Vote negative:

1. Neg ground---they destroy uniqueness for all DA’s because the aff doesn’t change anything from the status quo---they keep production at the level it’s at now
2. Limits---justifies removing any possible future restrictions---overstretches our research burden

### 1NC

#### Restrictions on production must mandate a decrease in the quantity produced

Anell 89 Lars is the Chairman of the WTO panel adopted at the Forty-Fifth Session of Contracting Parties on December 5, 1989. Other panel members: Mr. Hugh Bartlett and Mrs. Carmen Luz Guarda. “Canada – Import Restrictions on Ice Cream and Yoghurt,” http://www.wto.org/english/tratop\_e/dispu\_e/88icecrm.pdf

The United States argued that Canada had failed to demonstrate that it effectively restricted domestic production of milk. The differentiation between "fluid" and "industrial" milk was an artificial one for administrative purposes; with regard to GATT obligations, the product at issue was raw milk from the cow, regardless of what further use was made of it. The use of the word "permitted" in Article XI:2(c)(i) required that there be a limitation on the total quantity of milk that domestic producers were authorized or allowed to produce or sell. The provincial controls on fluid milk did not restrict the quantities permitted to be produced; rather dairy farmers could produce and market as much milk as could be sold as beverage milk or table cream. There were no penalties for delivering more than a farmer's fluid milk quota, it was only if deliveries exceeded actual fluid milk usage or sales that it counted against his industrial milk quota. At least one province did not participate in this voluntary system, and another province had considered leaving it. Furthermore, Canada did not even prohibit the production or sale of milk that exceeded the Market Share Quota. The method used to calculate direct support payments on within-quota deliveries assured that most dairy farmers would completely recover all of their fixed and variable costs on their within-quota deliveries. The farmer was permitted to produce and market milk in excess of the quota, and perhaps had an economic incentive to do so. 27. The United States noted that in the past six years total industrial milk production had consistently exceeded the established Market Sharing Quota, and concluded that the Canadian system was a regulation of production but not a restriction of production**.** Proposals to amend Article XI:2(c)(i) to replace the word "restrict" with "regulate" had been defeated; what was required was the reduction of production. The results of the econometric analyses cited by Canada provided no indication of what would happen to milk production in the absence not only of the production quotas, but also of the accompanying high price guarantees which operated as incentives to produce. According to the official publication of the Canadian Dairy Commission, a key element of Canada's national dairy policy was to promote self-sufficiency in milk production. The effectiveness of the government supply controls had to be compared to what the situation would be in the absence of all government measures.

#### Vote negative:

#### Including regulations is a limits disaster---undermines preparedness for all debates

Doub 76 William is a principal in the law firm of Doub and Muntzing. Previously he was a partner in LeBoeuf, Lamb, Leiby, and MacRae. He was a member of the U.S. Atomic Energy Commission (1971-1974). He served as a member of the Executive Advisory Committee to the Federal Power Commission (1968-1971) and was appointed by the President to the President’s Air Quality Advisory Board. He is a past chairman of the U.S. National Committee of the World Energy Conference. “Energy Regulation: A Quagmire for Energy Policy,” http://www.annualreviews.org/doi/abs/10.1146/annurev.eg.01.110176.003435

FERS began with the recognition that federal energy policy must result from concerted efforts in all areas dealing with energy, not the least of which was the manner in which energy is regulated by the federal government. Energy self sufficiency is improbable, if not impossible, without sensible regulatory processes, and effective regulation is necessary for public confidence. Thus, the President directed that "a comprehensive study be undertaken, in full consultation with Congress, to determine the best way to organize all energy-related regulatory activities of the government." An interagency task force was formed to study this question. With 19 different federal departments and agencies contributing, the task force spent seven months deciphering the present organizational makeup of the federal energy regulatory system, studying the need for organizational improvement, and evaluating alternatives. **More than 40 agencies were found to be involved** with making regulatory decisions on energy. Although only a few deal exclusively with energy, most of the 40 could **significantly affect** the **availability and/or cost of energy**. For example, in the field of gas transmission, there are five federal agencies that must act on siting and land-use issues, seven on emission and effluent issues, five on public safety issues, and one on worker health and safety issues-all before an onshore gas pipeline can be built. The complexity of energy regulation is also illustrated by the case of Standard Oil Company (Indiana), which reportedly must file about 1000 reports a year with 35 different federal agencies. Unfortunately, this example is the rule rather than the exception.

#### And precision---only direct prohibition is a restriction---key to predictability

Sinha 6 S.B. Sinha is a former judge of the Supreme Court of India. “Union Of India & Ors vs M/S. Asian Food Industries,” Nov 7, http://webcache.googleusercontent.com/search?q=cache:http://www.indiankanoon.org/doc/437310/

We may, however, notice that this Court in State of U.P. and Others v. M/s. Hindustan Aluminium Corpn. and others [AIR 1979 SC 1459] stated the law thus: "It appears that a distinction between regulation and restriction or prohibition has always been drawn, ever since Municipal Corporation of the City of Toronto v. Virgo. Regulation promotes the freedom or the facility which is required to be regulated in the interest of all concerned, whereas prohibition obstructs or shuts off, or denies it to those to whom it is applied. The Oxford English Dictionary does not define regulate to include prohibition so that if it had been the intention to prohibit the supply, distribution, consumption or use of energy, the legislature would not have contented itself with the use of the word regulating without using the word prohibiting or some such word, to bring out that effect."

### 1NC

#### Energy production is the peak of our manipulation of the environment – rather than revealing the ontological beauty of nature, it exploits it for human utilization – this standing reserve logic obviates our relation to Earth and causes extinction – our alternative is to refuse action in this instance in favor of contemplating being – this is key to more effective environmental policies

Grego 7 – Dr. Richard Grego 7, Associate Professor, Department of Humanities/ Culture, Daytona Beach College, 2007, “Global Warming, Environmental Philosophy and Public Policy: John Dewey vs Martin Heidegger,” online: http://www.philosophos.com/philosophy\_article\_153.html

This essay compares and contrasts the views of Martin Heidegger and John Dewey with respect to environmental philosophy and the global warming issue. It examines how their respective concepts of nature, human nature, and philosophy of science, might apply to current environmental thought and policy. It argues that Heidegger's latter thought (with its rejection of modern culture's science, technology, and commercialism, as well as its quasi-mystical concepts like 'Being' and 'freedom') is generally less-suited to constructive application in environmental policy than Dewey's philosophy (which celebrates these modern institutions as a triumph of both natural and human potentials). However it is also argued in conclusion that, while the spirit of Dewey's philosophy might be better-suited to policies which entail short-term strategies regarding environmental regulations, laws, and improved technologies, the essential message of Heidegger's philosophy may be needed for **ensuring** a long-term commitment to **sustainable environmental protection**. ¶ Heidegger, Dewey, and Environmental Philosophy¶ Concern over global warming and other environmental problems has garnered a great deal of public attention recently. The February 2007 report issued by the United Nation's Intergovernmental Panel on Climate Change is controversial (and the technical scientific details of its various possible interpretations are beyond the purview of this essay), but it appears to confirm what many environmentalists have been asserting for some time now: The planet is heating up, and this phenomenon is man-made. This heating process is part of a century-long trend — likely caused in large-part by greenhouse gas emissions (CO2, methane, nitrous oxide, etc) — that is already having adverse environmental effects on many levels. Much of the scientific community agrees that its long-term consequences (which, again, cannot be detailed here but include such possibilities as heat waves, droughts, new wind patterns, melting polar ice, and species extinction) could be catastrophic for both the natural environment and human civilization. ¶ At this time therefore, environmental policy makers are attempting to answer two main questions:¶ 1) What is causing the problem? And 2) What can/should we do about it?¶ Scientists have provided some obvious technical answers here. Global warming is caused by greenhouse gas emissions and the solution to the problem of global warming is to reduce emissions via improved technologies, policies, and regulations where necessary (one of the most recent ideas in the U.S. along these lines is a change in the federal tax code to encourage the use and development of alternate energy sources by corporations). ¶ Of course philosophers , as always, tend to view both the causes and possible solutions to such problems in more complex and problematic ways than do scientists. Environmental philosophy thus encompasses things like ethics, metaphysics, and the philosophy of science, rather than just simple empirical analysis, in seeking to address issues related to environmental protection. These issues are currently being debated by any number of thinkers across academic disciplines and professions. ¶ While contemporary environmental philosophy is a rich and prolific field of scholarship, it is still sometimes instructive to take a glance at some of its intellectual origins. Though John Dewey and Martin Heidegger (as philosophers at the beginning of the 20th century) lived and thought prior to the most recent environmental concerns of our time, they nonetheless had much to say about science, nature, and humanity's relationship with the natural world. Their respective ideas on these themes have provided a firm foundation upon which much contemporary environmental thought is based. Current philosophers like Michael Zimmerman and Bruce Foltz have synthesized Heidegger's thought with environmental philosophy, while philosophers such as Andrew Light, Larry Hickman, and Anthony Weston have applied Dewey's pragmatism to environmentalism. Thus, examining some of Dewey's and Heidegger's basic concepts in comparative perspective can highlight and clarify assumptions and themes discussed/ debated by contemporary scholars — and can provide critical insight into some of the philosophical issues at stake in current environmental policy debates. ¶ In fact, although Heidegger and Dewey share certain environmentally relevant ideas, their differences are more pronounced and exemplify two distinctly different attitudes toward issues like global warming. Martin Heidegger (1889-1976) has been associated with the 20th century philosophical movements known as phenomenology and (though he disowned the label) existentialism. A student of phenomenologist Edmund Husserl, Heidegger was one of this century's most influential thinkers. His thought, as we shall discuss further, tended to assume a decidedly anti-modernist bias — leading him, especially in latter writings, to critique unfavorably such cultural institutions as technology, commercialism, and instrumental science. Since these institutions are so integral to the modern world, there is a quasi-reactionary sensibility about Heidegger's latter thought (Although in all fairness to him, he considered his critique of western civilization to be forward-looking and visionary.) ¶ American philosopher John Dewey (1859-1952) in contrast, was an unequivocally forward-looking thinker who embraced the spirit of modernism enthusiastically. Closely identified with 'pragmatism', his philosophy has also been referred to as 'instrumentalism' and 'experimentalism'. Unlike Heidegger, he saw science, technology, and commerce as creative expressions of human potentiality. He therefore tended to be more supportive of these institutions and their cultural influence than Heidegger was. ¶ The Nature of Science and the Science of Nature¶ Were they actually here to comment themselves, both thinkers would undoubtedly see deep connections between concrete problems like global warming and more abstract issues like the philosophy of science, the metaphysics of nature, and human nature. However they would also surely disagree on the character of these connections. Their philosophies agree that science and technology have shaped humankind's relationship with the natural world, but they disagree about what this relationship is, how it has come about, and what it means.¶ Heidegger's vision of science and technology is, for all practical purposes, a negative one. In his latter work especially, he portrayed the scientific legacy in western history as a manifestation of humanity's disregard for, and estrangement from, the natural world and from the very ground of existence. This legacy, beginning with the philosophy and culture of ancient Greece and culminating in the science and philosophy of modernity, is a tragic story of cultural and spiritual decline. Pre-Socratic Greeks first apprehended the awesome wonder and mystery of existence (or 'Being', as Heidegger calls it) and began to develop philosophy and science to describe this experience. However, the ultimate meaning of this experience was simply too sublime and profound for any descriptions to do justice to, so subsequent thinkers like Plato and Aristotle began to articulate philosophy and science simply as logical explanations for the natural world, rather than as poetic exclamations about the mysterious experience of Being. Such explanations **made the** natural **world** rationally **intelligible** but did so **by neglecting** a deeper **appreciation for Being**'s original revelation. This made any deep appreciation for the Being of nature impossible and led to the progressive alienation of humanity from nature in western thought and culture.¶ Thus, the development of science and technology in the modern (post-enlightenment-era) world are cultural expressions of this alienation. Science and technology have now 'enframed' (in Heidegger's terms) the natural world by turning it into a mere object of empirical study for the purpose of commercial exploitation. The natural world has become a resource 'standing reserve' for technical manipulation. Science: ¶ ...Sets upon Nature... Agriculture is now the mechanized food industry. Air is now set upon to yield oxygen, the earth to yield uranium... Even the Rhine [River] itself appears to be something at our command... the revealing that rules throughout modern technology has the character of setting upon. (QT, 320-321)¶ Hence, enlightenment philosopher Rene Descartes' belief that the scientific revolution's purpose is to accomplish '..the mastery and possession of nature' has come to full fruition in modern life. Science has transformed nature from a living revelation of Being into an intellectual/ commercial resource.¶ Dewey agrees with Heidegger that modern science has its origins in the intellectual life of ancient Greece and has since changed humanity's relationship with the natural world. However unlike Heidegger, Dewey views the legacy of science as one of liberation and enlightenment, rather than one of domination and estrangement. Though the classical founders of western philosophy and science were engaged in a futile 'quest for certainty' and search for an eternal or sacred meaning in nature , modern science since the enlightenment-era has become a more practical tool for framing open-ended questions and generating temporary hypothesis. Unlike the science, philosophy, and theology of ancient times, modern science does not see reality or nature as having any fixed or determined metaphysical or supernatural structure. Nature, as the subject-matter of current science, is a malleable and dynamic construct of the human intellect. Science, according to Dewey, has created, 'A natural world that does not subsist for the sake of realizing a fixed set of ends' and 'is relatively malleable and plastic; it can be used for this or that'. (RP, 70)¶ Heidegger agrees with Dewey that this is indeed what has happened, but thinks it is a bad thing. Dewey however, sees the advent of modern science as the great liberating event in the history of ideas and extols its possibilities for empowering human potentials------advocating: 'the transfer of the experimental method from the field of physical science to the wider field of human life'. Dewey concludes that in the contemporary world:¶ Nature as it already exists ceases to be something which must be accepted and submitted to, endured and enjoyed just as it is. It is now something to be modified, to be intentionally controlled. It is material to act upon so as to transform it into new objects which better answer our needs. (QC, 80-81)¶ — And indeed this is just as it must and should be: For nature is the source of human abilities, and the ultimate evolutionary product of nature is the human ability to transform nature itself. Our ability to bend nature to our will is an aspect of nature. The improvement of human conditions by manipulating and transforming the natural world via science, technology, commerce and the arts, is nature's own supreme achievement.¶ Heidegger, in contrast, tends to view nature more as 'something which must be accepted and submitted to...', as the unfolding of something sacred and supernatural ('Being') with which humanity loses touch when it is treated as an object of scientific knowledge or commercial exploitation. Our destruction of the natural world is symptomatic of our spiritual alienation from the ultimate source of meaning in our lives. Having reduced 'Being' to a scientific-technocratic-commercial world of objectified 'beings', humanity now finds itself alone in a trivialized world of 'resources' and 'commodities'. Having separated nature from its sacred animating ground, humanity has robbed nature (and itself, for that matter) of intrinsic value. Nature now seems lifeless and meaningless in any deep sense.¶ Thus a kind of 'Homelessness', as Heidegger calls it, 'has come to be the destiny of the world' (LH, 243), and **the only remedy** for this dilemma (which Heidegger seems dubious about, even while advocating it) **is** for humanity to reject the 'frenzy of rationalization', technology, and commercialism (QT, 449) **in favor of** 'freedom'. Heidegger describes this 'freedom' as **the** 'letting-be of beings' (ET, 125). It involves an attitude of quietism, reverence, and profound appreciation for nature as a sacred incarnation of 'Being'. In this state of mind, nature would be celebrated once again as a source of wonder, and would no longer be used merely as an object of exploitation.¶ Science, Nature, and Environmental Policy¶ Having examined Dewey's and Heidegger's contrasting views on these issues then, their possible respective answers to our original questions regarding global warming might seem obvious. Given his rather strong endorsement of an 'activist' scientific spirit, Dewey would probably see the cause of global warming as a possible miscalculation of our collective goals and methods with respect to what we currently know about our technologies and the environment. His probable solution would involve evaluating how our development (on many levels) is effected by this phenomenon and then re-evaluating how best to utilize the technologies that are responsible for it.¶ However, his radically dynamic and open-ended conception of both nature and human nature would make these evaluations quite problematic. If nature and human development are in perpetual flux, have no inherent structure, and are continually re-configured by the ever-evolving matrix of inter-relationships that they are a part of, then even defining what the natural environment 'is' — let alone what may or may not be harmful to it — becomes extremely difficult at best. There is nothing intrinsic or essential to nature in Dewey's view. It is an ever unfinished project whose limits cannot be defined and whose 'purpose' is a matter of interpretation. Whether current policies are benefiting or harming nature is therefore a matter of interpretation as well — and our interpretations are largely tentative and change with every temporary change in values, needs, and worldviews. Indeed, the spirit of Dewey's instrumentalism suggests the possibility that there may be ways still unimagined in which global warming may actually enhance human potentials and improve the environment!¶ On the other hand, Heidegger's response might not be quite as predictable — if he would choose to respond at all. Commentators have speculated widely on the reasons for an attitude of philosophical disregard and personal aloofness concerning real-world affairs that Heidegger seemed to hold throughout his life and career. Some have suggested that it had obvious origins in his rejection of science, commerce, and all such institutions of modern culture. Others have claimed that abstract quasi-mystical themes like 'freedom', 'Being',and 'nothingness' that dominated his latter writing, led to an Ivory-Tower lack of interest in worldly concerns. Still others have suggested more cynical and opportunistic motives behind his his unwillingness to risk taking personal stands on controversial issues. Whatever his reason(s) may have been, Heidegger claimed that humanity and nature have now reached the end of their potentialities, and that humanity cannot hope to 'engineer' its way out of the spiritual malaise wrought by its alienation from Being via science and technology. 'Being' has now exhausted its possibilities in 'Nothingness', which manifests itself in contemporary culture as **nihilism and meaninglessness.** World civilization is dominated by an instrumentalist mentality in which nothing is intrinsically valuable or sacred. The devaluation of nature to the status of a mere resource for technology and industry is an example of this nihilism.¶ Unfortunately, Heidegger also says that any attempt to engineer yet another scientifically calculated solution to this dilemma would be, paradoxically, a perpetuation of the very nihilistic mentality that has caused it. **Scientifically generated public policies**, ecological initiatives, and environmental regulations, are part of the mentality that 'enframes' or objectifies nature by controlling and manipulating it via science and technology. Neither humanity nor nature can be redeemed in this way. In fact, since the only hope for an authentic encounter with nature involves appreciating it in 'freedom' — which means 'letting-be', rather than trying to change or improve it — Heidegger seems to be claiming that inaction (simply doing nothing) is our best course of action. We must, he states, wait patiently for the 'soundless voice of Being' to reveal itself once again. But it must come to us during an experience of the kind of quietism in which the 'frenzy of rationalization' is finally stilled.¶ How any of this might translate into an actual environmental policy is anyone's guess (and contemporary interpreters of Heidegger are certainly doing a lot of guessing!) but some general possibilities come to mind. Environmentally, Heidegger is heir to the legacy of Medieval Christian mysticism, German idealism, and romanticism, and he is the inspiration for much contemporary thinking associated with 'deep ecology'. He encourages a heartfelt awareness of and appreciation for the natural world as a dwelling-place of the sacred. With this awareness and appreciation may perhaps come a **general shift in the public consciousness** (a renewed revelation of 'Being') that can lead, in turn, to a new way of 'dwelling authentically' or living harmoniously with the natural world. Such dwelling or living will then lead effortlessly to policies that sustain this harmony. However we cannot make these policies unless the shift in consciousness occurs first.¶ Dewey's views, in contra-distinction, are quite compatible with the spirit of instrumental science, technology and commerce and are applicable to environmentally sound policies like low-carbon technologies in industry, international regulations on greenhouse gas emissions, and environmental standards in the Kyoto Protocol. These are temporary flexible innovations made by interested political and commercial parties that are based on tentative research-findings which may be revised as circumstances change. Dewey does not share Heidegger's antipathy toward modernity and sees things like environmental problems as incentives to further research and improvement, rather than as an end to human possibilities. While Dewey endorses a kind of Heideggerian-sounding awareness and appreciation of the natural world (lauding the value of 'aesthetic experiences' in the appreciation of nature, for instance), he sees this as only one capacity among many that may be employed to protect or improve the natural environment, which humanity is an integral part of. The Global Roundtable On Climate Change based at Columbia Universities' Earth Institute in New York, in which various scientists, corporations, civic organizations, and political action groups from around the world are researching and adopting a comprehensive statement on environmental science and policy, seems like precisely the sort of initiative that Dewey would support.¶ Yet, while Heidegger's views may seem too extreme for the practical necessities of our current situation, Dewey's more practical approach is vulnerable to the Heideggerian criticism that it may be too accommodating to this situation. Heidegger would probably say that any attempt to preserve, protect, or improve nature by tinkering with it through science, defeats its own purpose — and it does appear as though every new 'solution' to ecological dangers over the past half-century has only yielded new problems — the latest of which is global warming (and some of the proposed scientific solutions to this problem are ominous themselves: From giant space shields, to spreading aerosol particles in the upper atmosphere, to spraying water-clouds into the air from the oceans). Thus perhaps the very impractically of Heidegger's ideas make them particularly worthy of consideration. It is fairly obvious that environmental degradation is largely — if not primarily — a result of the impact of science, technology and commerce on the natural world, and that the kind of reverent appreciation for nature's sanctity that Heidegger advocates would engender a deeper concern and respect for nature. What may therefore be needed for environmental protection over the long-term (as opposed to short-term fixes for temporarily 'fashionable' issues like global warming) is a Heideggerian-type transformation in the public consciousness, rather than more Deweyan technocratic innovations. A renewed experience of authentic 'freedom' and the revelation of that 'Being' which is the groundless ground that sustains both nature and humanity, might be just what is needed for the earth's sustainable future.

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#### Comprehensive immigration reform will pass---maintaining political pressure on the GOP is key

Joseph 2/21 Cameron is a writer for The Hill. “More than half of Congress has never debated immigration reform,” 2013, http://thehill.com/homenews/senate/284131-more-than-half-of-congress-has-never-debated-immigration-reform

More than half of Congress has turned over since the last time the House and Senate tried to move legislation to overhaul the nation's immigration laws.¶ The high turnover rate bolsters the argument of Republican leaders, who say Congress must move methodically on immigration. President Obama, meanwhile, has pushed for swift passage of a bill, saying lawmakers have long debated the issue.¶ Only 54 current senators were in the Senate in June of 2007, when the upper chamber last voted on comprehensive immigration and border-security legislation. And just five of the 23 GOP senators who voted in favor of the 2006 immigration reform bill are still serving: Sens. Lindsey Graham (S.C.), John McCain (Ariz.), Susan Collins (Maine), Lisa Murkowski (Alaska) and Mitch McConnell (Ky.).¶ In the House, the turnover has been higher since the lower chamber last cast a major vote on immigration at the end of 2005.¶ Fifty-eight percent of new House members have taken office since then, meaning less than half of the lower chamber took part in the last significant legislative battle over tightening the border and granting legal status to the nation's illegal immigrants.¶ The high level of turnover suggests it’s hard to predict how negotiations will fare, as a number of lawmakers haven’t yet indicated where they stand. It could also slow down the pace of legislation.¶ There are potential upsides in the high turnover rate for reform advocates, however. New sets of eyes on the legislation, and new ways to discuss immigration policy, could translate into a different ending for a bill this Congress.¶ For example, freshman Sen. Marco Rubio’s (Fla.) is among the GOP leaders on immigration and has so far skillfully navigated the thorny matter.¶ “There's an opportunity and a challenge,” said America’s Voice Executive Director Frank Sharry, a top immigration reform advocate who was involved in the last round of negotiations. “The key is going to be whether a whole crop of new lawmakers say, 'Hey man, I get it, this is sound.' We haven't been able to break through the white noise before. Here's our chance.”¶ Another factor: Few Republicans backed the bill even though then-President George W. Bush lobbied hard for it in 2006 and 2007.¶ There is a much bigger political impetus for the GOP to resolve the issue following their 2012 losses, and Rubio is perhaps better liked by the GOP base now than Bush was after he led his party to a drubbing at the polls in 2006. But if a sitting president couldn’t rally members of his own party around his bill, it’s unclear whether pro-reform Republicans will be able to do any better this time.¶ The 2006 vote on the McCain-Kennedy bill is the best comparison to the current bill, because the June 2007 vote on a bill co-sponsored by the late Edward Kennedy (D-Mass.) and then-Sen. Jon Kyl (R-Ariz.) had many senators who’d once supported the legislation bail out when it was clear it would fail. The Kennedy-Kyl bill died on the floor after a fight over a series of amendments portrayed as "poison pills" that would sink the measure, including one sponsored by then-Sen. Illinois Barack Obama.¶ Of the Democrats who opposed the bill in 2006, only Sen. Debbie Stabenow (Mich.) is still around. Yet, nine current Democratic senators, including three members facing challenging reelection races next year, voted against a key procedural motion on the 2007 Kennedy-Kyl bill. Many GOP Senate opponents remain: Of the 22 who remain from 2006, 17 voted against both reform bills.¶ House Judiciary Committee Chairman Bob Goodlatte (R-Va.) told The Hill earlier this month that his panel would move at a deliberate pace on immigration, in part because Republican leaders need to educate more than 100 first- and second-term members. He said these legislators “know very little” about the complexities of immigration law.¶ “We’re going to be aggressively pursuing the issue to see if we can do something that is — I won’t call it all-encompassing, but that encompasses a number of the different issues that are addressed in immigration,” he said.¶ Obama has warned that if Congress doesn’t move fast enough on legislation, he’ll seek a vote on his own bill. Over the weekend, a draft White House immigration bill was leaked to the press. Rubio’s office blasted the move, arguing that the White House was injecting “additional partisanship into an already difficult process.”¶ Obama has since called on Rubio and other Republicans to lower the temperature on immigration.¶ Proponents of comprehensive immigration reform have been pushing hard to educate House members on the issue, and remain optimistic that the political pressure on the GOP to get something done has changed the conversation.

#### Political capital is still key---Obama’s leading negotiations with the GOP

AFP 2/19 “Obama courts key Republicans on immigration reform,” 2013, Factiva

US President Barack Obama on Tuesday called key Senate Republicans, with whom he is at odds on other many top issues, to discuss the prospects for **bipartisan immigration reform**.¶ Obama placed the calls following complaints he had not done enough to reach across the political aisle on the key issue, and after the leak of partial White House immigration plans angered Republican players in the debate.¶ The White House said that Obama had spoken to Republican Senators Lindsey Graham, John McCain and Marco Rubio, to discuss a "shared commitment to bipartisan, commonsense immigration reform."¶ "The President reiterated that he remains supportive of the effort underway in Congress, and that he hopes that they can produce a bill as soon as possible that reflects shared core principles on reform."¶ "He thanked the senators for their leadership, and made clear that he and his staff look forward to continuing to work together with their teams to achieve needed reform."¶ Obama's aides said he also wanted to speak to Republican Senator Jeff Flake, of Arizona, but was unable to reach him because he was traveling.¶ Cuban-American Rubio, a rising star of the Republican Party, is emerging as a key player in the immigration debate, and he warned that leaked versions of White House plans obtained by USA Today would be "dead on arrival."¶ Eight senators -- four of Obama's Democratic allies and four Republicans -- unveiled a joint plan last month aiming to provide a route to legal status for illegal immigrants living on US soil.¶ Under the White House fallback plan, illegal immigrants would have to wait eight years until applying for legal permanent residency, and, in practice, at least 13 years before they could apply for US citizenship.¶ Advocates of immigration reform say that time period is too long -- while conservative opponents still rail against "amnesty" for illegal immigrants, reflecting the toxicity of much of the immigration reform debate.¶ Obama had been sharply at odds with Graham and McCain for their role in delaying the confirmation of his pick for defense secretary Chuck Hagel.¶ His call to Rubio, who is traveling in the Middle East, came after the Florida senator's office had said that no one in his office had met White House officials to discuss immigration.¶ The White House had maintained that its staffers had met congressional officials working on immigration reform.¶ **Obama**'s move **may** be seen as an effort to **prevent partisan wrangling from derailing** hopes of **immigration reform**, as it did under the presidency of his predecessor George W. Bush.¶ Immigration reform may be Obama's best chance for a genuine legacy-boosting success in his second term.¶ Senior Republicans, meanwhile, are wary of entering another election hampered by the mistrust of Hispanic voters, a growing slice of the electorate for whom immigration reform is a key issue.¶ A key sticking point in the debate is the Republican demand that the process of offering legal status to illegals should only start once the US southern border with Mexico has been certified as secure.¶ Obama has so far declined to make that linkage.

#### Natural gas development is extremely unpopular and partisan---alienates everyone

Dicker 9/4 Daniel is a Senior Columnist at The Street. “Why Isn't Natural Gas an Election Issue?” 2012, http://www.thestreet.com/story/11684440/1/why-isnt-natural-gas-an-election-issue.html?cm\_ven=GOOGLEN

Why has this opportunity towards increased reliance on natural gas been so obvious and yet so difficult for politicians of both parties to embrace?¶ It hasn't been solely because 2012 is an election year. Boone Pickens was on CNBC last week marking the fourth anniversary of his "Pickens Plan," the failed congressional effort to invest in truck natural gas engines and fuelling infrastructure to run them on.¶ In fact, if anyone wanted to see political partisanship in action slowing the real economic progress this nation could make, they'd find no better example than the history of the Pickens plan and other natural gas initiatives in Washington.¶ **Both radical wings of each party have made advocating natural gas use** impossible. Democratic environmentalists are concerned about hydraulic fracturing and its possible impact to aquifers. Republicans are reluctant to approve further federal spending of any kind as well as risk a charge of "picking winners" in natural gas -- a charge they have made successfully against Democrats.¶ Of course, both radical wings of both parties are wrong: Overwhelming evidence from every independent research source has concluded that hydraulic fracturing of shale for natural gas has proven to be safe to our water supplies and is getting safer all the time.¶ Republican reticence to support natural gas expansion belies a long history of government incentives for developing new energy sources, from as far back as our development of coal to our much discussed modern tax incentives for crude oil exploration and production.¶ It is a fact that our government has been picking winners in energy for as long as there's been government.¶ The advantages of natural gas conversion and greater use are obvious but bear repeating. Natural gas is a domestic source of energy and promises energy independence here in the U.S. Production, transport and building of infrastructure for natural gas would mean millions of new jobs. Natural gas prices are literally half that of competing oil and gasoline. Finally, carbon emissions for natural gas are about a third that for coal and other fossil fuels.¶ What's not to like?¶ But it seems both radical wings of each party continue to wield enormous influence. Neither candidate has made natural gas a cornerstone of a new and necessary energy policy.

#### **Obama’s CIR is key to all aspect of heg---[competitiveness, hard and soft power]**

Nye 12 Joseph S. Nye, a former US assistant secretary of defense and chairman of the US National Intelligence Council, is University Professor at Harvard University. “Immigration and American Power,” December 10, Project Syndicate, http://www.project-syndicate.org/commentary/obama-needs-immigration-reform-to-maintain-america-s-strength-by-joseph-s--nye

CAMBRIDGE – The United States is a nation of immigrants. Except for a small number of Native Americans, everyone is originally from somewhere else, and even recent immigrants can rise to top economic and political roles. President Franklin Roosevelt once famously addressed the Daughters of the American Revolution – a group that prided itself on the early arrival of its ancestors – as “fellow immigrants.”¶ In recent years, however, US politics has had a strong anti-immigration slant, and the issue played an important role in the Republican Party’s presidential nomination battle in 2012. But Barack Obama’s re-election demonstrated the electoral power of Latino voters, who rejected Republican presidential candidate Mitt Romney by a 3-1 majority, as did Asian-Americans.¶ As a result, several prominent Republican politicians are now urging their party to reconsider its anti-immigration policies, and plans for immigration reform will be on the agenda at the beginning of Obama’s second term. **Successful reform will be an important step in preventing the** decline of American power**.**¶ Fears about the impact of immigration on national values and on a coherent sense of American identity are not new. The nineteenth-century “Know Nothing” movement was built on opposition to immigrants, particularly the Irish. Chinese were singled out for exclusion from 1882 onward, and, with the more restrictive Immigration Act of 1924, immigration in general slowed for the next four decades.¶ During the twentieth century, the US recorded its highest percentage of foreign-born residents, 14.7%, in 1910. A century later, according to the 2010 census, 13% of the American population is foreign born. But, despite being a nation of immigrants, more Americans are skeptical about immigration than are sympathetic to it. Various opinion polls show either a plurality or a majority favoring less immigration. The recession exacerbated such views: in 2009, one-half of the US public favored allowing fewer immigrants, up from 39% in 2008.¶ Both the number of immigrants and their origin have caused concerns about immigration’s effects on American culture. Demographers portray a country in 2050 in which non-Hispanic whites will be only a slim majority. Hispanics will comprise 25% of the population, with African- and Asian-Americans making up 14% and 8%, respectively.¶ But mass communications and market forces produce powerful incentives to master the English language and accept a degree of assimilation. Modern media help new immigrants to learn more about their new country beforehand than immigrants did a century ago. Indeed, most of the evidence suggests that the latest immigrants are assimilating at least as quickly as their predecessors.¶ While too rapid a rate of immigration can cause social problems, over the long term, immigration strengthens US power. It is estimated that at least 83 countries and territories currently have fertility rates that are below the level needed to keep their population constant. Whereas most developed countries will experience a shortage of people as the century progresses, America is one of the few that may avoid demographic decline and maintain its share of world population.¶ For example, to maintain its current population size, Japan would have to accept 350,000 newcomers annually for the next 50 years, which is difficult for a culture that has historically been hostile to immigration. In contrast, the Census Bureau projects that the US population will grow by 49% over the next four decades.¶ Today, the US is the world’s third most populous country; 50 years from now it is still likely to be third (after only China and India). This is highly relevant to economic power: whereas nearly all other developed countries will face a growing burden of providing for the older generation**, immigration could help to attenuate the policy problem for the US.**¶ In addition, though studies suggest that the short-term economic benefits of immigration are relatively small, and that unskilled workers may suffer from competition**, skilled immigrants can be important to** particular sectors – and to long-term growth. There is a strong correlation between the number of visas for skilled applicants and patents filed in the US. At the beginning of this century, Chinese- and Indian-born engineers were running one-quarter of Silicon Valley’s technology businesses, which accounted for $17.8 billion in sales; and, in 2005, immigrants had helped to start one-quarter of all US technology start-ups during the previous decade. Immigrants or children of immigrants founded roughly 40% of the 2010 Fortune 500 companies.¶ Equally important are immigration’s benefits for America’s soft power. The fact that people want to come to the US enhances its appeal, and immigrants’ upward mobility is attractive to people in other countries. The US is a magnet, and many people can envisage themselves as Americans, in part because so many successful Americans look like them. Moreover, connections between immigrants and their families and friends back home help to convey accurate and positive information about the US.¶ Likewise, because the presence of many cultures creates avenues of connection with other countries, it helps to broaden Americans’ attitudes and views of the world in an era of globalization. Rather than diluting hard and soft power, immigration enhances both.¶ Singapore’s former leader, Lee Kwan Yew, an astute observer of both the US and China, argues that China will not surpass the US as the leading power of the twenty-first century, precisely **because the US attracts the best and brightest** from the rest of the world and melds them into a diverse culture of creativity. China has a larger population to recruit from domestically, but, in Lee’s view, its Sino-centric culture will make it less creative than the US.¶ That is a view that Americans should take to heart. If Obama succeeds in enacting **immigration reform** in his second term, he **will** have gone a long way toward fulfilling his promise to maintain the strength of the US.

#### Heg solves great power war

Khalilzad 11 – Zalmay Khalilzad, the United States ambassador to Afghanistan, Iraq, and the United Nations during the presidency of George W. Bush and the director of policy planning at the Defense Department from 1990 to 1992, February 8, 2011, “The Economy and National Security; If we don’t get our economic house in order, we risk a new era of multi-polarity,” online: <http://www.nationalreview.com/articles/259024/economy-and-national-security-zalmay-khalilzad>

We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though countries such as China, India, and Brazil have profound political, social, demographic, and economic problems, their economies are growing faster than ours, and this could alter the global distribution of power. These trends could in the long term produce a multi-polar world. If U.S. policymakers fail to act and other powers continue to grow, it is not a question of whether but when a new international order will emerge. The closing of the gap between the United States and its rivals could intensify geopolitical competition among major powers, increase incentives for local powers to play major powers against one another, and undercut our will to preclude or respond to international crises because of the **higher risk of escalation.**¶ The stakes are high. In modern history, the longest period of peace among the great powers has been the era of U.S. leadership. By contrast, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers. Failures of multi-polar international systems produced both world wars.¶ American retrenchment could have devastating consequences. Without an American security blanket, regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict. Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions.¶ As rival powers rise, Asia in particular is likely to emerge as a zone of **great-power competition**. Beijing’s economic rise has enabled a dramatic military buildup focused on acquisitions of naval, cruise, and ballistic missiles, long-range stealth aircraft, and anti-satellite capabilities. China’s strategic modernization is aimed, ultimately, at denying the United States access to the seas around China. Even as cooperative economic ties in the region have grown, China’s expansive territorial claims — and provocative statements and actions following crises in Korea and incidents at sea — have roiled its relations with South Korea, Japan, India, and Southeast Asian states. Still, the United States is the most significant barrier facing Chinese hegemony and aggression.

### 1NC

#### The United States federal government should offer economic incentives, including direct grants and/or tax credits, to producers of natural gas subject to the Environmental Protection Agency’s New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews, set at an amount equivalent to 110% of the cost of equipment necessary for legal compliance. The United States federal government should ban development of offshore methane hydrate. *The United States federal government should issue a moratorium on further federal restrictions on natural gas production in the United States excluding the regulations above.*

#### Economic incentives spur pollution reductions below regulated levels---tons of EPA experience proves their effectiveness

NCEE 1 – National Center for Environmental Economics, January 2001, “The United States Experience with Economic Incentives for Protecting the Environment,” [http://yosemite.epa.gov/ee/epa/eerm.nsf/vwan/ee-0216b-13.pdf/$file/ee-0216b-13.pdf](http://yosemite.epa.gov/ee/epa/eerm.nsf/vwan/ee-0216b-13.pdf/%24file/ee-0216b-13.pdf)

Over its 30-year history the predominant tool used by the U.S. Environmental Protection Agency (EPA) to help achieve the nation’s environmental goals has been uniform, nationally applicable regulations derived from environmental law. Those regulations, e.g., source-specific emissions limits, product specifications, and pollutioncontrol guidelines, have been responsible for much of the improvement in air and water quality that is evident in the country today.

But over the past 20 years, and during the past decade in particular, EPA has begun to use a much broader array of tools to manage environmental quality. Among these relatively new tools, several kinds of economic incentives are being applied more and more widely. Once considered an academic abstraction or a revenue-raising adjunct to traditional regulatory mechanisms, market-based economic incentives are being used now as the principal instrument for controlling a growing number of environmental problems. To varying degrees, federal, state, and local governments are promoting the use of economic incentives as an environmental management tool because of the perceived advantages and effectiveness of these incentives.

Because of the wide - and growing - use of economic incentives at all levels of government in the United States, it is important to understand them more clearly. For example, what kinds of economic incentives are being used today to address what kinds of problems? Are particular incentives better suited for use at specific levels of government? Even more important are questions regarding relative effectiveness. How well have economic incentives performed in terms of improving environmental quality? How economically efficient and cost-effective have they been? To what extent have they stimulated technological change and innovation? How can past experience with economic incentives help improve their use today and in the future?

This report attempts to answer those questions by providing a broad overview and analysis of the current use of economic incentives as an environmental management tool in the United States. To that end, it makes use of, and builds on, related reports, surveys, and research. This report expands and updates the information contained in an earlier EPA report (1992) and a report to EPA in 1997 that documented the growing use of economic incentives in the United States and foreign countries. It also notes related research by the National Academy of Public Administration (NAPA). At the same time, this report is not exhaustive. It does attempt to identify most of the incentives currently in use at the federal level for environmental pollution control. However, it limits its discussion of incentives at other levels of government to a representative sample of programs. A complete survey and assessment of the large number of incentives currently in use at the state and local levels would require a much broader study than this report. Likewise, the report only briefly summarizes a voluminous theoretical and applied literature on economic incentives.

II. Definition of Economic Incentives

For the purposes of this report, economic incentives are defined broadly as instruments that use financial means to motivate polluters to reduce the health and environmental risks posed by their facilities, processes, or products. These incentives provide monetary and near-monetary rewards for polluting less and impose costs of various types for polluting more, thus supplying the necessary motivation to polluters. This approach provides an opportunity to address sources of pollution that are not easily controlled with traditional forms of regulation as well as providing a reason for polluters to improve upon existing regulatory requirements. Under traditional regulatory approaches, polluters have little or no incentive to cut emissions further or to make their products less harmful once they have satisfied the regulatory requirements. The definition of economic incentives used here is quite broad. As such, a great many instruments and programs could be included in this review. By necessity the report focuses on the most significant federal programs and a representative sampling of activities at the state and local level.

III. Value of Economic Incentives

Economic incentives have a singular advantage over traditional forms of regulation: they harness the force of the marketplace to reduce environmental and health risks. While this feature does not make economic incentives applicable to every source of pollution, market forces often can operate where traditional regulations would be ineffective. Sources of pollution include point sources such as discharge pipes and stacks; area sources such as factories and storage areas; and non-point sources such as streets, farms, and forests. In a traditional regulatory system, owners of many of these sources have an incentive to comply - i.e., avoidance of enforcement actions - but releasing pollution has no economic cost to the owner. Consequently, owners of these sources of pollution (hereafter referred to as “sources”) normally have no incentive to do more than the regulations require, whether it is a limit on emissions or on the use of a specific technology. With market incentives, sources of pollution can see an economic value in reducing pollution because doing so saves them money. Consequently, the difference between a traditional regulatory system and economic incentives can lead to several public health, environmental, and economic benefits.

First, economic incentives in some circumstances can be structured to achieve larger reductions in pollution than would result from traditional regulations. For example, a program that allows trading of pollution reduction obligations among sources may be able to require greater reductions in pollution than a similar program that does not use trading. Pollution charges or voluntary pollution prevention programs could encourage sources to reduce emissions below permitted amounts.

Second, economic incentives often can control pollution at lower costs than can traditional regulations. By setting standardized emissions, product, or technology requirements, traditional regulations do not usually take into consideration the different costs of compliance faced by different sources. But in an incentive system, the marginal costs of controlling pollution play an essential role. When emission allowances or credits can be bought and sold by the sources, the sources that have relatively low costs of pollution control will reduce more pollution than sources that have relatively high costs of pollution control. Thus, when economic incentives are used, goals of reducing pollution - whether applied over a facility, an industry, or the nation as a whole - will be achieved at the lowest cost as determined by market forces. One study done for the EPA (Anderson. 1999) estimated that the potential savings from widespread use of economic incentives at the federal, state, and local level could be almost one-fourth of the approximately $200 billion per year currently spent on environment pollution control in the United States.

## Warming Advantage

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#### The regs solve gas flaring

Robert LaCount 12, Executive Vice President of MJB&A, firm that provides strategic consulting services to address energy and environmental issues for the private, public, and non-profit sectors, 4/19/12, “EPA Finalizes Emissions Standards for the Oil and Gas Industry, Including First-Ever Federal Air Standards for Hydraulic Fracturing,” <http://www.mjbradley.com/sites/default/files/MJBA_EPAReleasesFinalOGNSPS_19April2012fnl.pdf>

Delayed Operational Impacts. The O&G NSPS requires, with certain exceptions, that fractured and refractured gas wells rely on reduced emissions completions (RECs) or green completions to reduce VOC emissions during production operations. In short, the practice captures gas produced during well completions and well workovers following hydraulic fracturing, significantly reducing the need to flare. Traditionally, affected sources would need to comply with an NSPS standard within 60 days of its publication in the Federal Register. However, during the course of the rulemaking, industry stakeholders had raised concerns about the availability of the portable equipment used to separate the gas from the solids and liquids produced during flowback. In response, the final rule phases in implementation of the REC requirement. By delaying the requirement to perform RECs until 2015, but requiring the use of combustion devices to reduce emissions in the interim, EPA has responded to industry concerns about the availability of REC equipment while at the same time ensuring an immediate reduction in emissions. In addition, EPA extended the compliance date for storage vessels (one year after publication in the Federal Register) and pneumatic controllers (one year after publication in the Federal Register).

#### Extinction

Jason Osai 2, Professor, Rivers State of Arts & Science, Port Harcourt, Nigeria, formerly Faculty of the Social Sciences of the University of Port Harcourt, 3/17/12, “SHELL AS AGAMA LIZARD,” http://www.waado.org/Environment/OilCompanies/Shell-Communities/ShellsFalsePR.html

Talking of the impact of gas flaring on the environment, in 1984/85, I was part of a team of professors and graduate students from the Faculty of Social Sciences of the University of Port Harcourt that undertook a field trip to what is now called the Orashi Region. I guided the team to the gas flare site at Obagi, Obrikom, Ebocha, Ukwugba and Izombe. From one site to another, we took sample of cassava and other crops; we observed the plantains, palm trees and the general vegetation within a certain radius of the gas flared racks and we noted that though the cassava stems and leaves looked unaffected, their tubers were rotten. We also observed a pathetic degeneration from the lush vegetation with giant trees that used to be a rustic meadow; giant racks, spewing roaring flames into the sky had taken the place of the giant trees. These findings were published in Newswatch. It is, therefore, an insult on the collective intellect of the peoples of the Niger Delta for Shell to aver that "gas flaring is not detrimental to the immediate environment." Matter-of-factly, the statement is an insult on the collective intellect of humanity, which is facing imminent extinction as a result of the depletion of the ozone layer - a phenomenon that gas flaring contributes immensely to. Incidentally, I did my administrative internship in 1977 at the Cleveland Division of Air Pollution Control, Cleveland, Ohio, USA and I think I learned quite a bit about pollution and its negative impact on the environment - immediate or otherwise.

### 1NC

#### EPA air pollution regs are key to solve methane leakage---repealing them locks in catastrophic warming tipping points

Robert W. Howarth et al 12, the David R. Atkinson Professor of Ecology & Environmental Biology at Cornell University, February 2012, “Venting and leaking of methane from shale gas development: response to Cathles et al.,” Climatic Change, DOI 10.1007/s10584-012-0401-0

In July 2011, EPA (2011b, e) proposed new regulations to reduce emissions during flowback. The proposed regulation is aimed at reducing ozone and other local air pollution, but would also reduce methane emissions. EPA (2011b, e) estimates the regulation would reduce flowback methane emissions from shale gas wells by up to 95%, although gas capture would only be required for wells where collector pipelines are already in place, which is often not the case when new sites are developed. Nonetheless, this is a very important step, and if the regulation is adopted and can be adequately enforced, will reduce greatly the difference in emissions between shale gas and conventional gas in the U.S. We urge universal adoption of gas-capture policies.

To summarize, most studies conclude that methane emissions from shale gas are far higher than from conventional gas: approximately 40% higher, according to Skone et al. (2011) and using the mean values from Howarth et al. (2011), and approximately 60% higher using the estimates from EPA (2011a) and Hultman et al. (2011). Cathles et al. assertion that shale gas emissions are no higher seems implausible to us. The suggestion by Burnham et al. (2011) that shale gas methane emissions are less than for conventional gas seems even less plausible (see Electronic Supplementary Materials).

4 Time frame and global warming potential of methane

Methane is a far more powerful GHG than carbon dioxide, although the residence time for methane in the atmosphere is much shorter. Consequently, the time frame for comparing methane and carbon dioxide is critical. In Howarth et al. (2011), we equally presented two time frames, the 20 and 100 years integrated time after emission, using the global warming potential (GWP) approach. Note that GWPs for methane have only been estimated at time scales of 20, 100, and 500 years, and so GHG analyses that compare methane and carbon dioxide on other time scales require a more complicated atmospheric modeling approach, such as that used by Hayhoe et al. (2002) and Wigley (2011). The GWP approach we follow is quite commonly used in GHG lifecycle analyses, sometimes considering both 20-year and 100-year time frames as we did (Lelieveld et al. 2005; Hultman et al. 2011), but quite commonly using only the 100-year time frame (Jamarillo et al. 2007; Jiang et al. 2011; Fulton et al. 2011; Skone et al. 2011; Burnham et al. 2011). Cathles et al. state that a comparison based on the 20-year GWP is inappropriate, and criticize us for having done so. We very strongly disagree.

Considering methane’s global-warming effects at the decadal time scale is critical (Fig. 2). Hansen et al. (2007) stressed the need for immediate control of methane to avoid critical tipping points in the Earth’s climate system, particularly since methane release from permafrost becomes increasingly likely as global temperature exceeds 1.8°C above the baseline average temperature between 1890 and 1910 (Hansen and Sato 2004; Hansen et al. 2007). This could lead to a rapidly accelerating positive feedback of further global warming (Zimov et al. 2006; Walter et al. 2007). Shindell et al. (2012) and a recent United Nations study both conclude that this 1.8°C threshold may be reached within 30 years unless societies take urgent action to reduce the emissions of methane and other short-lived greenhouse gases now (UNEP/WMO 2011). The reports predict that the lower bound for the danger zone for a temperature increase leading to climate tipping points – a 1.5°C increase – will occur within the next 18 years or even less if emissions of methane and other short-lived radiatively active substances such as black carbon are not better controlled, beginning immediately (Fig. 2) (Shindell et al. 2012; UNEP/WMO 2011).

### No Coal Displacement---1NC

#### Gas doesn’t displace coal---other factors caused coal to decline---if gas hadn’t filled in, renewables would have

Shakeb Afsah 12, the President and CEO of CO2 Scorecard, and Kendyl Salcito, Policy Communications Specialist for the CO2 Scorecard, 8/7/12, “Shale Gas And The Overhyping Of Its CO2 Reductions,” http://thinkprogress.org/climate/2012/08/07/651821/shale-gas-and-the-fairy-tale-of-its-co2-reductions/

Between 2006 and 2011, America’s electricity generation mix changed dramatically. Though the US increased its electrical output by 41 million MWh, electricity generated from coal and petroleum dropped by a total of 292 million MWh (256 million shed from coal and 36 million from oil—EIA 2012A). Meanwhile, natural gas generation increased by 200 million MWh – a major gain but not enough to cover the loss from coal and petroleum, let alone the additional 41 million MWh generated over the period (Exhibit-2).

Natural gas doesn’t account for all of the reductions in coal- and petroleum-fueled electricity, but we take industry experts at their word that low shale gas prices helped fuel the shift. To quantify the price effect, we need an empirical estimate of the short-run elasticity of fuel substitution, which is provided by a recent EIA analysis (EIA 2012B). The analysis estimates that a 1% increase in the ratio of the delivered fuel price of coal to the delivered price of natural gas to power plants leads to an average 0.14% increase in the fuel input ratio of natural gas to coal. Short-run elasticity is appropriate for the analysis because most of the switch from coal to gas is expected to utilize the existing capacity of gas-fired units (Kaplan 2010; see data notes 1 & 2).

During the shale gas boom, the price of coal increased 109% relative to the price of natural gas (Exhibit-3). This relative price effect would increase the ratio of gas to coal use by around 15% if the EIA’s methodology and elasticities are used (supplemental Exhibit-S1). That 15% translates to an increase in the predicted fuel input ratio of gas to coal from 0.31 to 0.36 over those five years. This is equivalent to a shift of around 728,790 billion BTU shift in energy generation from coal to natural gas (Appendix-1 and data note #3). Natural gas power plants need on average 8,185 BTU to generate one KWh of electricity (EIA 2011). Therefore, 728,790 billion BTU will translate into an average displacement of around 89 million MWh of electricity from coal to natural gas. This quantity, it turns out, accounts for just around 35% of the total electricity generation shed by coal. If the replacement is entirely through natural gas combined cycle units this number will increase to 37% (data note #4).

Petroleum-to-coal displacement: As expected, the EIA study found that petroleum to natural gas switching is equally responsive to the relative price changes. The EIA report states that fuel switching between petroleum and gas is quite common and well established, specifically in the peak and intermediate load ranges—hence factors of production are already well adjusted. It is therefore appropriate to use long-run cross price elasticity of substitution, which gives an estimate of 19 million MWh of electricity from petroleum that shifted to natural gas (Appendix-2). EIA data shows that petroleum based generation fell by 36 million MWh—indicating that more than half of oil was replaced by natural gas. This is not surprising, because the relative price of petroleum to natural gas increased by more than 200% during the period 2006 to 2011.

Further accounting of displaced coal

If only 89 million MWh (35%) from coal was displaced by natural gas due to the relative price advantage, how do we account for the remaining 167 million MWh that coal lost during the period of the shale gas boom?

Stephen Lacey of Climate Progress (Lacey 2012) and David Roberts of Grist (Roberts 2012A) have put forth seven factors that are together shutting down coal generation—two are the respective prices of coal and gas, as calculated above. The remaining 167 million MWh (65%) that coal lost during the period of the shale gas boom was due to Roberts’ and Lacey’s other five factors— (1) regulations, (2) energy efficiency/demand management, (3) improving cost-competitiveness of renewables, (4) recession and (5) NGO campaigns.

Where the low price of natural gas failed to fill the void left by coal, the other five factors show their significance. Renewables filled in about 120 million MWh of the coal generation gap—with wind accounting for around 82 million (Appendix-3). These non-carbon sources typically don’t have much price advantage over coal, yet they account for 46% of its replacement. This gives some indication of the impacts of clean energy programs like production and investment tax credit (PTC & ITC), state level Renewable Portfolio Standards (RPS) and the increasing cost competiveness of wind. Nuclear supplied around 2 million MWh.

Gas stepped in to fill up the remaining 48 million MWh (~19%) of power shed by coal—but it’s not appropriate to say it “displaced” coal; rather it “replaced” coal which was “displaced” by other non-price factors (Exhibit-4). That 48 million MWh of electricity was not going to be generated by coal, regardless of the price differential with gas. If gas were not excessively cheap, it is quite likely that some of this 48 million MWh would have come from renewables.

### Coal Exports---1NC

#### Domestic coal to gas switching just causes coal exports---means no reduction in overall emissions

Ben Schiller 12, contributor to Yale’s Environment360 and the Financial Times, 11/9/12, “Does Natural Gas Really Produce Lower Carbon Emissions?,” <http://www.fastcoexist.com/1680868/does-natural-gas-really-produce-lower-carbon-emissions>

Just because we’re burning less coal doesn’t mean it’s not getting burned: We’re just sending it elsewhere, and all those emissions end up in the same place.

In August, the U.S. Energy Information Agency made a surprising announcement. U.S. carbon emissions had fallen to their lowest level since 1992. In the first five months of this year, it said, they dropped 14% compared to the same period in 2007.

There were several reasons, said experts. Small ones: increasing use of renewables, energy efficiency, and a slow economy. And one big one: a switch away from coal for electricity production to natural gas. In 2005, coal accounted for about 50% of U.S. power generation. In March this year, it was down to about a third. Some said gas accounted for as much as three-quarters of the emissions improvement.

Yet, according to new research, it’s questionable how much gas actually contributes to the fight against climate change. It may be the gas boom is cutting emissions here. But much of the coal-related output is still going into the atmosphere. Even though the U.S. is burning less coal, it’s not actually leaving it in the ground, says Manchester University’s Tyndall Centre For Climate Change Research. Instead, we are increasingly exporting the stuff, chiefly to Europe and Asia.

From being a net importer of coal in 2005, the U.S. exported 26 million tons of coal at the beginning of this year. Tyndall shows that "more than half of the emissions avoided in the U.S. power sector may have been exported as coal."

“Research papers and newspaper column inches have focused on the relative emissions from coal and gas," says co-author John Broderick. “However, it is the total quantity of CO2 from the energy system that matters to the climate."

The report points to the weakness of national carbon caps, and the need for a global agreement on emissions. "Without a meaningful cap on global carbon emissions, the exploitation of shale gas reserves is likely to increase total emissions," says the report. "For this not to be the case, consumption of displaced fuels must be reduced globally and remain suppressed indefinitely."

#### Means they solve absolutely none of the advantage

John Broderick 12, Knowledge Transfer Fellow, Tyndall Centre, University of Manchester, core partner of the UK's leading interdisciplinary climate change centre, and Kevin Anderson, professor of energy and climate change in the School of Mechanical, Aeronautical and Civil Engineering at the University of Manchester, October 2012, “Has US Shale Gas Reduced CO2 Emissions?,” <http://www.tyndall.manchester.ac.uk/public/Broderick_Anderson_2012_Impact_of_Shale_Gas_on_US_Energy_Emissions.pdf>

Since 2007, the production of shale gas in large volumes has substantially reduced the wholesale price of natural gas in the US. This report examines the emissions savings in the US power sector, influenced by shale gas, and the concurrent trends in coal exports that may increase emissions in Europe and Asia.

Electricity generated by the combustion of natural gas is generally considered to have a lower emissions intensity per unit electricity than that generated by burning coal. The relative lifecycle carbon footprint of gas produced by hydraulic fracturing is contested and at present there is a shortage of independent primary data. However, trends in the absolute quantities of CO2 emissions from combustion are less problematic and no less important when considering the implications of the US shale gas boom.

US CO2 emissions from domestic energy have declined by 8.6% since a peak in 2005, the equivalent of 1.4% per year. Not all of this reduction has come in the power sector where shale gas has had most impact, and not all of the fuel switching has been due to the low price of gas. This report quantitatively explores the CO2 emissions consequences of fuel switching in the US power sector using two simple methodologies. The analysis presented is conditional upon its internal assumptions, but provides an indication of the scale of potential impacts.

It suggests that emissions avoided at a national scale due to fuel switching in the power sector may be up to half of the total reduction in US energy system CO2 emissions. The suppression of gas prices through shale gas availability is a plausible causative mechanism for at least part of this reduction in emissions. However, the research presented here has not isolated the proportion of fuel switching due to price effects. Other studies note that between 35% and 50% of the difference between peak and present power sector emissions may be due to shale gas price effects. Renewable and nuclear electricity incentivised by other policies has also accounted for some of the changes in grid emissions. We estimate that their increase in output appears to have been about two thirds of the increase in gas generation.

There has been a substantial increase in coal exports from the US over this time period (2008-2011) and globally, coal consumption has continued to rise. As we discussed in our previous report (Broderick et al. 2011), without a meaningful cap on global carbon emissions, the exploitation of shale gas reserves is likely to increase total emissions. For this not to be the case, consumption of displaced fuels must be reduced globally and remain suppressed indefinitely; in effect displaced coal must stay in the ground. The availability of shale gas does not guarantee this. Likewise, new renewable generating capacity may cause displacement without guaranteeing that coal is not burned, but it does not directly release carbon dioxide emissions through generation.

The calculations presented in this report suggest that more than half of the emissions avoided in the US power sector may have been exported as coal. In total, this export is equivalent to 340 MtCO2 emissions elsewhere in the world, i.e. 52% of the 650 MtCO2 of potential emissions avoided within the US.

A similar conclusion holds for ‘peak to present’ trends. The estimated additional 75 million short tons 1 of coal exported from the US in 2011 will release 150 MtCO2 to the atmosphere upon combustion. If added to the US CO2 output from fossil fuel combustion, the reduction from peak emissions in 2005 would be 360 MtCO2, i.e. a 6.0% change over this whole period or less than 1% per annum. This is far short of the rapid decarbonisation required to avoid dangerous climate change associated with a 2°C temperature rise.

### AT “Bridge” Fuel

#### Natural gas can’t serve as a bridge fuel---crowds out renewables

Jesse Jenkins And Alex Trembath 12 are Director and Policy Associate, respectively, with the Breakthrough Institute's Energy and Climate Program. January 19, 2012 6:21 PM 9 agree Submit Avoiding a Natural Gas Bridge to Nowhere By Jesse Jenkins Director of Energy and Climate Policy, Breakthrough Institute By Jesse Jenkins and Alex Trembath <http://energy.nationaljournal.com/2012/01/whats-ahead-for-natural-gas.php>

Cheap gas simultaneously puts pressure on higher-cost nuclear, wind, and solar energy, however. If cheap gas leads to complacency in the development of sustainable, low-carbon electricity sources, today’s gas boon may become tomorrow’s curse, as natural gas eclipses not only coal, but also cleaner, carbon-free energy sources. An increasingly dominant role for natural gas in America’s energy mix also exposes the United States to the inherent volatility of natural gas markets. As a gas, methane flows much faster from wells than crude oil. Natural gas wells thus produce and deplete quite rapidly, with roughly 50 percent of a typical well’s lifetime production expended in the first three or four years. This basic dynamic of rapid production and depletion often leads to a boom-bust cycle in markets, as anyone observing North American natural gas markets over the past half century can attest. If North America begins to export large quantities of natural gas, this inherent volatility will only be exacerbated. The future of natural gas is unlikely to part with this history of boom and bust – unless the United States once again commits to long-term investment in the development of affordable, clean, domestic energy technologies. Without significant and strategic investments in next-generation solar, wind, nuclear, and electric vehicles, there’s every reason to believe the natural gas revolution will continue and gas will ultimately become an increasingly dominant share of the U.S. energy supply. The result will likely be near-term declines in CO2 and pollutants along with growing reliance on another volatile and increasingly costly fossil energy source. The shale gas “bridge fuel” may well become a bridge to nowhere. If instead the United States makes smart, sustained investments in clean energy R&D, demonstration, manufacturing, and infrastructure, there’s no reason to believe America can’t continue to unlock even greater supplies of cleaner, cheaper, domestic energy technologies, from next-generation solar to advanced nuclear reactors. In short, America’s energy future, just like its past, depends on our willingness to invest in innovation.

## Economy Advantage

### Manufacturing---NG Not Key

#### Natural gas prices irrelevant to manufacturing

Michael Levi 12, senior fellow for energy and the environment at the Council on Foreign Relations, director of CFR Program on Energy Security and Climate Change, 5/7/12, "Oil and Gas Euphoria Is Getting Out of Hand,” https://blogs.cfr.org/levi/2012/05/07/oil-and-gas-euphoria-is-getting-out-of-hand/

But there is more. Ignatius’s column isn’t just about energy; it’s also about the resurgence of U.S. manufacturing. Here’s how he links the two:

“Energy security would be one building block of a new prosperity. The other would be the revival of U.S. manufacturing and other industries. This would be driven in part by the low cost of electricity in the United States, which West forecasts will be relatively flat through the rest of this decade, and one-half to one-third that of economic competitors such as Spain, France or Germany.”

Once again, these sorts of claims have become increasingly common. Indeed the quantitative assertions are perfectly plausible. But the big picture implications don’t make sense. As of 2010, total sales of U.S. manufactured goods were about five trillion dollars. At the same time, the sector spent about 100 billion dollars on energy. That’s a mere two percent of total sales. You could slash energy costs to zero, and it would barely move the needle for most U.S. manufacturers. There are, of course, exceptions, like some iron, steel, cement, and paper makers. But even these industries care about much more than their electricity prices. Will lower energy costs move things at the margin? Of course they will, and that’s good news. But they are nowhere close to what’s needed for U.S. manufacturing to broadly thrive.

#### Tangible impact on manufacturing is near-zero---their ev is just hype

Brad Plumer 12, Washington Post Reporter on Energy and Environment Issues, 5/21/12, “Will cheap shale gas revive U.S. manufacturing? Not so fast,” The Washington Post, <http://www.washingtonpost.com/blogs/wonkblog/post/will-cheap-natural-gas-revive-us-manufacturing/2012/05/21/gIQAOORZfU_blog.html>

It’s hard to think of an extravagant prediction that hasn’t been made about America’s recent natural-gas boom. Let’s see: Cheap natural gas will wipe out coal. It will make the U.S. energy independent. And, oh yes, it will create one million manufacturing jobs and revitalize the Midwest.

That last claim comes via a recent report from PricewaterhouseCoopers. But over at the Council on Foreign Relations, Michael Levi casts a more skeptical eye on arguments that the age of cheap natural gas from shale will really lead to a dramatic revival of U.S. manufacturing.

There are reasons to think the overall impact will be fairly muted. Energy costs are still a small factor for many manufacturers. Levi points to a 2009 paper (pdf) by Joseph Aldy and William Pizer finding that “only one tenth of U.S. manufacturing involved energy costs exceeding five percent of the total value of shipments.” Aldy and Pizer estimated that a carbon tax, which raises energy prices, would affect manufacturing employment slightly — less than 3 percent — in the most energy-intensive industries like aluminum, cement, glass, and steel. The flipside is that lower energy costs, thanks to cheap natural gas, would have a similarly marginal impact.

### No Impact

#### Global economy resilient and their impact’s empirically denied

Zakaria 9—PhD in pol sci from Harvard. Editor of Newsweek, BA from Yale, PhD in pol sci, Harvard. He serves on the board of Yale University, The Council on Foreign Relations, The Trilateral Commission, and Shakespeare and Company. Named "one of the 21 most important people of the 21st Century" (Fareed, The Secrets of Stability, 12 December 2009, http://www.fareedzakaria.com/articles/articles.html)

One year ago, the world seemed as if it might be coming apart. The global financial system, which had fueled a great expansion of capitalism and trade across the world, was crumbling. All the certainties of the age of globalization—about the virtues of free markets, trade, and technology—were being called into question. Faith in the American model had collapsed. The financial industry had crumbled. Once-roaring emerging markets like China, India, and Brazil were sinking. Worldwide trade was shrinking to a degree not seen since the 1930s.¶ Pundits whose bearishness had been vindicated predicted we were doomed to a long, painful bust, with cascading failures in sector after sector, country after country. In a widely cited essay that appeared in The Atlantic this May, Simon Johnson, former chief economist of the International Monetary Fund, wrote: "The conventional wisdom among the elite is still that the current slump 'cannot be as bad as the Great Depression.' This view is wrong. What we face now could, in fact, be worse than the Great Depression."¶ Others predicted that these economic shocks would lead to political instability and violence in the worst-hit countries. At his confirmation hearing in February, the new U.S. director of national intelligence, Adm. Dennis Blair, cautioned the Senate that "the financial crisis and global recession are likely to produce a wave of economic crises in emerging-market nations over the next year." Hillary Clinton endorsed this grim view. And she was hardly alone. Foreign Policy ran a cover story predicting serious unrest in several emerging markets.¶ Of one thing everyone was sure: nothing would ever be the same again. Not the financial industry, not capitalism, not globalization.¶ One year later, how much has the world really changed? Well, Wall Street is home to two fewer investment banks (three, if you count Merrill Lynch). Some regional banks have gone bust. There was some turmoil in Moldova and (entirely unrelated to the financial crisis) in Iran. Severe problems remain, like high unemployment in the West, and we face new problems caused by responses to the crisis—soaring debt and fears of inflation. But overall, things look nothing like they did in the 1930s. The predictions of economic and political collapse have not materialized at all.¶ A key measure of fear and fragility is the ability of poor and unstable countries to borrow money on the debt markets. So consider this: the sovereign bonds of tottering Pakistan have returned 168 percent so far this year. All this doesn't add up to a recovery yet, but it does reflect a return to some level of normalcy. And that rebound has been so rapid that even the shrewdest observers remain puzzled. "The question I have at the back of my head is 'Is that it?' " says Charles Kaye, the co-head of Warburg Pincus. "We had this huge crisis, and now we're back to business as usual?"¶ This revival did not happen because markets managed to stabilize themselves on their own. Rather, governments, having learned the lessons of the Great Depression, were determined not to repeat the same mistakes once this crisis hit. By massively expanding state support for the economy—through central banks and national treasuries—they buffered the worst of the damage. (Whether they made new mistakes in the process remains to be seen.) The extensive social safety nets that have been established across the industrialized world also cushioned the pain felt by many. Times are still tough, but things are nowhere near as bad as in the 1930s, when governments played a tiny role in national economies.¶ It's true that the massive state interventions of the past year may be fueling some new bubbles: the cheap cash and government guarantees provided to banks, companies, and consumers have fueled some irrational exuberance in stock and bond markets. Yet these rallies also demonstrate the return of confidence, and confidence is a very powerful economic force. When John Maynard Keynes described his own prescriptions for economic growth, he believed government action could provide only a temporary fix until the real motor of the economy started cranking again—the animal spirits of investors, consumers, and companies seeking risk and profit.¶ Beyond all this, though, I believe there's a fundamental reason why we have not faced global collapse in the last year. It is the same reason that we weathered the stock-market crash of 1987, the recession of 1992, the Asian crisis of 1997, the Russian default of 1998, and the tech-bubble collapse of 2000. The current global economic system is inherently more resilient than we think. The world today is characterized by three major forces for stability, each reinforcing the other and each historical in nature.

#### Even massive economic decline has zero chance of war

Robert Jervis 11, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, “Force in Our Times,” Survival, Vol. 25, No. 4, p. 403-425

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a preexisting high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, it will not make war thinkable.

## Solvency

### Fracklash---1NC

#### Repealing EPA regs triggers a massive anti-fracking backlash---collapses the industry

Paul Tullis 12, Bloomberg Businessweek Contributor, 4/18/12, “New EPA Rules Could Prevent 'Fracking' Backlash,” http://www.businessweek.com/articles/2012-04-18/new-epa-rules-could-prevent-fracking-backlash

The Environmental Protection Agency on Wednesday released new rules to limit methane emissions from natural gas production, a rare set of regulations that may serve the industry well, even if it cuts into producers’ profit margins.

The new rules seek foremost to cut down on cancer-causing chemicals released during hydraulic fracturing, or “fracking.” But the new regulations will have another benefit: They’ll reduce by 25 percent the amount of methane gas that escapes during fracking operations. This is critical, because methane is at the center of a growing debate whether natural gas really is a “cleaner” source of energy than coal.

As fracking has unlocked remote and, until recently, prohibitively expensive reserves of natural gas, the industry has said the risks involved are outweighed by the fact that natural gas has half the climate impact as coal for the same amount of electricity generated. A number of environmental groups have even embraced natural gas as a “bridge fuel” to a renewable energy future. “Over its full cycle of production, distribution, and use, natural gas emits just over half as many greenhouse gas emissions as coal for equivalent energy output,” wrote the Worldwatch Institute last August.

C02 is not the only greenhouse gas, however, and several environmental groups and scientists have begun to question if methane released during fracking operations negates the advantage of less C02.

Natural gas, which is about 80 percent methane, leaks into the atmosphere when it’s extracted, transported, stored, distributed, and processed. Most of the leakage occurs where it’s taken from the ground, and how much gets out at that stage may be greater than previously thought. If the leak rate is high enough, the global warming advantage over coal may be lost. A 2011 Cornell study determined suggested that was already the case; the study was the target of much criticism (pdf), though, for assuming high rates of methane leakage.

Scientists at the National Oceanic and Atmospheric Administration [NOAA], which conducts much of the government’s climate science, then surprised nearly everyone in February when they revealed that air samples from an area of Colorado with a lot of fracking wells contained twice the amount of methane the EPA estimated came from that production method. NOAA’s finding was closer to Cornell’s numbers.

A split has emerged between the industry lobbying group American Petroleum Institute, which opposed the new rule, and gas drillers Southwestern Energy and Devon Energy, which both told Bloomberg News that reducing leakage is worth the investment using existing methods. New technologies to capture leaking methane were the subject of a conference in Denver last week.

Whether or not abiding by the new rule improves the atmosphere, scientists at the Natural Resources Defense Council (NRDC) argue that it’s good for business: The lost methane represents wasted revenue for the industry. Moreover, cleaning up the air near fracking drills will be good public relations. “If industry wants to make the case [that it's greener than coal],” says Dan Lashof, a senior scientist at NRDC and director of its climate and clean air program, “then supporting sensible safeguards like these regulations is in their interest.”

#### Public environmental concern’s the number one threat to fracking---industry ranks it above regulatory issues

KPMG Global Energy Institute 11, “Shale Gas – A Global Perspective,” 2011, http://www.kpmg.com/Global/en/IssuesAndInsights/ArticlesPublications/Documents/shale-gas-global-perspective.pdf

4. The industry needs to control reputational risk and turn public opinion around.

Negative public opinion about the environmental safety of the hydraulic fracturing process could undermine the development of this industry, particularly where the process is used in – or directly under – populated areas. In fact, the process has already been banned in France and parts of the United States. As noted, a UK parliamentary committee cautiously endorsed this method of shale gas extraction after finding no evidence that the process endangered water supplies, provided the operations were conducted with proper safety procedures.

According to the KPMG poll of oil and gas industry executives noted above, environmental and sustainability concerns are perceived as the biggest challenge facing shale gas development (41 percent), with regulatory concerns voted as the second (27 percent).

### Solvency Plan Flaw

#### The plan eliminates the NSPS for natural gas production---by definition that’s only extraction of gas

Sagar 6 Ambuj D. Sagar is a Senior Research Associate in the Science, Technology, and. Public Policy Program at the John F. Kennedy School of Government @ Harvard, Hongyan H. Oliver, and Ananth P. Chikkatur, "Climate Change, Energy, and Developing Countries" Vermont Journal of Environmental LawVolume 7 2005-2006 www.vjel.org/journal/VJEL10041.html

The energy sector encompasses activities relating to the production, conversion, and use of energy. Energy production includes the extraction of primary energy forms such as coal, oil, and natural gas, or growing biomass for energy uses. Energy conversion pertains to the transformation of energy into more useful forms: this includes the refining of petroleum to yield products such as gasoline and diesel; the combustion of coal in power plants to yield electricity; the production of alcohol from biomass, etc. Energy end-use encompasses the final use of energy forms in industrial, residential, commercial, transportation and other end-uses.

#### But the NSPS goes far beyond production---applies to transportation and storage---means the aff creates swiss-cheese regulations that destroy certainty

Jarrett Airhart 12, Managing Consultant, Trinity Consultants, 7/17/12, “Oil and Gas Industry Faces Significant New Air Quality Requirements,” http://www.trinityconsultants.com/Templates/TrinityConsultants/News/Article.aspx?id=4311

On April 17, 2012, the EPA Administrator signed a suite of final air quality regulations affecting both the Production/Processing and Transmission/Storage sectors of the oil and natural gas industry. The final rules mandate the use of emission controls as well as work practices through two different air regulatory programs – New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAP). The rules were proposed in the Federal Register on August 23, 2011, and EPA received more than 156,000 written comments.

While many in the press have heralded the rules as “Fracking Regulations,” the scope of these new regulations reaches far beyond that of hydraulic fracturing at natural gas wellheads. In addition to covering air emissions resulting from hydraulic fracturing at gas wells, these rules also regulate a variety of other new, modified, or reconstructed sources, including downstream compressors, pneumatic controllers, storage tanks, and fugitive leaks. Promulgation of the final rules will result in new control equipment requirements as well as increased and potentially burdensome monitoring, recordkeeping, and reporting requirements for owners, operators, contractors, and vendors. At a minimum, affected sources should ensure the following in preparation for the rule:

Review and analyze the final published rules (which contain differences from the proposed rules)

### Regs Defense---1NC

#### 1) Gas production is booming, despite the regs

Robert Pirog 12, Specialist in Energy Economics at the Congressional Research Service, and Michael Ratner, Specialist in Energy Policy at the CRS, 11/6/12, “Natural Gas in the U.S. Economy: Opportunities for Growth,” http://www.fas.org/sgp/crs/misc/R42814.pdf

Due to the growth in natural gas production, primarily from shale gas, the United States is benefitting from some of the lowest prices for natural gas in the world and faces the question of how to best use this resource.

Different segments of the U.S. economy have different perspectives on the role natural gas can play. Suppliers, which have become the victims of their own production success, are facing low prices that are forecast to remain low. Some companies that have traditionally produced only natural gas have even turned their attention to oil in order to improve their financial situation. Smaller companies are having a difficult time continuing operations and larger companies, including international companies, have bought into many shale gas assets. Prices have remained low even as consumption has increased, in part, because producers have raised production to meet the demand and because companies have improved efficiency and extraction techniques. Some companies, many with large production operations, have applied for permits to export natural gas. This has raised concerns from consumers of natural gas that domestic prices will rise. The debate regarding exports is ongoing.

Industries that consume natural gas have seen input costs drop, and some have heralded low natural gas prices as the impetus for a manufacturing revolution in the United States. Some companies have begun to make major investments to take advantage of the low natural gas prices, particularly in petrochemicals. Other companies are waiting to see if prices will remain low long enough to warrant major investments in new facilities. Meanwhile, the electric power sector has already seen a transition from coal-fired generation to natural gas. Low natural gas prices are also putting pressure on renewable sources of power generation. However, increases in demand will put upward pressure on natural gas prices.

The transportation sector, the one part of the economy vulnerable to foreign energy supplies, is beginning to explore ways to use more natural gas. Transportation makes up less than 1% of U.S. natural gas consumption and would require billions of dollars in investment to increase that share significantly.

All of the change that has taken place so far has occurred despite environmental concerns and regulatory developments at the state and federal level that might curtail production. Natural gas is a fossil fuel that produces various pollutants, some more than other fossil fuels and some less. Methane, the major component of natural gas, is also a potent greenhouse gas when released without burning. Other environmental concerns focus on water use and disposal in hydraulic fracturing to extract natural gas from shale formations.

#### 2) Industry concedes they can comply with the regs

Bob Weinhold 12, MA, has covered environmental health issues for numerous outlets since 1996, member of the Society of Environmental Journalists, July 2012, “The Future of Fracking: New Rules Target Air Emissions for Cleaner Natural Gas Production,” Environmental Health Perspectives, Vol. 120, No. 7, p. a272–a279

The oil and natural gas industry has its own concerns about the new rules but has indicated it can work with them. In a press release issued the day the rules were announced, Howard Feldman, director of regulatory and scientific affairs for the American Petroleum Institute, said, “EPA has made some improvements in the rules that allow our companies to continue reducing emissions while producing the oil and natural gas our country needs.”

#### 3)

#### The regs were revised to only apply starting in 2015

Ronald J. Tenpas 12, partner at Morgan, Lewis & Bockius and co-chairs the environmental and climate change practices, and Charles B. "Chip" Moldenhauer, associate in the firm's energy practice and assists with the representation of electric utilities and other nuclear industry clients on a variety of regulatory and litigation matters before the Nuclear Regulatory Commission, 7/31/12, “Federal Regulation of Fracking: A Changing Landscape,” <http://www.morganlewis.com/index.cfm/publicationID/56e11e09-029c-47da-8536-00f5c201cfce/fuseaction/publication.detail>

On April 17, the EPA issued a final rule regulating the emission of volatile organic compounds (VOC) and certain other pollutants emitted by fracking and equipment used in the upstream and midstream sectors of the oil and gas industry. The rule marks the first time the EPA will regulate air emissions from fracking operations by mandating significant reductions in VOC emissions through the use of "green completions," devices that capture methane and other air emissions that would otherwise escape during well completions. This is the most controversial requirement in the rule. The rule applies to gas wells that are hydraulically fractured or will be refractured after Jan. 1, 2015. Responding to comments on the rule, the EPA noted that it intends "to continue to evaluate the appropriateness of regulating methane with an eye toward taking additional steps if appropriate." Thus, the rule may portend further greenhouse gas regulation of the upstream and midstream oil and gas industry.

#### Industry concedes that solves the entire impact

NYT 12 – New York Times, 4/18/12, “U.S. Caps Emissions in Drilling for Fuel,” http://www.nytimes.com/2012/04/19/science/earth/epa-caps-emissions-at-gas-and-oil-wells.html?\_r=0#h[]

The agency said that the industry could meet the standards by deploying existing technology, and that nearly half the wells drilled using hydraulic fracturing already had the gas capture equipment, known as “green completions.”

The agency said that once the rule was fully effective, in January 2015, the industry would save $11 million to $19 million a year because drillers would be able to capture and sell the methane that is now burned off, or flared.

Methane is a potent heat-trapping gas, 20 times more powerful in its effect on the atmosphere than carbon dioxide. The E.P.A. estimates that capturing methane from thousands of new wells will reduce greenhouse gas emissions by the equivalent of 28 million to 44 million tons a year, making the rule one of the federal government’s largest measures to mitigate climate change.

The American Petroleum Institute, which had lobbied to weaken the proposed rule, said the revised standards issued Wednesday were an improvement over the original proposal. Howard Feldman, the institute’s director of regulatory and scientific affairs, said the industry had already adopted many of the requirements of the new rule and welcomed the delay in its effective date.

“The industry has led efforts to reduce emissions by developing new technologies that were adopted in the rule,” Mr. Feldman said. “E.P.A. has made some improvement in the rules that allow our companies to continue reducing emissions while producing the oil and natural gas our country needs.”

#### 4) Sales of captured commodities offset costs for producers

Bob Weinhold 12, MA, has covered environmental health issues for numerous outlets since 1996, member of the Society of Environmental Journalists, July 2012, “The Future of Fracking: New Rules Target Air Emissions for Cleaner Natural Gas Production,” Environmental Health Perspectives, Vol. 120, No. 7, p. a272–a279

One company that has been using green completion equipment for more than half a dozen years is Devon Energy, headquartered in Oklahoma City. “It’s the right thing to do,” spokesman Chip Minty says. “It reduces emissions and keeps gas in the pipeline. And [the captured] commodities are just as valuable as any commodity from any well,” with no unusual impurities reducing their value.

# 2NC

## CP

#### Our subsidy mechanism solves their industry certainty and confidence args---takes costs that should be borne by polluting industries and puts them on the gov

NCEE 1 – National Center for Environmental Economics, January 2001, “The United States Experience with Economic Incentives for Protecting the Environment,” [http://yosemite.epa.gov/ee/epa/eerm.nsf/vwan/ee-0216b-13.pdf/$file/ee-0216b-13.pdf](http://yosemite.epa.gov/ee/epa/eerm.nsf/vwan/ee-0216b-13.pdf/%24file/ee-0216b-13.pdf)

Subsidies to support reductions in pollution take many forms. Among the many subsidies that are used at all levels of government to help manage environmental pollution are grants, low-interest loans, favorable tax treatment, and preferential procurement policies for products believed to pose relatively low environmental risks. Subsidies are used to support private-sector pollution prevention and control activities, the cleanup of contaminated industrial sites, farming and land preservation, consumer product waste management, alternative automobile fuels, clean-running cars, and municipal wastewater treatment.

Subsidies for environmental management are sometimes criticized because the government entity providing the subsidy - and the taxpayer, ultimately - is helping to bear the costs that should be the responsibility of the polluter. Other environmentally related subsidies, such as federal support for timber harvesting in the national forests, are also criticized because they in fact have proven harmful to the environment. Nonetheless, subsidies have become a fairly common tool to manage the environment at every level of government.

#### Economic incentives trigger tech improvements and adoption of pollution control---means gas producers will want to adopt green completions

NCEE 1 – National Center for Environmental Economics, January 2001, “The United States Experience with Economic Incentives for Protecting the Environment,” [http://yosemite.epa.gov/ee/epa/eerm.nsf/vwan/ee-0216b-13.pdf/$file/ee-0216b-13.pdf](http://yosemite.epa.gov/ee/epa/eerm.nsf/vwan/ee-0216b-13.pdf/%24file/ee-0216b-13.pdf)

Fourth, economic incentives can stimulate technological improvements and innovations in pollution control in situations where traditional regulatory mechanisms may not. In some cases, traditional regulatory mechanisms can stimulate technological change. For example, challenging numerical performance standards have prompted the development of cleaner technologies (e.g., catalytic converters). Also, when regulations require the use of the best available control technology (BACT), manufacturers of pollution control equipment have an incentive to improve the performance of the products they offer for sale. But traditional regulations that specify the approved pollution control technologies discourage sources from developing better pollution control technologies. Not only is there uncertainty that an improved pollution control technology would be approved, but greater pollution control normally is costly. What source would want to engage in greater control of pollution than is required by existing regulations? Economic incentives, on the other hand, attach a value to controlling pollution. In some cases the value is an explicit monetary amount, while in other cases the financial impact is indirect. Therefore, sources have an incentive to develop technologies that are more effective or less costly, particularly when pollution reduction obligations can be traded among sources like any other commodity in the marketplace.

## Methane/Warming Adv

#### Strongly err neg---irreversibility of warming tipping points means you should assume a huge methane impact in the face of skeptical studies like their Cathles ev

Robert W. Howarth et al 12, the David R. Atkinson Professor of Ecology & Environmental Biology at Cornell University, February 2012, “Venting and leaking of methane from shale gas development: response to Cathles et al.,” Climatic Change, DOI 10.1007/s10584-012-0401-0

We stand by our conclusions in Howarth et al. (2011) and see nothing in Cathles et al. and other reports since April 2011 that would fundamentally change our analyses. Our methane emission estimates compare well with EPA (2011a), although our high-end estimates for emissions from downstream sources (storage, transmission, distribution) are higher. Our estimates also agree well with earlier papers for conventional gas (Hayhoe et al. 2002; Lelieveld et al. 2005), including downstream emissions. Several other analyses published since April of 2011 have presented significantly lower emissions than EPA estimates for shale gas, including Cathles et al. but also Jiang et al. (2011), Skone et al. (2011), and Burnham et al. (2011). We believe these other estimates are too low, in part due to overestimation of the lifetime production of shale-gas wells.

We reiterate that all methane emission estimates, including ours, are highly uncertain. As we concluded in Howarth et al. (2011), “the uncertainty in the magnitude of fugitive emissions is large. Given the importance of methane in global warming, these emissions deserve far greater study than has occurred in the past. We urge both more direct measurements and refined accounting to better quantify lost and unaccounted for gas.” The new GHG reporting requirements by EPA will provide better information, but much more is needed. Governments should encourage and fund independent measurements of methane venting and leakage. The paucity of such independent information is shocking, given the global significance of methane emissions and the potential scale of shale gas development.

We stress the importance of methane emissions on decadal time scales, and not focusing exclusively on the century scale. The need for controlling methane is simply too urgent, if society is to avoid tipping points in the planetary climate system (Hansen et al. 2007; UNEP/WMO 2011; Shindell et al. 2012). Our analysis shows shale gas to have a much larger GHG footprint than conventional natural gas, oil, or coal when used to generate heat and viewed over the time scale of 20 years (Howarth et al. 2011). This is true even using our low-end methane emission estimates, which are somewhat lower than the new EPA (2011a) values and comparable to those of Hultman et al. (2011). At this 20-year time scale, the emissions data from EPA (2011a, b) show methane makes up 44% of the entire GHG inventory for the U.S., and methane from natural gas systems make up 17% of the entire GHG inventory (39% of the methane component of the inventory).

#### Methane leaks jack the warming benefits

Joe Romm 12, Fellow at American Progress and editor of Climate Progress, “Natural Gas Is A Bridge To Nowhere Absent A Carbon Price AND Strong Standards To Reduce Methane Leakage,” 4/9/12, http://thinkprogress.org/climate/2012/04/09/460384/natural-gas-is-a-bridge-to-nowhere-absent-a-carbon-price-and-strong-standards-to-reduce-methane-leakage/

A new journal article finds that methane leakage greatly undercuts or eliminates entirely the climate benefit of a switch to natural gas. The authors of “Greater Focus Needed on Methane Leakage from Natural Gas Infrastructure“ conclude that “it appears that current leakage rates are higher than previously thought” and “Reductions in CH4 Leakage Are Needed to Maximize the Climate Benefits of Natural Gas.”¶ Natural gas is mostly methane – a very potent greenhouse gas, though with a much shorter lifetime in the atmosphere than CO2, which is emitted by burning fossil fuels like natural gas. Recent studies suggest a very high global warming potential (GWP) for CH4 vs CO2, particularly over a 20-year time frame.¶ The new Proceedings of the National Academy of Sciences study introduces the idea of “technology warming potentials” (TWPs) to reveal “reveal time-dependent tradeoffs inherent in a choice between alternative technologies.” In this new approach the potent warming effect of methane emissions undercuts the value of fuel switching in the next few decades, exactly the timeframe we need to reverse the warming trend if we are to have any chance at triggering amplifying feedbacks and preventing multiple catastrophes.

#### Methane is comparatively more important than CO2 to stall warming

Frongillo 12 Dominic Frongillo - deputy town supervisor of Caroline, Tompkins County, and founder of Elected Officials to Protect New York , “Wrong Time to Push Fracking,”August 15, 2012 <http://www.timesunion.com/opinion/article/Wrong-time-to-push-fracking-3788647.php>)

Why should this ring alarm bells for Cuomo and every New Yorker?

Far from being a climate solution, fracking may be a disaster. Research indicates the methane leakage may mean that fracking is **worse for the climate than coal and oil,** **particularly in the short term.**

Gas from fracking is mostly methane, a dangerous greenhouse gas that is up to 105 times more powerful at trapping heat in the atmosphere than carbon dioxide over 20 years. **A recent United Nations Environment Program report shows that it is** more urgent to reduce methane than CO2, **given that methane is so much more powerful, has quicker climate impacts, and will trigger runaway climate change sooner.**

In February, the journal Nature reported on one of the first studies to look at methane emissions from fracking, a Colorado study led by researchers at the National Oceanic and Atmospheric Administration. The study found 4 percent of gas drilled in fracking is venting directly into the atmosphere — even greater than the high-end estimate of the Cornell study and twice what was reported by the industry.

This is cause for grave concern. According to the Nobel Prize-winning Intergovernmental Panel on Climate Change, we must reduce our greenhouse gas emissions to avoid dangerous tipping points for the climate. Failing to do so will cause catastrophic impacts, far worse than the extreme heat and droughts this summer.

It may be that preventing hydraulic fracturing is crucial to stop a large new source of greenhouse gas emissions in New York. **Fracking would release large amounts of methane that is now safety underground** — **cooking the planet further** at the time when we most need to reduce methane emissions.

In Tompkins County, our Planning Department estimates that one well pad will release more climate pollution over its operational life than all of our county's 100,000 residents do in one year. Fracking may overwhelm and undermine the work of our governments, businesses, and institutions across the state to lessen our impact on the global climate.

New York State's Climate Action Plan interim report contains ambitious and necessary strategies to cut greenhouse gas emissions 80 percent by 2050. How would fracking in New York affect our ability to meet these targets?

#### Only direct peer reviewed measurement goes neg

Shawb et al 12 Karena, University of Victoria, School of Environmental Studies, Eleanor Stephensona, University of Victoria, University of Oxford, Environmental Change Institute, Oxford University Centre for the Environment, and Alexander Doukasa, University of Oxford, Environmental Change Institute, Oxford University Centre for the Environment. “Greenwashing gas: Might a ‘transition fuel’ label legitimize carbon-intensive natural gas development?” SciDirect

The scientific discourse remains contested, with camps coalescing around higher and lower emissions factors achieved through different methods of measurement. The International Energy Agency (2011) finds that shalegas produces life-cycle emissions between 3.5% and 12% higher than conventional natural gas over a 100-year timeframe (in the low estimate gas is flared while in the high estimate it is vented). At the lower end are recent models from Shell Global Solutions, which find that shalegas exhibits a 1.8–2.4% increase over “wells-to-wires” lifecycle emissions from conventional gas when used for electricity generation (Stephenson et al., 2011). This study further finds that emissions intensity is strongly affected by the ultimate recovery (the volume of gas produced by a well) but estimates of this variable exhibit a considerable range of between 1 and 3 bcf for shale wells, which will affect relative emissions especially as drilling moves on from the most productive wells. At the higher end of estimates, the first peer-reviewed study on fugitive emissions from shalegas production, Howarth et al. (2011), generated significant controversy by suggesting that over a 20-year timeframe, greenhouse gas emissions from shalegas are typically 20–100% higher than coal, and over a 100-year time frame they are similar to coal (Howarth et al., 2011). The timeframe of measurement is significant because of the higher climate sensitivity of methane as a greenhouse gas over a 20-year timeframe: the 20-year Global Warming Potential of methane is 72 times that of CO2 according to IPCC AR4 (2007), and may be as high as 105 times greater according to recent research (Shindell et al., 2009). Critics have taken issue with various assumptions in the Howarth et al. study, identifying it as an “outlier,” and have referred to these higher estimates as “alarmist” (Stephenson et al., 2011). Why are these estimates contested? In part, important input variables remain uncertain. For example, we can look to the estimates on so-called “fugitive emissions”. Howarth et al. (2011) estimate methane emissions of 2.2–4.3% of total gas volume from upstream and midstream (processing) combined. Multiple recent low-estimate studies (e.g. [Jiang et al., 2011], [Cathles et al., 2012] and [Venkatesh et al., 2011]) use the input variable of fugitive emissions equal to 2.2% of total production, based on EPA estimates (2011b), in several cases without including a sensitivity analysis for this variable. Meanwhile, the only peer-reviewed study that has actually measured landscape-level emissions from a natural gas field found fugitive emissions in line with higher rather than lower estimates: a joint study by the National Oceanic and Atmospheric Administration (NOAA) and the University of Colorado measured emissions directly using air quality testing equipment over tight sands natural gas fields near Boulder, Colorado, and measured a 2.3–7.7% loss of methane to the atmosphere due to fugitive emissions (Pétron et al., 2012), with a best estimate of 4%. Pétron et al. (2012) emphasize that these estimates are subject to a high degree of uncertainty, but if reproducible elsewhere, these findings would suggest higher lifecycle emissions for shalegas.

#### Their study is wrong---natural gas is worse for the climate than coal on a timescale of the next few decades because of methane leaks---their study assumes a 100 year timeframe

Robert W. Howarth et al 12, the David R. Atkinson Professor of Ecology & Environmental Biology at Cornell University, February 2012, “Venting and leaking of methane from shale gas development: response to Cathles et al.,” Climatic Change, DOI 10.1007/s10584-012-0401-0

In April 2011, we published the first comprehensive analysis of greenhouse gas (GHG) emissions from shale gas obtained by hydraulic fracturing, with a focus on methane emissions. Our analysis was challenged by Cathles et al. (2012). Here, we respond to those criticisms. We stand by our approach and findings. The latest EPA estimate for methane emissions from shale gas falls within the range of our estimates but not those of Cathles et al. which are substantially lower. Cathles et al. believe the focus should be just on electricity generation, and the global warming potential of methane should be considered only on a 100-year time scale. Our analysis covered both electricity (30% of US usage) and heat generation (the largest usage), and we evaluated both 20- and 100-year integrated time frames for methane. Both time frames are important, but the decadal scale is critical, given the urgent need to avoid climate-system tipping points. Using all available information and the latest climate science, we conclude that for most uses, the GHG footprint of shale gas is greater than that of other fossil fuels on time scales of up to 100 years. When used to generate electricity, the shale-gas footprint is still significantly greater than that of coal at decadal time scales but is less at the century scale. We reiterate our conclusion from our April 2011 paper that shale gas is not a suitable bridge fuel for the 21st Century.

#### Cathles is wrong---new data backs the Howarth position

Robert W. Howarth et al 12, the David R. Atkinson Professor of Ecology & Environmental Biology at Cornell University, February 2012, “Venting and leaking of methane from shale gas development: response to Cathles et al.,” Climatic Change, DOI 10.1007/s10584-012-0401-0

Cathles et al. (2012) state our methane emissions are too high and are “at odds with previous studies.” We strongly disagree. Table 1 compares our estimates for both conventional gas and shale gas (Howarth et al. 2011) with 9 other studies, including 7 that have only become available since our paper was published in April 2011, listed chronologically by time of publication. See Electronic Supplementary Materials for details on conversions and calculations. Prior to our study, published estimates existed only for conventional gas. As we discussed in Howarth et al. (2011), the estimate of Hayhoe et al. (2002) is very close to our mean value for conventional gas, while the estimate from Jamarillo et al. (2007) is lower and should probably be considered too low because of their reliance on emission factors from a 1996 EPA report (Harrison et al. 1996). Increasing evidence over the past 15 years has suggested the 1996 factors were low (Howarth et al. 2011). In November 2010, EPA (2010) released parts of their first re-assessment of the 1996 methane emission factors, increasing some emissions factors by orders of magnitude. EPA (2011a), released just after our paper was published in April, used these new factors to re-assess and update the U.S. national GHG inventory, leading to a 2-fold increase in total methane emissions from the natural gas industry.

The new estimate for methane emissions from conventional gas in the EPA (2011a) inventory, 0.38 g C MJ −1 , is within the range of our estimates: 0.26 to 0.96 g C MJ −1 (Table 1). As discussed below, we believe the new EPA estimate may still be too low, due to a low estimate for emissions during gas transmission, storage, and distribution. Several of the other recent estimates for conventional gas are very close to the new EPA estimate (Fulton et al. 2011; Hultman et al. 2011; Burnham et al. 2011). The Skone et al. (2011) value is 29% lower than the EPA estimate and is very similar to our lower-end number. Cathles et al. (2012) present a range of values, with their high end estimate of 0.36 g C MJ −1 being similar to the EPA estimate but their low end estimate (0.14 g C MJ −1 ) far lower than any other estimate, except for the Jamarillo et al. (2007) estimate based on the old 1996 EPA emission factors.

For shale gas, the estimate derived from EPA (2011a) of 0.60 g C MJ −1 is within our estimated range of 0.55 to 1.2 g C MJ −1 (Table 1); as with conventional gas, we feel the EPA estimate may not adequately reflect methane emissions from transmission, storage, and distribution. Hultman et al. (2011) provide an estimate only slightly less than the EPA number. In contrast, several other studies present shale gas emission estimates that are 38% (Skone et al. 2011) to 50% lower (Jiang et al. 2011; Burnham et al. 2011) than the EPA estimate. The Cathles et al. (2012) emission estimates are 40% to 77% lower than the EPA values, and represent the lowest estimates given in any study.

#### The EPA air pollution regs effectively stop methane emissions---it’s reverse-causal---repeal causes rollback to widespread emissions which locks in catastrophic warming in the short-term---and regs are key to public perception of environmentally-friendly development, which turns the case

Eric Pooley 12, Senior vice president for strategy and communications at the Environmental Defense Fund, 8/10/12, “Natural Gas – A Briefing Paper For Candidates,” http://blogs.edf.org/energyexchange/2012/08/10/natural-gas-a-briefing-paper-for-candidates/

The EPA, for example, has adopted rules to reduce air pollution from oil and gas development activities that, while needing improvement, are an important step. Likewise, some states have moved quickly to update their oil and gas rules. The wave of state regulations requiring disclosure of hydraulic fracturing fluid chemicals is an example of how states can quickly address concerns when the right motivation is in place. Appropriately, states are beginning to recognize the need to quickly address other concerns. Ohio, for example, recently adopted strong rules for the construction and operation of both production wells and disposal wells. Pennsylvania recently did the same. Wyoming and Colorado have been leaders on controlling air pollution from oil and gas operations. None of these rules is perfect, but they show that progress is possible with the right leadership.

Reducing Methane Leakage

In the absence of responsible natural gas oversight, increased reliance on the resource could result in a future in which the U.S. emits as much or more climate disrupting pollution as it does with our current energy mix.

This outcome is possible if enough uncombusted natural gas is allowed to leak into the atmosphere from well sites, gas processing plants, pipelines and distribution systems. Though it burns cleaner than coal, uncombusted natural gas is extremely damaging to the climate: It is mostly made up of methane, a greenhouse gas far more potent than carbon dioxide. (For the first 20 years after it is emitted, a pound of methane is 72 times more potent as a heat-trapping emission than a pound of carbon dioxide. Over 100 years, a pound of methane is 25 times more potent as a greenhouse gas than a pound of carbon dioxide.) Small amounts of natural gas are lost into the air as it makes its way from the wells and through the processing and pipeline system that brings it to consumers; the cumulative impact of those leaks is highly significant.

The potential for damaging methane leakage will only grow if, as expected, the use of natural gas expands in the coming years. Now and in the future, the United States cannot afford to be wasting a valuable American energy resource by allowing unchecked leakage to occur. As Americans, none of us should be content to stand idly by and let this important resource be squandered through fugitive emissions and unnecessary venting. Nor can we ignore the national security consequences of allowing our climate to deteriorate through . Reducing methane emissions isn’t just an environmental issue, it’s an important part of any candidate's plan for domestic energy security.

Uncertainty remains about just how much methane is currently being emitted along the supply chain, from the well site to the end-user. Estimates vary widely — from less than 2% to more than 7% of total production. The Environmental Protection Agency (EPA) has estimated the methane leak rate at about 2.3%, while a study by the National Oceanic and Atmospheric Administration (NOAA) suggested that in northern Colorado it might be roughly twice as high. If the higher estimates turn out to be correct, the leaks could eat up the short-term climate benefit equivalent to closing one-third of the nation’s coal plants. If the lower EPA estimate is correct, leak rates of two to three percent still leave significant and cost-effective greenhouse gas reductions on the table. Accurate measurement of actual leakage rates is a crucial next step.

A recent paper by Alvarez et al. published in the Proceedings of the National Academy of Sciences identified the critical leak rates at which use of natural gas would produce climate benefits at all points in time. The study found that natural gas can always produce a greenhouse gas advantage over other fossil fuels for electric power and transportation, including the conversion of much of the nation’s 3.2 million big rig trucks, if methane leakage rates are capped at 1%.

Though methane is a far more potent climate disruptor than carbon dioxide, it is also more short-lived; it breaks down in the atmosphere over time. The permanent, long-term solution to climate change involves stabilizing CO2 emissions. However, the shorter time frames affected by methane emissions are also crucially important because they increase the risk of undesirable climate outcomes in the near future. Accelerated rates of warming mean ecosystems and humans have less time to adapt to climate change. Given the dire need for concerted global action on climate change, current energy policy should, at a minimum, abide by a "Do No Harm" policy: no policy should contribute to increased climate forcing on any time frame.

There is no technological barrier to reducing leakage. We just have to do it. That's enormously encouraging. As mentioned above, many practices and technologies are already being used in states such as Colorado and Wyoming to reduce gas losses, which result in greater recovery and sale of natural gas, and thus increased economic gains. The return on the initial investment for many of these practices is sometimes as short as a few months and almost always less than two years. In these tough economic times, it would seem wise to eliminate waste, save money and reduce environmental impact.

Candidates should come out in favor of rules to measure and limit methane leakage at a level that avoids short term climate damage. In the coming days, Environmental Defense Fund would be pleased to present the elements of a possible approach. As crucial voices in the public debate, candidates have the opportunity to take a leadership position on the methane leakage issue; if influential office-seekers choose to do so, others will likely follow. This would mark a major step on the road to safe and sustainable development of America's shale gas resource.

The first order of business is getting the data necessary to better understand where the leaks are occurring and under what conditions, then using that data to reduce leaks and ensure that natural gas will help mitigate climate change. Such as strategy could yield enormous environmental and health benefits on a global basis.

No candidate in 2012 can afford to stand against transparency and public access to data. Such a candidate would be out of step with the public mood and the public interest. We need to get information on methane leakage out there. It needs to be presented in useful, user-friendly formats so the public can look at it and start to understand what’s going on. We need our regulators to be able to slice and dice this data, so they can identify challenges and opportunities.

As mentioned, the good news is that leaks can be detected, measured – and reduced. EDF is currently collaborating with industry and academic partners on a series of five major scientific studies designed to quantify the methane leakage rate across the natural gas supply chain. The five studies are on: the production of natural gas, natural gas processing, long-distance pipelines and storage, local distribution systems and natural gas vehicles. For the production study, we are working with the University of Texas and nine major natural gas companies to determine the leak rates from their wells. For the local distribution module we are working with Duke University, Harvard University and Boston University. EDF aims to complete the entire study by December 2013 and to submit the results of each module for publication.

Conclusion: Improving Corporate Performance

The natural gas industry has a credibility problem. This diverse industry, made up of hundreds of drilling companies ranging from tiny operations to huge multinationals, cannot afford to regard strong environmental performance as a luxury or a marketing strategy. It is a public right, and a requirement for continued corporate operation.

Improved performance is clearly in industry’s bottom-line interest, whether by reducing wasted product lost to leaks, reducing regulatory and financial risk, or earning back the public trust.

Companies will benefit from this too. First, because good data and good science lays the foundation for having fact-based conversations about risks and how to mitigate them. And second, because transparency is an end in itself.

Candidates should encourage natural gas executives not to wait for slow-moving producer associations to reach agreement. By speaking in favor of common-sense environmental strategies, such as disclosure and green completions, some leaders in the natural gas industry are already charting the path forward. They are proving that industry can meet new standards, such as the EPA’s air quality rules for oil and gas drilling, and thrive.

#### AND even if they regulate, states fail at enforcement---only federal regulation solves public perception while maintain production

Levi 12 Michael Levi - senior fellow for energy and the environment at Council on Foreign Relations, director of CFR Program on Energy Security and Climate Change. “THINK AGAIN: THE AMERICAN ENERGY BOOM,” Foreign Policy, Jul/Aug2012, Issue 194, p55-59, Ebsco Host)

"**Strong Regulations Would Kill the Boom."** DEAD WRONG¶ THE TECHNOLOGY AT the heart of the U.S. oil and gas boom has become central to the battle between the environmental community and the oil and gas industry. Drillers and their allies have often resisted new regulation, insisting that the industry is already heavily regulated at the state level and that fears of fracking are overblown. Barry Smitherman, chairman of the Texas Railroad Commission, captures the sentiment well, warning that more regulation could "kill the technology that's taking us to energy independence." Green groups have hit back with demands for stricter oversight of fracking, highlighting threats to air and water and disruptions to local communities. The Sierra Club has gone so far as to launch a "Beyond Natural Gas" campaign to accompany its efforts to move "Beyond Coal" and "Beyond Oil."¶ Some warnings, like an alarm in early 2011 that Pittsburgh's tap water was radioactive, have been over the top. Executed properly, development of shale gas and oil can be done in ways that safeguard the environment and protect communities. But there are always bad apples and sloppy operators. **They require not only solid regulation, which often exists at the state level,** but also strong enforcement and penalties **to deter and punish violators, which too often do not exist.**¶This is not only about preventing bad behavior **-- it's a matter of building public trust**. Operators that refuse, for example, to support mandatory disclosure of the chemicals they use in fracking inevitably raise suspicions. That's true regardless of whether those chemicals actually endanger public health. Industry is at its best when it helps craft **regulations** that **protect people and the environment** while allowing robust development to proceed **apace**. But those who instinctively oppose stricter rules are sowing the seeds of their own misfortune: Robust regulation might add a few percentage points to the cost of producing natural gas, **but** weak regulation will sap confidence**, and if communities shut down drilling, the price of natural gas will rise a lot more.**

#### Some states have zero rules---they’re insufficient to solve environmental concerns

The Hill 12 (Ben Geman, 6/26/12. "Obama's Interior chief: State regulation of fracking ‘not good enough for me’," thehill.com/blogs/e2-wire/e2-wire/234737-salazar-state-fracking-oversight-is-not-good-enough-for-me)

Interior Secretary Ken Salazar is striking back at oil-and-gas companies that claim state-level regulation of “fracking” is strong enough to render federal rules that he's crafting a pointless layer of red tape.¶ Reuters caught up with Salazar off the coast of Norway, where he’s on a visit to meet with industry officials and his Norwegian counterparts about offshore drilling safety practices.¶ Salazar said **state-level oversight** of the onshore oil-and-gas development method called hydraulic fracturing, or "fracking," is not enough, and argued industry complaints about the planned rules are not valid.¶ “There are some who are saying that it's not something we ought to do; it should be left up to the states. That's not good enough for me, because states are at very different level**, some have zero,** some have decent **rules**,” Salazar told Reuters while aboard a Statoil platform in the North Sea.¶ Fracking involves high-pressure injections of water, chemicals and sand into shale formations to open seams that enable hydrocarbons to flow. The method is enabling a natural-gas production boom in the United States, but is bringing fears of pollution along with it.¶ Interior floated draft rules in May that require industry disclosure of chemicals used in the fracking process. The draft rules also address well integrity and management of so-called flowback water.

#### Coal’s decline is structurally locked in and has nothing to do with availability of cheap gas

Shakeb Afsah 12, the President and CEO of CO2 Scorecard, and Kendyl Salcito, Policy Communications Specialist for the CO2 Scorecard, 8/7/12, “Shale Gas And The Overhyping Of Its CO2 Reductions,” http://thinkprogress.org/climate/2012/08/07/651821/shale-gas-and-the-fairy-tale-of-its-co2-reductions/

Our analysis leads us to conclude that irrespective of the low price of natural gas and the underlying elasticity of fuel substitution, electricity generation from coal would have declined significantly between 2006 and 2011. Primary evidence of this comes from two observations. First nearly 117 million MWh of electricity from wind, hydro and other renewables replaced 46% of the generation void left by coal—these sources could not compete with coal or natural gas on the basis of generation cost during the period.

And second, the biggest drop in coal generation (230 million MWh) occurred during 2008-09—the year when recession peaked in the US. During the same period, relative price of coal to gas increased by 103%; yet natural gas added a meager 38 million MWh—16.5% of the total electricity shed by coal. Clearly natural gas wasn’t displacing coal due to its low price. Instead, the demand for electricity tanked due to recession.

So why didn’t natural gas replace all of the 256 million MWh of electricity shed by coal? The insight on this comes from the EIA’s estimate of the overall average elasticity of coal to gas fuel substitution in the US during the period 2005-10—this value is just 0.14 (rather inelastic). In other words the move from coal (mostly baseload) to gas is not as seamless as the move between petroleum and gas, which are often peak and intermediate load units and sometimes involve dual-fuel technology where fuel switching is comparatively easier (read EIA’s explanation in supplemental Exhibit-S1).

In the future we expect the price of natural gas to increase (Fordney 2012 and Finger 2012) but we will continue to see a decline in coal generation. A big part of that trend will reflect the impact of USEPA’s regulation and the aging stock of coal-fired generation units, as more than 80% of coal units are forty years or older (Exhibit 5), and many will simply fade away. Industry experts have already written off coal (Tierney 2012), and recently Michael Liebreich of Bloomberg New Energy Finance called it a “…sunset for traditional, old-style, inefficient coal plants” (Roberts 2012B). Just last week, their predictions got affirmed by the EIA (EIA 2012C). In some sense the demise of coal may be on auto-pilot now.

#### This means the plan has nothing to do with solving climate change---gas contributed .18% to emissions reductions over the past five years

Shakeb Afsah 12, the President and CEO of CO2 Scorecard, and Kendyl Salcito, Policy Communications Specialist for the CO2 Scorecard, 8/7/12, “Shale Gas And The Overhyping Of Its CO2 Reductions,” http://thinkprogress.org/climate/2012/08/07/651821/shale-gas-and-the-fairy-tale-of-its-co2-reductions/

Natural gas is an even smaller factor in reducing CO2 emissions than it is in displacing coal. In fact, natural gas is the only fossil fuel that added emissions to the US inventory between 2006 and 2011 – a total of 138 million metric tons during the period (Exhibit-6).

This figure is important because many have justified the low price of natural gas as good for our climate because it saves CO2 by displacing coal. But the portion of those emissions that displaced coal and oil emissions was limited. Table-1 shows the emissions savings involved in the price driven switching from coal and oil to gas. For coal the savings is a half-ton of CO2 per MWh displaced. For oil, it is around 0.15 tons. As shown in Table-1, natural gas displaced around 89-96 million MWh of coal electricity and 19 for petroleum. The two together generate a savings of »50 million metric tons of CO2—that seems significant at first glance, but total CO2 emissions declined by 446 Million metric tons between 2006 and 2011. The 50 million metric ton savings from natural gas accounts for just 11% of that. In other words, nearly 90% of the decline in the total CO2 emissions during the period 2006-11 should be attributed to other factors that slashed the consumption of both petroleum and coal.

Even where natural gas is displacing coal, this substitution is not having a meaningful impact on CO2 emissions. Set on a national scale, the difference is negligible. Emissions dropped at a rate a 1.56% per year in the 5 years up to 2011, dropping from 5,919 to 5,473 million metric tons. If the 50 million metric tons of CO2 savings from natural gas were excluded from this calculation, emissions would have dropped 1.38%. That 0.18% change is within any reasonable margin of error. Shale gas has indeed contributed to CO2 reduction, but trivially compared to other factors.

#### Tradeoff with renewables guarantees increased CO2 emissions

Schwartz 12 Peter Schwartz - cofounder of the Global Business Network, an elite corporate strategy firm, specializing in future-think and scenario planning. 08/21/12, “Abundant Natural Gas and Oil Are Putting the Kibosh on Clean Energy,” <http://www.wired.com/business/2012/08/mf_naturalgas/2/>)

The third impact will be on greenhouse gas emissions. Most new power plants will run on natural gas. While methane is cleaner than coal, it is obviously dirtier than nuclear, wind, and solar. And although some aging coal plants will be replaced, decreasing overall CO2 output**, far more nuclear, solar, and wind plants will be deferred or canceled in favor of gas operations**. All told, moving to a gas-based power grid will almost certainly result in more greenhouse gas emissions over time. **This is especially true when you factor in the inevitable gas that leaks in the production, shipping, and distribution process**. As an agent of global warming, methane is 25 times more potent than C02 so even a little leakage can have a large impact.

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#### CIR’s critical to economic growth---multiple internals

Klein 1/29 Ezra is a columnist for The Washington Post. “To Fix the U.S. Economy, Fix Immigration,” 2013, http://www.bloomberg.com/news/2013-01-29/to-fix-the-u-s-economy-fix-immigration.html

Washington tends to have a narrow view of what counts as “economic policy.” Anything we do to the tax code is in. So is any stimulus we pass, or any deficit reduction we try. Most of this mistakes the federal budget for the economy.¶ The truth is, the most important piece of economic policy we pass -- or don’t pass -- in 2013 may be something we don’t think of as economic policy at all: immigration reform.¶ Congress certainly doesn’t consider it economic policy, at least not officially. Immigration laws go through the House and Senate judiciary committees. But consider a few facts about immigrants in the American economy: About a tenth of the U.S. population is foreign-born. More than a quarter of U.S. technology and engineering businesses started from 1995 to 2005 had a foreign-born owner. In Silicon Valley, half of all tech startups had a foreign-born founder.¶ Immigrants begin businesses and file patents at a much higher rate than their native-born counterparts, and while there are disputes about the effect immigrants have on the wages of low-income Americans, there’s little dispute about their effect on wages overall: They lift them.¶ The economic case for immigration is best made by way of analogy. Everyone agrees that aging economies with low birth rates are in trouble; this, for example, is a thoroughly conventional view of Japan. It’s even conventional wisdom about the U.S. The retirement of the baby boomers is correctly understood as an economic challenge. The ratio of working Americans to retirees will fall from 5-to-1 today to 3-to-1 in 2050. Fewer workers and more retirees is tough on any economy.¶ Importing Workers¶ There’s nothing controversial about that analysis. But if that’s not controversial, then immigration shouldn’t be, either. Immigration is essentially the importation of new workers. It’s akin to raising the birth rate, only easier, because most of the newcomers are old enough to work. And because living in the U.S. is considered such a blessing that even very skilled, very industrious workers are willing to leave their home countries and come to ours, the U.S. has an unusual amount to gain from immigration. When it comes to the global draft for talent, we almost always get the first-round picks -- at least, if we want them, and if we make it relatively easy for them to come here.¶ From the vantage of naked self-interest, the wonder isn’t that we might fix our broken immigration system in 2013. It’s that we might not.¶ Few economic problems wouldn’t be improved by more immigration. If you’re worried about deficits, more young, healthy workers paying into Social Security and Medicare are an obvious boon. If you’re concerned about the slowdown in new company formation and its attendant effects on economic growth, more immigrant entrepreneurs should cheer you. If you’re worried about the dearth of science and engineering majors in our universities, an influx of foreign-born students is the most obvious solution you’ll find.

#### Turns warming---more likely to turn towards cheaper dirty fuels and dirty tech when the economy is bad

#### Immigration reform key to alt energy commercialization

Herman & Smith 10 Richard Herman is the founder of Richard T. Herman & Associates, an immigration and business law firm in Cleveland, Ohio which serves a global clientele in over 10 languages. He is the co-founder of a chapter of TiE, a global network of entrepreneurs started in 1992 in Silicon Valley. He has appeared on National Public Radio, FOX News, and various affiliates of NBC, CBS, and ABC. He has also been quoted in such publications as USA Today, InformationWeek, PCWorld, ComputerWorld, CIO, Site Selection and National Lawyers Weekly. Robert L. Smith is a veteran journalist who covers international cultures and immigration issues for the Cleveland Plain Dealer, Ohio’s largest newspaper. Bob grew up in Cleveland, where he lives with his wife, Cleveland Orchestra violinist Chul-In Park, and their two children, Jae, 5, and Sun-Hee, 3. He has written extensively about immigration issues and has interviewed people at all points of the immigrant experience, from undocumented field workers to hugely successful entrepreneurs.

2010-6-30, Immigration Daily, Why Immigrants Can Drive The Green Economy, [http://www.ilw.com/articles/2010,0630-herman.shtm](http://www.ilw.com/articles/2010%2C0630-herman.shtm)

It should come as no surprise that immigrants will help drive the green revolution. America's young scientists and engineers, especially the ones drawn to emerging industries like alternative energy, tend to speak with an accent.¶ The 2000 Census found that immigrants, while accounting for 12 percent of the population, made up nearly half of the all scientists and engineers with doctorate degrees. Their importance will only grow. Nearly 70 percent of the men and women who entered the fields of science and engineering from 1995 to 2006 were immigrants.¶ Yet, the connection between immigration and the development and commercialization of alternative energy technology is rarely discussed. Policymakers envision millions of new jobs as the nation pursues renewable energy sources, like wind and solar power, and builds a smart grid to tap it.¶ But Dan Arvizu, the leading expert on solar power and the director of the National Renewable Energy Laboratory of the U.S. Department of Energy in Golden, Colorado, warns that much of the clean-technology talent lies overseas, in nations that began pursuing alternative energy sources decades ago.¶ The 2000 Census found that immigrants, while accounting for 12 percent of the population, made up nearly half of the all scientists and engineers with doctorate degrees. Their importance will only grow.¶ Expanding our own clean-tech industry will require working closely with foreign nations and foreign-born scientists, he said. Immigration restrictions are making collaboration difficult. His lab's efforts to work with a Chinese energy lab, for example, were stalled due to U.S. immigration barriers.¶ "We can't get researchers over here," Arvizu, the son of a once-undocumented immigrant from Mexico, said in an interview in March 2009, his voice tinged with dismay.¶ "It makes no sense to me. We need a much more enlightened approach."¶ Dr. Zhao Gang, the Vice Director of the Renewable Energy and New Energy International Cooperation Planning Office of the Ministry of Science and Technology in China, says that America needs that enlightenment fast. "The Chinese government continues to impress upon the Obama administration that immigration restrictions are creating major impediments to U.S.-China collaboration on clean energy development," he said during a recent speech in Cleveland.¶ So what's the problem?¶ Some of it can be attributed to national security restrictions that impede international collaboration on clean energy. But Arvizu places greater weight on immigration barriers, suggesting that national secrecy is less important in the fast-paced world of green-tech development. "We are innovating so fast here, what we do today is often outdated tomorrow.¶ Finding solutions to alternative energy is a complex, global problem that requires global teamwork," he said.¶ We need an immigration system that prioritizes the attraction and retention of scarce, high-end talent needed to invent and commercialize alternative energy technology and other emerging technologies.¶ One idea we floated by Arvizu was a new immigrant "Energy Scientist Visa," providing fast-track green cards for Ph.D.s with the most promising energy research, as reviewed by a panel of top U.S. scientists. Arvizu enthusiastically responded, "Wow, that's a brilliant idea."¶ As the recent submission of the Startup Visa Act bill suggests, there's really no shortage of good ideas of leveraging immigration to jumpstart the economy. The challenge is getting the American people to understand that high-skill immigration creates jobs, that the current system is broken, and that action is required now.¶ We need an immigration system that prioritizes the attraction and retention of scarce, high-end talent needed to invent and commercialize alternative energy technology and other emerging technologies.

###  AT: Won’t Pass

Just says there will be a “tough road”

#### Will pass---bipartisan support and Obama push

Samay 2/21 Sahara is a reporter at Samay Live. “Obama is hoping to sign immigration reform bill,” 2013, Factiva

US President Barack Obama is encouraged by the progress made in the US Congress on comprehensive immigration reform and hoped that a bill in this regard would soon land up on his table for signature.¶ "As the (US) President has made clear, he is encouraged by and hopeful about the process underway in the Senate, the bipartisan process led by the so-called Gang of Eight (a group of eight Senators), towards achieving a comprehensive immigration reform bill that could pass the Senate -- and hopefully pass the House, and land on his desk for his signature," the White House Press Secretary Jay Carney told reporters here yesterday.¶ "He (Obama) prefers that option to any other, and he is very encouraged by the progress that's been made so far. He thought his conversations with Senate Democrats involved in this process last week were very productive, and he felt the same about his conversations with Senate Republicans yesterday," Carney said referring to the telephonic conversations the US President had with top three Republican lawmakers, a day earlier.¶ Responding to questions, Carney said there is not much disagreement among various parties when it comes to the need to pursue enhanced border security as part of comprehensive immigration reform.¶ "That's part of why it's called comprehensive. So we look forward, to continuing to work with Congress, work with the Senate as they pursue bipartisan comprehensive immigration reform legislation," he said.¶ Carney said that the prospects of success in this regard can be easily reflected from the comments of Republican Senator Mario Rubio."But we encourage the Senate to keep working because this is a significant priority. It's a priority that has in the past enjoyed broad bipartisan support, and that we believe is, once again, enjoying that kind of support," the White House Press Secretary said.

#### Reject their pessimism---prospects for passage are strong

Trinko 2/19 Katrina is a writer for the National Review. “Rubio Still Optimistic about Bipartisan Immigration Reform,” 2013, http://www.nationalreview.com/corner/341070/rubio-still-optimistic-about-bipartisan-immigration-reform-katrina-trinko

Despite the flurry of negative press coverage suggesting that immigration reform is in jeopardy, the Rubio team remains optimistic that bipartisan legislation can pass.¶ While Senate Republicans who aren’t part of the immigration Senate gang have been fairly quiet on the topic of immigration, Rubio’s team stresses that the legislation — which won’t be released until March — is not dead. “Private conservations have been very positive,” says Rubio press secretary Alex Conant of other Republican senators. “People are understandably waiting to see the legislation before they commit one way or the other.” But the White House immigration plan that was leaked this weekend didn’t help. “To the extent we’re trying to build a coalition of conservatives who will support this plan, conservatives are going to be less likely to want to support it if they think President Obama’s just going to pull the rug out from underneath us on it,” says Conant.

#### There’s strong momentum---labor/business compromise proves

Grant 2/21 David is a writer for the Christian Science Monitor. “Behind-the-scenes deal pushes immigration reform closer to reality,” 2013, <http://www.csmonitor.com/USA/Politics/2013/0221/Behind-the-scenes-deal-pushes-immigration-reform-closer-to-reality>

A compromise agreement announced Thursday between the nation’s largest labor union and the top advocate for American business underscores the enormous momentum now behind immigration reform.¶ The agreement touches on what was seen to be potentially one of the biggest stumbling blocks in the immigration reform debate – namely, how the country should handle the flow of low-skilled, temporary foreign workers.¶ In finding middle ground, the AFL-CIO and the US Chamber of Commerce – two powerful organizations often at loggerheads – have taken a “strong step forward” in resolving the issue, says Ali Noorani, executive director of the National Immigration Forum. Moreover, they have added to the impression that important stakeholders – seeing immigration reform as increasingly likely – are putting aside public posturing in order to hammer out solutions. ¶ “This particular slice of the pie is the most important piece: What does our immigration system look like moving forward?” Mr. Noorani says. “Every day, [the Chamber and the AFL-CIO] are going to continue to put more meat on these bones.... For them to agree, even on the bones, means that they've been engaged in a really serious negotiation.”¶ Praise for the deal came from both sides of the aisle – House majority leader Eric Cantor (R) of Virginia and Sen. Charles Schumer (D) of New York. "We are very hopeful that an agreement can be reached on a specific proposal in the next few weeks," said Senator Schumer, a member of the bipartisan Senate group working on an immigration compromise, in a statement.

### AT: Executive Branch

#### XOs cause Congress backlash

Cooper 97 – Cooper, Professor of Political Science @ the University of Vermont, 1997

(Phillip, Administration and Society, November)

Despite the fact that executive orders are seemingly efficient and effective tools, they carry dangers as well as opportunities. The first problem is the temptation to do things in what appears to be the easy way. Second, the use of executive orders poses dangers of political tensions with Congress and within the executive branch. Third, the use of the orders poses threats to the system of administrative law. More than one president has used executive orders to circumvent what appeared to be a recalcitrant Congress. President Johnson did that in his order establishing affirmative action requirements in federal government contracting, which the Nixon administration later endorsed and issued as the Philadelphia Plan (E.O. 11246). Carter and Reagan followed suit in other policy arenas. On other occasions, presidents merely interpreted statutory authority in very broad terms to support actions they wanted to undertake without seeking more specific and immediate legislative approval. Nixon’s wage/price freeze was upheld in Amalgamated Meat Cutters & Butcher Workmen of North America v. Connally, 1971 (see generally Friedelbaum, 1974) and Carter’s efforts to impose an oil import fee was struck down (Independent Gasoline Markets Council v. Duncan, 1980). Reagan’s regulatory review orders clearly intended to slow the issuance of regulations called for by statute. Bush’s rule-making moratorium not only accomplished that objective but sought, where possible, to roll back rules already issued as well. The dangers of engendering conflicts with Congress in such matters is clear. Indeed, the regulatory review battle eventually led to threats to the existence of the Office of Information and Regulatory Affairs (OIRA) in the OMB. When OIRA shifted its tactics to the use of the Paperwork Reduction Act to accomplish what Congress challenged under the executive orders, the baffle ultimately led to a standoff in which the Congress refused to reauthorize the Paperwork Reduction Act after the White House reneged on a sidebar agreement between the OMB and the House Government Operations Committee (C. Boyden Gray, counsel to the president, to John Conyers, chairman, Committee on Government Operations, April 30, 1990; and Carol T. Crawford, assistant attorney general, to Richard U. Darman, director, OMB, December 20, 1989). The actual agreement was titled “Administrative Agreement: Procedures Governing OTRA Review of Regulations Under Executive Order Nos. 12291 and 12498.” **Conflict with Congress can emerge from process concerns as well as from substance**. Thus, the Reagan administration engendered a legislative challenge when it modified the Carter administration security classification order in drafting E.0. 12356.

### AT: EPA Shields

#### Agencies don’t shield and no risk of a turn---Obama is velcro and will only get blamed---no credit

**Nicholas & Hook 10** Peter and Janet, Staff Writers---LA Times, “Obama the Velcro president”, LA Times, 7-30, http://articles.latimes.com/2010/jul/30/nation/la-na-velcro-presidency-20100730/3

If Ronald Reagan was the classic Teflon president, Barack **Obama is made of Velcro.¶** Through two terms, Reagan eluded much of the responsibility for recession and foreign policy scandal. In less than two years, Obama has become **ensnared in blame**.¶ Hoping to **better insulate Obama**, White House aides have sought to **give other Cabinet officials a higher profile** and additional public exposure. They are also crafting new ways to explain the president's policies to a skeptical public.¶ **But Obama remains the colossus of his administration** — to a point where trouble anywhere in the world is often his to solve.¶ The president is on the hook to repair the Gulf Coast oil spill disaster, stabilize Afghanistan, help fix Greece's ailing economy and do right by Shirley Sherrod, the Agriculture Department official fired as a result of a misleading fragment of videotape¶ What's **not sticking to Obama** is a legislative track record that his recent predecessors might envy. **Political dividends** from passage of a healthcare overhaul or a financial regulatory bill **have been fleeting**.¶ Instead, voters are measuring his presidency by a more immediate yardstick: Is he creating enough jobs? So far the verdict is no, and that has taken a toll on Obama's approval ratings. Only 46% approve of Obama's job performance, compared with 47% who disapprove, according to Gallup's daily tracking poll.¶ "I think the accomplishments are very significant, but I think most people would look at this and say, 'What was the plan for jobs?' " said Sen. Byron L. Dorgan (D-N.D.). "The agenda he's pushed here has been a very important agenda, but it hasn't translated into dinner table conversations."¶ Reagan was able to glide past controversies with his popularity largely intact. He maintained his affable persona as a small-government advocate while seeming above the fray in his own administration.¶ Reagan was untarnished by such calamities as the 1983 terrorist bombing of the Marines stationed in Beirut and scandals involving members of his administration. In the 1986 Iran-Contra affair, most of the blame fell on lieutenants.¶ Obama lately has tried to rip off the Velcro veneer. In a revealing moment during the oil spill crisis, he reminded Americans that his powers aren't "limitless." He told residents in Grand Isle, La., that he is a flesh-and-blood president, not a comic-book superhero able to dive to the bottom of the sea and plug the hole.¶ "I can't suck it up with a straw," he said.¶ But as a candidate in 2008, he set sky-high expectations about what he could achieve and what government could accomplish.¶ Clinching the Democratic nomination two years ago, Obama described the moment as an epic breakthrough when "we began to provide care for the sick and good jobs to the jobless" and "when the rise of the oceans began to slow and our planet began to heal."¶ Those towering goals remain a long way off. And most people would have preferred to see Obama focus more narrowly on the "good jobs" part of the promise.¶ A recent Gallup poll showed that 53% of the population rated unemployment and the economy as the nation's most important problem. By contrast, only 7% cited healthcare — a single-minded focus of the White House for a full year.¶ At every turn, Obama makes the argument that he has improved lives in concrete ways.¶ Without the steps he took, he says, the economy would be in worse shape and more people would be out of work. There's evidence to support that. Two economists, Mark Zandi and Alan Blinder, reported recently that without the stimulus and other measures, gross domestic product would be about 6.5% lower.¶ Yet, Americans aren't apt to cheer when something bad doesn't materialize.¶ Unemployment has been rising — from 7.7% when Obama took office, to 9.5%. Last month, more than 2 million homes in the U.S. were in various stages of foreclosure — up from 1.7 million when Obama was sworn in.¶ "Folks just aren't in a mood to hand out gold stars when unemployment is hovering around 10%," said Paul Begala, a Democratic pundit.¶ **Insulating the president from bad news has proved impossible**. Other White Houses have tried doing so with more success. **Reagan's Cabinet officials often took the blame, shielding the boss**.¶ But **the Obama administration is about one man**. Obama is the White House's chief spokesman, policy pitchman, fundraiser and negotiator. **No Cabinet secretary has emerged as an adequate surrogate**. Treasury Secretary Timothy F. Geithner is seen as a tepid public speaker; Energy Secretary Steven Chu is prone to long, wonky digressions and has rarely gone before the cameras during an oil spill crisis that he is working to end.¶ So, **more falls to Obama, reinforcing the Velcro effect: Everything sticks to him**. He has opined on virtually everything in the hundreds of public statements he has made: nuclear arms treaties, basketball star LeBron James' career plans; Chelsea Clinton's wedding.¶ Few audiences are off-limits. On Wednesday, he taped a spot on ABC's "The View," drawing a rebuke from Democratic Pennsylvania Gov. Edward G. Rendell, who deemed the appearance unworthy of the presidency during tough times.¶ "Stylistically he creates some of those problems," Eddie Mahe, a Republican political strategist, said in an interview. "His favorite pronoun is 'I.' When you position yourself as being all things to all people, the ultimate controller and decision maker with the capacity to fix anything, you set yourself up to be blamed when it doesn't get fixed or things happen."¶ A new White House strategy is to forgo talk of big policy changes that are easy to ridicule. Instead, aides want to market policies as more digestible pieces. So, rather than tout the healthcare package as a whole, advisors will talk about smaller parts that may be more appealing and understandable — such as barring insurers from denying coverage based on preexisting conditions.¶ But at this stage, it may be late in the game to downsize either the president or his agenda.

#### Obama will be blamed for agency action

Wallison 3 Resident Fellow @ A.E.I. “A Power Shift No One Noticed”, AEI Online, 1-1, http://www.aei.org/publications/pubID.15652/pub\_detail.asp

To be sure, the president had appointed the chairman and the other members of the SEC, but that in itself would not make him blameworthy unless one assumed that he was also directly responsible for how the SEC acted before, and after, the scandals erupted. That is the nub of the important but largely unnoticed change that has occurred: the unchallenged assumption on the part of **all parties**--in Congress, in the media, among the public, and even in the White House itself--that the president was **fully accountable for an agency** that has always been viewed as independent.¶ The significance of this change in the grand government scheme of things can **hardly be overstated**. Without legislation or judicial decision, the president has suddenly become **electorally responsible** for the decisions of bodies that were considered to be within the special purview of Congress, susceptible only to congressional policy direction. Of course, this functional revolution did not give the president any new powers with respect to the independent regulatory agencies. But the **die is now cast**. The way the American people look at the president's responsibilities apparently is changing, and that will affect the **attitude of Congress**. If the American people believe that the president should be responsible for the actions of the SEC, it will be **difficult to convince them otherwise**. Significantly, since Harvey Pitt's resignation as SEC chairman in November, the media have routinely referred to the president's choice to head the SEC, investment banker William H. Donaldson, as a member of the Bush "economic team."

### 2NC---AT: Hirsh (PC Not Key)

#### Previous immigration reform pushes failed because Obama spent too much PC on other issues and couldn’t arm-twist the GOP effectively---their ev doesn’t account for the GOP’s natural tendency toward intransigence which makes PC true in the context of immigration

Earl Ofari Hutchinson 2-1, author and political analyst, associate editor of New America Media, host of the weekly Hutchinson Report on KPFK-Radio and the Pacifica Network, and KTYM Radio Los Angeles, 2/1/13, “No Risk for President Obama in Immigration Reform Fight,” http://www.huffingtonpost.com/earl-ofari-hutchinson/no-risk-for-obama\_b\_2591792.html

But Obama even as his popularity numbers slightly fell among Latinos did not totally ignore the issue. He lashed the GOP for torpedoing comprehensive immigration reform legislation in Congress on the two occasions when it appeared that an immigration bill might be reintroduced.

Obama was not to blame that this didn't happen. The crushing problems and bruising fights over deficit reduction, spending, health care reform, coupled with high soaring gas prices and the jobless crisis were endless and time consuming. The fights required every bit of his political capital and arm twisting to make any headway against an obstructionist, intransigent and petty GOP determined to make him pay a steep political price for every inch of legislative ground he sought to gain.

The 2012 election changed only one thing with the GOP. That was its in your face, xenophobic rants against illegals supposedly stealing jobs from Americans and breaking the law. GOP leaders had no choice but to tamp down their saber rattle immigration rhetoric for the simple fact that Latino voters punished the party mightily in 2012 for that rhetoric, and sent an even stronger signal that it would continue to punish the GOP if it didn't change at least its tone on immigration. The 2012 election changed one other thing. It gave Obama the long sought and awaited opening he needed to go full throttle on immigration reform.

The election result was not the only strong point for Obama on reform. In 2007, then President George W. Bush was widely and unfairly blamed for making a mess of the immigration reform fight in Congress by not pushing hard enough for passage of the bill. Immigrant rights groups lambasted Republican senators for piling crippling demands for tight amnesty, citizenship and border security provisions in the bill. Leading Republican presidential contenders didn't help matters by flatly opposing the bill as much too soft on amnesty and border enforcement.

This did much to kill whatever flickering hope there was for the bill's passage. This undid the inroads that Bush made in the 2000 and 2004 presidential elections when he scored big with Latino voters. A big part of that then was due to the perception (and reality) that Bush would push hard for immigration reform. But the GOP didn't learn a thing from this. It was almost as if Bush's Latino vote ramp up was an aberration. The GOP's metallic ear on immigration culminated in the idiotic quip from GOP presidential loser Mitt Romney that the best way to solve the immigration crisis was for undocumented workers to "self-deport."

Obama's battle for the Latino vote in 2012 was never intended to head off any mass defection of Latino voters to the GOP. There was never any chance of that. The polls that showed Latinos less than enthusiastic about Obama also showed absolutely no enthusiasm for any GOP would-be presidential candidate, let alone that there would be a massive vote for GOP candidates.

Still, Obama's frontal challenge to the GOP to do something about immigration reform is not only a long overdue move to right a long simmering policy wrong, but a move that if handled right can do much to shove the wrenching issue of what to do about the nation's millions that are here without papers, and are here to stay, off the nation's political table. There's absolutely no risk, only gain, for Obama in taking the point on immigration reform to try and make that happen.

#### Hirsh’s point is that PC’s not key because some GOP Senators want immigration after losing the Latino vote, and leaders like Jindal calling for it

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.

#### That thesis is wrong---GOP members of Congress win elections by bashing immigrants, even if national politicians can’t do it---they have to be dragged kicking and screaming---clearly makes PC key

Robert Mann 1-28, holds the Manship Chair at the Manship School of Mass Communication at Louisiana State University and is director of the school’s Reilly Center for Media & Public Affairs, 1/28/13, “The GOP and Latinos: Will immigration reform change their relationship? Not likely,” http://bobmannblog.com/2013/01/28/the-gop-and-latinos-will-immigration-reform-change-their-relationship-not-likely/

Having lost the popular vote in five of the last six presidential elections, some Republican leaders in Congress have finally decided to tack a different course this week by throwing their support behind major immigration reform.

To put it another way, they’ve discovered that attacking large swaths of the American public as lazy moochers is not the best way to win back the White House.

As Louisiana Gov. Bobby Jindal famously told Republican leaders in Charlotte last week, “We must compete for every single vote. The 47 percent and the 53 percent. And any other combination of numbers that adds up to 100 percent.”

In a bit of unintended humor (isn’t that the only way Jindal is ever funny?), the Republican governor also asserted, “President Barack Obama and the Democrats can continue trying to divide America into groups of warring communities with competing interests, but we will have none of it. We are going after every vote as we work to unite all Americans.”

Now, should the GOP adopt this philosophy that would be a major change. But don’t be surprised if many party regulars ignore Jindal and continue to attack the poor, immigrants and minorities.

Truth is, it’s still the way that too many Republican members of Congress win elections. Perhaps attacking the poor no longer works in presidential races, but it’s still a very effective strategy in some local and state politics in many places around the country.

#### Hirsh’s central point is that PC isn’t objectively measurable---but it still exists and is key to immigration---Obama has to make behind the scenes deals to avoid poisoning the well on immigration---persuasion and ability to bargain even on other issues are key

Jonathan Bernstein 1-28, Assistant Professor of Political Science at UTSA, 1/28/13, “On immigration, Obama should opt for a persuasive vagueness,” http://www.washingtonpost.com/blogs/post-partisan/wp/2013/01/28/on-immigration-obama-should-opt-for-a-persuasive-vagueness/

Ezra Klein made an excellent point about Barack Obama and immigration reform today:

Republicans will fight most anything Obama proposes…This is a frustrating fact of life for the Obama administration — and perhaps even a sick commentary on how our political system works — but it is, nevertheless, a fact: Their involvement polarizes issues. And it’s not unique to them: Presidential involvement in general polarizes issues. By staying out, at least for now, the Obama administration is making it easier for Republicans to stay in.

The political scientist Richard Neustadt said that the power of the presidency really just meant the power to persuade. But by that he didn’t really mean winning debate-style arguments. Yes, that can happen, but usually presidents persuade by bargaining — by capitalizing on all the things presidents can do to convince others that they should do what the president wants them to do.

In this instance, if Klein is correct — and I’m pretty sure he is — the way for Obama to “persuade” is to be as vague about the new bipartisan Senate proposal as he can, at least in public. At the same time, the White House may need to push for specific provisions behind the scenes.

And the dance is probably more complicated than that, because it’s not just presidents who polarize, after all. A full-throated embrace of the bipartisan deal by the “usual suspect” liberal groups could easy scare off Republican support; on the other hand, if they oppose the deal, it could make it hard for mainstream liberals to support it. Assuming that the administration both wants the bipartisan package to be the basis for a bill that passes — but that the president also has preferences on details that are up for grabs — he may have strong preferences on how liberal groups react. And yet the president cannot force them to do what he wants; he can only, yes, persuade them. In doing so, he may call upon whatever trust they have in their past history together, or he may be bargaining with them. After all, each group involved has other things they want from the Obama Administration.

All of which is only to say that the correct steps for the president are usually difficult to find. The president needs the cooperation of all sorts of people (not just Members of Congress) who don’t have to do what he wants; then again, no one else in the American political system has more potential ways to influence (“persuade”) others. And from the outside, not only is it sometimes hard to know what the president should be doing to persuade — but it’s not even always obvious who needs persuading (Members of Congress? Which ones? Interest groups? Again, which ones? Parts of the bureaucracy?).

#### GOP support for immigration reform is shallow---even if they support some action, real reform requires PC---new fights over unrelated issues could change their minds and cause them to block it despite the political consequences of pissing off Latinos

Chris Weigant 1-23, Political writer and blogger at ChrisWeigant.com, 1/23/12, “Handicapping Obama's Second Term Agenda,” http://www.huffingtonpost.com/chris-weigant/obama-second-term\_b\_2537802.html

The second big agenda item is immigration reform. President Obama holds virtually all the cards, politically, on this one. All Republicans who can read either demographics or polling numbers know full well that this may be their party's last chance not to go the way of the Whigs. Their support among Latinos is dismal, and even that's putting it politely. Some Republicans think they have come up with a perfect solution on how to defuse the issue, but they are going to be proven sadly mistaken in the end, I believe. The Republican plan will be announced by Senator Marco Rubio at some point, and it will seem to mirror the Democratic plan -- with one key difference. Republicans -- even the ones who know their party has to do something on the immigration problem -- are balking at including a "path to citizenship" for the 11 million undocumented immigrants who are already in America.

The Republicans are trying to have their cake and eat it too -- and it's not going to work. "Sure," they say, "we'll give some sort of papers to these folks, let them stay, and even let them work... but there's no need to give them the hope of ever becoming a full citizen." This just isn't going to be good enough, though. There are essentially two things citizens can do which green card holders cannot: serve on juries, and vote. The Republicans are not worried about tainted juries, in case that's not clear enough.

Republicans will bend over backwards in an effort to convince Latinos that their proposal will work out just fine for everyone. Latinos, however, aren't stupid. They know that being denied any path to citizenship equals an effort to minimize their voice on the national political stage. Which is why, as I said, Obama holds all the cards in this fight. Because this is the one issue in his agenda which Republicans also have a big vested interest in making happen. Obama and the Democrats will, I believe, hold firm on their insistence on a path to citizenship, and I think a comprehensive immigration bill will likely pass some time this year, perhaps before the summer congressional break. The path to citizenship it includes will be long, expensive and difficult (Republicans will insist on at least that), but it will be there.

On gun control, I think Obama will win a partial victory. On immigration, I think he will win an almost-total victory. On global warming, however, he's going to be disappointed. In fact, I doubt -- no matter how much "bully pulpiting" Obama does -- that any bill will even appear out of a committee in either house of Congress. This will be seen as Obama's "overreach" -- a bridge too far for the current political climate. Anyone expecting big legislative action on global warming is very likely going to be massively disappointed, to put it quite bluntly. In fact, Obama will signal this in the next few months, as he approves the Keystone XL pipeline -- much to the dismay of a lot of his supporters.

Of course, I could be wrong about any or all of these predictions. I have no special knowledge of how things will work out in Congress in the immediate future. I'm merely making educated guesses about what Obama will be able to achieve in at least the first few years of his second term. Obama has a lot of political capital right now, but that could easily change soon. The House Republicans seem almost demoralized right now, and Obama has successfully splintered them and called their bluff on two big issues already -- but they could regroup and decide to block everything the White House wants, and damn the political consequences. Unseen issues will pop up both on the domestic and foreign policy stages, as they always do. But, for now, this is my take on how the next few years are going to play out in Washington. Time will tell whether I've been too optimistic or too pessimistic on any or all of Obama's main agenda items. We'll just have to wait and see.

#### Even if Hirsh is right, Obama thinks he has PC, and acts accordingly

Ron Fournier 2-8, editorial director of National Journal, 2/8/13, “Don't Expect Another Liberal Broadside in the State of the Union,” http://www.theatlantic.com/politics/archive/2013/02/dont-expect-another-liberal-broadside-in-the-state-of-the-union/273011/

Regardless of his approval ratings, there are limits to Obama's political capital, as Michael Hirsh explained in this week's National Journal. I have been questioning the limits of a presidential mandate since Election Day. But the White House is confident that Obama has the upper hand against a GOP that is significantly less popular than the Democratic Party, according to polls.

#### Their ev oversimplifies the mechanics of getting reform passed---Obama has to offer carrots and threaten sticks to persuade reluctant Republicans on the path to citizenship---only a minority of the GOP is onboard so far

NYT 1-29 – “Laying Out Broad Principles, but Leaving Recourse Open,” 1/29/13, http://www.nytimes.com/2013/01/30/us/politics/obama-in-speech-leaves-room-for-a-tough-fallback.html?\_r=0&pagewanted=print#h[]

In laying out his proposal for an immigration overhaul in a speech in Las Vegas on Tuesday, President Obama offered both carrots and sticks to persuade lawmakers in Congress to pass the ambitious legislation this year.

Speaking before an energized and sometimes jubilant crowd of supporters at Del Sol High School, Mr. Obama offered his broad principles for an immigration bill. They included a pathway to citizenship for 11 million illegal immigrants in the country, enhanced enforcement at borders and in workplaces, and changes to make legal immigration more efficient, especially for foreigners with advanced skills, investors and family members of immigrants already here.

Mr. Obama described his principles as “key markers” for Congress as it debates the volatile issue, but in his speech and in a more detailed fact sheet the White House distributed, many of the most potentially divisive points of contention were left vague.

As the president noted, his principles sounded remarkably like the blueprint released Monday in Washington by a bipartisan group of eight senators, led by Charles E. Schumer of New York, a Democrat, and John McCain of Arizona, a Republican, which called for a “tough but fair” path to citizenship for illegal immigrants, tougher border security, and more enforcement to prevent unauthorized foreigners from taking jobs.

But at this early stage in the negotiations, critical differences between Mr. Obama and the still small group of Republicans who were willing to participate in the bipartisan senators’ blueprint — including Mr. McCain and Jeff Flake of Arizona, Lindsey Graham of South Carolina and Marco Rubio of Florida — lurk in the fine print.

So the president left open recourse to a tougher position. “It’s important for us to recognize,” Mr. Obama said, “that the foundation for bipartisan action is already in place.” If Congress gets bogged down in “endless debate,” he said, he would send his own bill to Capitol Hill and insist on a quick vote.

Mr. Obama used his speech to give himself dual options: being involved in the debate as it unfolds in coming months in Congress, while also staying distant enough to be able to force the action in the direction of policies he favors, if he finds it necessary.

While he is negotiating with lawmakers working to forge a bill that can win Republican votes, Mr. Obama must also manage the scrutiny and soaring expectations of Latino and immigrant groups, labor and religious leaders as well as business and farm organizations, all of which are much better prepared to mobilize for comprehensive legislation than they were in 2007, when a previous effort at an overhaul failed.

Those groups were present in force on Tuesday, most of them invited to Las Vegas by the White House. The choice of the Nevada city was a nod to the fast-growing Latino population that provided crucial votes for the re-election in 2010 of Harry Reid, the Senate majority leader, and of Mr. Obama last year.

There was something for all of the groups in Mr. Obama’s speech. Appealing to Hispanics and young illegal immigrants who call themselves Dreamers, he spoke at length about one of them, Alan Aleman, a Mexican-born youth from Nevada who received a deportation reprieve under a program Mr. Obama started last June. Appealing to labor, he framed his proposals as an effort to create fair rules for the middle class. Appealing to business, he promised legal improvements “so that we continue to be a magnet for the best and brightest all around the world.”

A swell of praise came from many of those groups after the speech.

Richard Trumka, the president of the A.F.L.-C.I.O., said Mr. Obama had showed “tremendous determination” to get comprehensive legislation passed this year. Mr. Trumka said the labor movement was unified behind that effort and would wage a full-scale campaign this year to support it.

Hector E. Sanchez, the chairman of the National Hispanic Leadership Agenda, a coalition of 30 of the country’s largest Hispanic groups, called the meeting “a beautiful celebration.” But he said Latinos would be demonstrating in the streets and watching the debate closely. “For us, the priority is citizenship,” he said. “We don’t want a path that is extremely long and painful. Our community has already suffered enough.”

Probably the biggest fight that is looming between the White House and skeptical Republicans is over how long and how direct that pathway will be for illegal immigrants. Republicans were quick to point out that the president made no mention of a central piece of the senators’ blueprint: measures to increase security at borders and in workplaces that would have to be in place before any illegal immigrants could be put on a course leading to citizenship.

### 2NC---AT: Hirsh (PC Not Real)

#### PC’s real, observable, and quantifiable---interconvertibility theory and a bunch of other scholarly work proves---and you should reject quibbles like Hirsh

Kimberly L. Casey 8, Visiting Assistant Professor of Political Science at William Jewel College, 2008, “Defining Political Capital: A Reconsideration of Bourdieu’s Interconvertibility Theory,” http://lilt.ilstu.edu/critique/spring%202008/casey.pdf

Abstract: This article examines the concept “political capital” (PC) and its context in American politics. Political capital is ill-defined, little understood, yet an important concept for understanding political exchange and relationships in the political arena. I establish a definition based upon Pierre Bourdieu’s interconvertibility theory, which indicates that capital types, such as economic, social, and symbolic forms, interact and can be exchanged for one another. Since the material and non-material components of capital variations are transposable, it can be argued that no capital form is essentially “pure”—every type of capital contains elements of other varieties. Political capital, therefore, is an amalgamation of capital types combined in various ways for specific political markets. It is market demand that shapes capital formation. Capital elements from other capital types inherent in the candidacy market are identified as an example. An index for measuring this variant of political capital is created, demonstrating its conceptual viability.

Introduction: After the 2004 U.S. presidential election, George W. Bush publicized his intent to utilize “political capital” for future projects garnered as a result of his victory. But what exactly is political capital? However much the term is bandied about by politicians or the press, political capital has no established definition in political science literature. Although it remains ill-defined and unmeasured, it is an important concept for understanding political exchange and relationships in the political arena despite the reservations some political scientists have expressed about its applicability because of its complex material and nonmaterial associations. An analysis of sociologist Pierre Bourdieu’s interconvertibility theory allows for conceptualization of material and non-material of interactions among capital forms making it possible to define political capital and design an index to measure it based upon previous capital literature.

To develop an empirical basis for political capital, this article first examines the associations it connotes in the popular press today. In contrast, a definition of political capital based upon capitalization literature and Bourdieu’s interconvertibility theory is presented. Then, a theory of political capital functions and markets are suggested. Theorizing leads to proposals for objective means of identification and measurement. To illustrate the market association between capital and politics, an index associated with the resources associated with the candidacy market is offered. The paper concludes with directions that studying the concept of political capital may take towards theory-building and framework creation.

Defining Political Capital

It is erroneous to refer a “body” of PC literature when seeking a definition. Most writers and concerned actors who invoke the term political capital assume that its meaning is understood. It is inferred to be an entity which political actors possess, build up and spend. 1 However, a definition of “political capital” is typically never stated—the reader or observer is left to determine their own definition based upon the politician’s or journalist’s usage of the term (Suellentrop 2004; Kennicott 2004; “A Year of Setbacks” 2005; and Froomkin 2004). The subjectivity is not reflective of what political capital conceptually means in and to the political arena. Without a sound definition that accurately portrays the elements of political capital as it works within a political marketplaces, such as the electoral arena, and among office holders (executive, legislative, and judicial), bureaucracy, and in society in general, the concept is meaningless.

Defining and utilizing PC as a viable political variable can evolve from the proliferation of capital theories in various fields of study. Political capital can and should be associated with a wide variety of previous “capital” interpretations. The key to explicating political capital is within capital literatures and how they address materialism, non-materialism, and combining the two elements.2

The theory of capital is traditionally associated with economics. There is no clear consensus in defining capital as an ideological function applicable beyond material exchange as expounded in economic capital theory, however. Yet nonmaterial forms of capital are well established in scholarly literature. Most of the “capital type” definitions hover around the meaning and terminology of economic capital. Certain theorists believe that all capital forms, regardless of their composition or purpose, connect in some way with economic capital. 3 Pierre Bourdieu’s work is invaluable in understanding capital as conceptually distinguishable from its individual aberrations as a material phenomenon. Bourdieu extends the ideas and metaphor of economic interest (material or physical pursuits) to include non-economic goods and services (symbolic or nonmaterial pursuits). Within this conceptualization, Bourdieu constructs a science of practices that “analyzed all human functions as ‘oriented towards the maximization of material or symbolic profit.’” 4 His theory of capital has limitations, however. He relies on ideal types and lacks the empirical research needed to support much theory. It is impossible to refer to capital-types and not acknowledge Bourdieu’s contributions to multiple capital species (Bourdieu1986; Kane 2001; Putnam 2001; Becker 1993); Fitz-Enz 2000; Davenport 1999; Marr 2005).

#### The fact that political capital is intangible doesn’t mean it’s a lie---Presidents have variable and measurable effectiveness at bargaining and pushing their agenda with Congress---it’s useful to think of that influence in terms of PC

Ryan J. Barilleaux 12, professor and chair of the Department of Political Science at Miami University of Ohio, 2012, Tough Times for the President: Political Adversity and the Sources of Executive Power, Google Books (ebook edition so no page numbers)

The political resources of the president are more variable than constitutional and institutional ones. These resources correspond to what is usually termed "political capital"—their presence or absence can be important factors in influencing the dynamics of a political situation. These resources include the president's electoral margin, support in Congress, public support and approval, and interest groups (which can assist the president in promoting administration goals).

Beyond these resources, presidents are also able to draw on two other intangible factors that can and have been significant at many points in the history of the office: deference and crisis. The president is the beneficiary of deference, usually in foreign policy. Half a century ago, Aaron Wildavsky noted in "The Two Presidencies" that presidents are more likely to get their way from Congress in foreign affairs than in domestic policy,10 and that deference continues to apply and appeared throughout our case studies. Even in the midst of tough times, Congress tended to defer to the chief executive on international issues, even controversial wars. Of course, this deference was not absolute—as several presidents also found—but it was a significant resource for the president. This deference also enhances presidential influence in times of national crisis, when the ordinary pulling and hauling of politics gives way to consensus and rallying around the nation's leader. This has been the situation in Cold War crises, in the aftermath of September 11, 2001, and in the 2008 financial crisis.

Presidential Power Resources: Personal Skills

Presidents are also politicians and possess a variety of personal skills. These skills are the sorts that Neustadt focused on in his description of presidential power and include the chief executive's rhetorical skills, bargaining and negotiation skills, and ability to communicate through the media and relations with journalists. Personal resources include even the president's reputation—both professional and public—which can affect the likelihood of others to cooperate with the chief executive. Some presidents, such as Ronald Reagan and Bill Clinton, possessed an ability to connect with the public that helped each man survive a crisis that could have destroyed his presidency (Iran-Contra for Reagan, the Lewinsky scandal for Clinton); other presidents do not have such a rapport with the public and, like Jimmy Carter and George H. W. Bush, suffer for it. Finally, the president often has the ability to control timing and surprise to influence events; for example, Nixon used both to manage the diplomatic opening to China in 1972, thus contributing to his success in that endeavor.

Of course, presidents do not possess all of these personal resources in equal amount. Also, these personal resources are not uniform even in the same person. Even gifted politicians can find their personal skills failing them in certain circumstances (as happened to LBJ in the matter of Vietnam), whereas those who seem politically unskilled in one domain can be successful in another (as happened with Jimmy Carter and the Camp David Accords).

Weighing Risks, Obstacles, and Opportunities

Presidents must decide when and how to apply their power resources to gain leverage in specific contexts, and those decisions are made by weighing the risks, obstacles, and opportunities of action or inaction. Lyndon Johnson famously commented in frustration about his office,

"Power? The only power I've got is nuclear—and I can't use that."11 Whereas the legalistic approach to presidential powers tended to view the veto, pardons, and treaty power in isolation from the political circumstances in which they are exercised, presidents must employ their power resources in the real world of politics. That was the insight of LBJ's remark: the president's leverage is a matter of leverage in context.

The first contextual factor that a president must weigh are the risks of the situation: the risk of inaction, the risk of failure, the risk of a court challenge (especially in cases of venture constitutionalism) or other negative reaction, the risk of bad timing, and other risks. Weighing these risks is an eminently political decision, and consciousness of them has led chief executives to proceed with caution (e.g., Lincoln and the timing of the Emancipation Proclamation, Kennedy and civil rights legislation) or with boldness (e.g., Nixon's opening to China, Reagan's firing of striking air traffic controllers, or Clinton's willingness to shut down the government).

A second contextual factor that presidents must weigh is the obstacles that stand in their way. These include opposition to the president's goals: who opposes them, how numerous and how powerful the opposition is, what resources the opposition possesses, and other considerations. Other obstacles include constitutional and legal barriers to the president's plan and goals, bureaucratic resistance, economic constraints, and other obstacles imposed by the particular situation. For example, Barack Obama was able to overcome the obstacles that stood in the way of the health care reform plan (although some remained after the bill's passage that raised questions about its implementation), whereas Bill Clinton in 1994 was unable to overcome opposition to his plan and George W. Bush in 2005 could not attract support for his call for Social Security reform.

Obstacles also include the intensity of opposition to the president's goals, which can make the president's job even more difficult: in the cases of Truman and MacArthur, Eisenhower and Orville Faubus in Little Rock, or Kennedy confronting George Wallace at the University of Alabama in 1963, each chief executive had to contend with a highly motivated adversary. This fact is a key reason why each of these presidents had to rely on executive power (Neustadt's "command") in order to act as he believed the situation required.

Third, specific situations also present opportunities. These include opportunities to advance the president's policy goals (e.g., change environmental policy, support democracy abroad), promote their political goals (such as reelection), meet their responsibilities (which often motivates forays into venture constitutionalism),12 or seize other opportunities.

Of course, obstacles, risks, and opportunities must be weighed in relation to one another. These calculations may be simple and obvious or complex and subtle, depending on the situation. Presidents must determine what power resources can be applied to advance their goals and how these contextual factors will affect the likelihood of success. Conversely, a president may believe that the situation requires action, even if the risks are very high and the obstacles to success are formidable (e.g., the Cuban Missile Crisis).

In any situation, the president's power resources, weighed against the risks, obstacles, and opportunities presented by circumstances, are applied as leverage toward advancing the president's goals. Obviously, the consequent leverage will not be the same in all circumstances but will vary according to the situation.

### AT: Winners Win

#### Can’t win on energy

Eisler 12 Matthew is a Researcher @ the Chemical Heritage Foundation. “Science, Silver Buckshot, and ‘All of The Above’” April 2, http://scienceprogress.org/2012/04/science-silver-buckshot-and-%E2%80%9Call-of-the-above%E2%80%9D/

Conservatives take President Obama’s rhetoric at face value. Progressives see the president as disingenuous. No doubt White House planners regard delaying the trans-border section of the Keystone XL pipeline and approving the Gulf of Mexico portion as a stroke of savvy realpolitik, but one has to wonder whether Democratic-leaning voters really are as gullible as this scheme implies. And as for the president’s claims that gasoline prices are determined by forces beyond the government’s control (speculation and unrest in the Middle East), it is probably not beyond the capacity of even the mildly educated to understand that the administration has shown little appetite to reregulate Wall Street and has done its part to inflate the fear premium through confrontational policies in the Persian Gulf. Committed both to alternative energy (but not in a rational, comprehensive way) and cheap fossil fuels (but not in ways benefiting American motorists in an election year), President Obama has accrued no political capital from his energy policy from either the left or the right by the end of his first term.¶ The president long ago lost the legislative capacity for bold action in practically every field, including energy, but because the GOP’s slate of presidential candidates is so extraordinarily weak in 2012, he may not need it to get re-elected. At least, that is the conventional wisdom in Democratic circles. Should President Obama win a second term, Congress is likely to be even more hostile than in his first term, as in the Clinton years. And as in the Clinton years, that will probably mean four more years of inaction and increased resort to cant.

#### Winners lose---PC’s not renewable, is zero-sum, and diminishes fast

Ryan 9 Selwyn, Professor Emeritus and former Director, Institute of Social and Economic Research, University of the West Indies, “Obama and political capital,” 1/18 http://www.trinidadexpress.com/index.pl/article\_opinion?id=161426968

Like many, I expect much from Obama, who for the time being, is my political beast of burden with whom every other politician in the world is unfavourably compared. As a political scientist, I however know that given the structure of American and world politics, it would be **difficult for him to deliver half of what he has promised**, let alone all of it. Reality will **force him to make many "u" turns** and detours which may well land him in quick sand. Obama will, however, begin his stint with a **vast accumulation of political capital**, perhaps more than that held by any other modern leader. Seventy-eight per cent of Americans polled believe that his inauguration is one of the most historic the country will witness. Political capital is, however, a lumpy and **fast diminishing asset** in today's world of instant communication, which once misspent, is **rarely ever renewable**. The world is full of political leaders like George Bush and Tony Blair who had visions, promised a lot, and probably meant well, but who **did not know how to husband** the **political capital** with which they were provided as they assumed office. They squandered it as quickly as they emptied the contents of the public vaults. Many will be watching to see how Obama manages his assets and liabilities register. Watching with hope would be the white young lady who waved a placard in Obama's face inscribed with the plaintive words, "I Trust You." Despite the general optimism about Obama's ability to deliver, many groups have already begun to complain about being betrayed. Gays, union leaders, and women have been loud in their complaints about being by-passed or overlooked. Some radical blacks have also complained about being disrespected. Where and when is Joshua going to lead them to the promised land, they ask? When is he going to pull the troops out of Iraq? Civil rights groups also expect Obama to dis-establish Guantanamo as soon as he takes office to signal the formal break with Dick Cheney and Bush. They also want him to discontinue the policy which allows intelligence analysts to spy on American citizens without official authorisation. In fact, Obama startled supporters when he signalled that he might do an about-turn and continue this particular policy. We note that Bush is signalling Obama that keeping America safe from terrorists should be his top priority item and that he, Bush, had no regrets about violating the constitutional rights of Americans if he had to do so to keep them safe. Cheney has also said that he would do it again if he had to. The safety of the republic is after all the highest law. Other groups-sub-prime home owners, workers in the automobile sector, and the poor and unemployed generally all expect Obama to work miracles on their behalf, which of course he cannot do. Given the problems of the economy which has not yet bottomed out, **some promises have to be deferred** beyond the first term. Groups, however, expect that the promise made to them during the campaign must be kept. Part of the problem is that almost every significant social or ethnic group believes that it was instrumental in Obama's victory. White women felt that they took Obama over the line, as did blacks generally, Jews, Hispanics, Asians, rich white men, gays, and young college kids, to mention a few of those whose inputs were readily recognisable. Obama also has a vast constituency in almost every country in the world, all of whom expect him to save the globe and the planet. Clearly, he is the proverbial "Black Knight on a White Horse." One of the "realities" that Obama has to face is that **American politics is not a winner-take-all system**. It is pluralistic vertically and horizontally, and getting **anything done politically**, even when the President and the Congress are controlled by the same party, **requires groups to negotiate, bargain and engage in serious horse trading.** No one takes orders from the President who can only use moral or political suasion and promises of future support for policies or projects. The system was in fact deliberately engineered to prevent overbearing majorities from conspiring to tyrannise minorities. The system is not only institutionally diverse and plural, but socially and geographically so. As James Madison put it in Federalist No 10, one of the foundation documents of republicanism in America, basic institutions check other basic institutions, classes and interests check other classes and interests, and regions do the same. All are grounded in their own power bases which they use to fend off challengers. The coalitions change from issue to issue, and there is no such thing as party discipline which translated, means you do what I the leader say you do. Although Obama is fully aware of the political limitations of the office which he holds, he is fully aware of the vast stock of political capital which he currently has in the bank and he evidently plans to enlarge it by drawing from the stock held by other groups, dead and alive. He is clearly drawing heavily from the caparisoned cloaks of Lincoln and Roosevelt. Obama seems to believe that by playing the all-inclusive, multipartisan, non-ideological card, he can get most of his programmes through the Congress without having to spend capital by using vetoes, threats of veto, or appeals to his 15 million strong constituency in cyberspace (the latent "Obama Party").

### AT: Obama Bad

#### Immigration will pass without Obama PC – he is toxic to the debate

Chris Stirewalt is digital politics editor for Fox News, “Will Obama Blow Up Immigration Deal?”, Jan 28th 2013, http://www.foxnews.com/politics/2013/01/28/will-obama-blow-up-immigration-deal/#ixzz2JnY0chGl

A group of four Republican senators including two moderates, John McCain and Lindsey Graham, and two conservatives, Marco Rubio and Jeff Flake, are teaming up with four Democrats, Chuck Schumer, Dick Durbin, Bob Menendez and Michael Bennet, to end the standoff over illegal immigration. It includes a broad amnesty but has a strengthening of national identification laws for job-seekers, tighter rules for visa abusers and requires those illegal immigrants already here to “go to the back of the line” for citizenship or face deportation. There’s more to like for the right than in McCain’s 2007 proposal, but it still represents a major compromise. Republicans are sick to death about talking about illegal immigration, an issue that makes them often sound like the xenophobes Obama accuses them of being and helps to alienate Hispanic voters who would line up with the GOP on many other issues if it were not for the perception that the party is anti-immigrant. But under Obama’s thesis, this compromise would be shouted down by Limbaugh, opinion mavens at FOX News and other outlets and the establishment press will refuse to report on how Republicans ruined the chances for progress because of this cynical dyspatriotism. But how does Obama himself factor in to all this? The president says that Republicans are punished for being too chummy with him, but what about when goes out and attacks Republicans? What about when he made a fiscal cliff deal all but impossible by hectoring and goading conservatives into opposition. In his own unified theory of media destruction, wouldn’t the president acknowledge that his own attacks, including the accusation that Republicans are working against what they know to be the best interests of the nation, would have some effect? Wouldn’t Obama have done better to reach a deal on taxes and spending if he had given John Boehner some cover rather than hitting the campaign trail? If Obama stands silent on the immigration deal or even complains that he will have to sign it even though it represents a painful sacrifice, then we will know he actually believes his own spin on the double bias of media. If Obama presses for more or revels in victory, he would be blowing up the deal under his own stated view of how the right operates. If the political world is constituted as he claims it is, wouldn’t the patriotic thing for Obama to do be staying out of it except to briefly wince at the concessions he is making before signing a law?

### 2NC---AT: Won’t Pass---Obama Will Sabotage

#### Wrong

NPR 2/20 Steve Inskeep and Mara Liasson. “Where Does Overhauling Immigration Stand?,” 2013, http://www.npr.org/2013/02/20/172470383/where-does-overhauling-immigration-stand?ft=1&f=1014

And then there's the notion that some Republicans believe that the president wants and issue not a bill. But I don't see any evidence for that. He has tread very carefully on this issue. He hasn't demonized Republicans on immigration reform as he has been more than willing to do on other issues like sequestration, as we just heard in Scott's piece. I think the president does want to sign a bill, but he also has to prove to his own base that he is willing to move forward with his own plan if Congress is unable to come up with a bipartisan immigration reform proposal.

### 2NC---AT: Won’t Pass---Obama’s Plan

#### Obama’s leaked plan doesn’t derail CIR---just a backup

Lederman 2/21 Josh is a writer for The Canadian Press. “Obama says leak of draft immigration bill didn't jeopardize Senate negotiations,” 2013, Factiva

WASHINGTON \_ President Barack Obama has sought to mitigate any damage from the leak of an immigration bill being drafted by the White House, telling a Spanish-language TV network he didn't jeopardize negotiations with the Senate.¶ Leaks in Washington happen all the time, Obama said Wednesday, and shouldn't prevent immigration reform from moving forward. He said negotiations are continuing at full speed.¶ Members of a bipartisan Senate group taking the lead on immigration reform were caught off-guard over the weekend when details of Obama's own bill were published on USA Today's website. Obama has in the past said he's prepping his own bill, but only as a back-up in case congressional talks fail.

#### Obama’s plan helps passage and proves PC is key---he needs to take hits

Pace 2/20 Julie, Bloomberg Businessweek, "White House tries to keep immigration on track", 2013, www.businessweek.com/ap/2013-02-20/white-house-tries-to-keep-immigration-on-track

Obama spoke with Rubio on Tuesday to reiterate his commitment to the Senate process and to make clear that he had his own legislation ready, the White House said. The president also called Republicans Sens. Lindsey Graham of South Carolina and John McCain of Arizona, two other GOP lawmakers involved in the immigration negotiations.¶ "It is, by far, the president's preference that the Senate process move forward, that the bipartisan group of eight have success, and that they produce a bill that wins the support of Democrats and Republicans in Senate," White House spokesman Jay Carney said.¶ Senate aides said privately Tuesday that bipartisan negotiations are in a good place and they did not feel as though the disclosure of details in Obama's draft bill would disrupt their process. In fact, Obama's backup bill could end up spurring GOP lawmakers to rally behind a congressional plan with many similarities rather than support legislation attached to the president.¶ While they differ on some key details, both sides are contemplating legislation that would provide a pathway to citizenship for most of the 11 million illegal immigrants already in the U.S., tighten border security, crack down on businesses that employ illegal workers and strengthen the legal immigration system.¶ Rubio, a rising Republican star and favorite of his party's conservative wing, has particular incentive to publicly disavow Obama's proposals.¶ As one of his party's leading voices on immigration, Rubio will be called on to sell other conservatives on any deal and he knows that doing so will be harder if that deal has the president's stamp on it. He'll also have to convince Republicans that a bipartisan Senate agreement would be more conservative than what Obama would propose on his own.¶ Rubio's office, trying to further distance itself from the White House, insisted Tuesday that the senator's team had not been in talks with the administration on immigration. But Rubio spokesman Alex Conant later said that a representative from the senator's office participated in five meetings with administration officials.¶ Administration officials said they were willing to take hits from the Florida lawmaker if doing so gave him the cover to work with Senate Democrats to reach a deal.¶ "As long as Sen. Rubio and the rest of the gang are making real progress on immigration reform, we are happy to be on the sidelines and even serve as a punching bag every once in a while," Dan Pfeiffer, Obama's senior adviser, said.

### Link

#### Framing issue---even if people in the abstract support natural gas, they still WANT regulations---the public and the media will FREAK OUT and spin the plan badly---costs MORE political capital---this is THEIR 2AC evidence

**Weinstein ‘10**

Bernard L. Weinstein, Associate Director, Maguire Energy Institute at the Southern Methodist University's Cox School of Business, National Journal, 12-20-10, Is Natural Gas the Answer? Fears Over Fracking Overblown, http://energy.nationaljournal.com/2010/12/is-natural-gas-the-answer.php, jj

Irrational fears make up a considerable portion of the American Psychiatric Association’s Manual of Mental Disorders. It includes catoptrophobia (fear of mirrors), geliophobia (fear of laughter), and levophobia (bizarrely enough, a fear of things to the left side of the body). **Unfounded fears are bad enough when they impair an individual’s ability to function in the real world and even worse when they obstruct entire sectors of our economy. Today, America faces a growing threat to its economic recovery as propaganda-generated afflictions like “**frackophobia” (fear of hydraulic fracturing in natural gas production) spread through the media and seeped into regulation and legislation. For example, “fear of fracking” has resulted in a de facto moratorium on gas drilling in New York State. Public officials ranging from city council members across Texas, Pennsylvania, and Wyoming to federal regulators in the Obama administration are currently considering new fracking regulations that threaten to bring the industry to a standstill**.** As with other perceived risks, **we should be careful to keep those associated with energy development in perspective.** Though **the U.S. natural gas industry has safely managed the hydraulic fracturing process for more than 50 years**, environmental activists and alternative fuel lobbies have begun hyping its risks in recent months. Yet, **there is not one verifiable instance of properly performed hydraulic fracturing causing direct harm to communities or individuals.** Opponents claim that fracking fluids frequently migrate into local water supplies. But **of the nearly 100,000 natural gas wells drilled annually, water contamination occurs in only a handful of cases.** **In those rare instances, responsible companies have provided clean water and compensation to affected families**. **While the risks associated with hydraulic fracturing are minor, those associated with stymieing natural gas production are major. Natural gas production currently supports nearly 4 million jobs in the U.S. and adds $385 billion to our economy each year. Its growth potential is enormous, with large shale formations existing in virtually all regions of the country**. A Penn State study estimates **the Marcellus Shale gas reservoir could add $8 billion in economic value and 100,000 new jobs in Pennsylvania next year**. Over the past two years, **the 13,600 residents in Bradford County have enjoyed $300 million in lease bonuses and royalties—just one example suggesting the rewards from gas drilling far outweigh the risks**. A recent study by this author for Broome County, New York found that **shale gas drilling and production would pump $19 billion into the local economy over a ten year period while supporting 5600 much-needed jobs.** Production of every energy source involves some risks. **In view of historically high unemployment and empty state coffers, regulators and legislators need to carefully weigh the economic benefits from natural gas development against the** environmental risks **that** are typically exaggerated by drilling opponents. Removing “frackophobia” from the lexicon of the energy policy debate **is an imperative for assuring a robust future for the natural gas industry.** **This abundant domestic resource**, **if fully developed, can shrink our dependence on energy imports while simultaneously reducing greenhouse gas emissions because of its minimal carbon footprint. And America will be happier and more prosperous** if we pay more attention to geliophobia and less to frackophobia.

#### Public and political consensus---fracking regs are popular---prefer NEWEST STUDIES

Mall 13 – Amy Mall, senior policy analyst, Washington, D.C. January 12th, 2013, "More Americans Want Tough Fracking Regulations" theenergycollective.com/amymall/170271/new-polling-results-more-americans-all-stripes-want-tough-fracking-regulations

A recent Bloomberg National Poll found that 66 percent of Americans want more government oversight of fracking--**a big increase over the last three months.** Some people completely oppose fracking, but **even those who don't want tough rules and enforcement.** Bloomberg quotes a Virginia resident as saying: "“I’m a big proponent of natural gas, but I still need to be sure that we are not damaging our water supply.” Many Americans share this view.¶Another poll by ORCInternational for the Civil Society Institute and Environmental Working Group found that **94 percent of Americans want to balance new energy production with protecting clean water and air--including 92 percent of Republicans.** And they found that 79 percent of Americans are concerned about fracking "as it relates to water quality" and that 80 percent of Americans think we "should get the facts first about health and environmental risks before the potential damage is done by energy production" -- including 67 percent of Republicans.¶These polls reflect a great consensus across the political spectrum**. Even political conservatives agree that we need to know a lot more about the risks of fracking before expanding fracking without the right rules in place**. There is consensus that the oil and gas industry should have to comply with the same environmental laws as other industries, that our clean air and clean water should be protected, **and that enforcement should be tough.**

#### Causes backlash---that’s the 1NC Dicker evidence---angers Democratics because they are concerned about the environment

#### Empirically proven---massively partisan

Tom Barnes, Contributor, 12 [“Natural gas extraction tax debated in House,” Post-Gazette Harrisburg Bureau, March 29, http://www.post-gazette.com/stories/local/state/natural-gas-extraction-tax-debated-in-house-265999/?print=1]

HARRISBURG -- House Democrats and Republicans wrangled for five hours Tuesday in a bitter partisan debate over whether to enact a hefty new tax on extracting natural gas from Marcellus Shale, but the issue still has a long way to go.¶ Democrats favored the measure, called Senate Bill 1155, while Republicans were generally opposed. It would impose a severance tax of 39 cents per thousand cubic feet (MCF) of natural gas extracted from the vast areas of underground shale in Pennsylvania. It would generate $120 million this fiscal year, $326 million next year, $408 million in 2012 and $495 million in 2013.¶ But even the supporters said the bill was just "a first step," with difficult negotiations expected with the Republican-controlled Senate. Many senators favor a lower tax rate, like one in Arkansas, which has a 1.5 percent tax on the market value of the extracted gas for the first several years.¶ The rhetoric over the bill was loud from both sides. "It's unconscionable that these gas drillers don't pay a severance tax," said Rep. Greg Vitali, D-Delaware, adding that all other 24 states with Marcellus drilling have a tax.¶ "These [gas] people are making tons of money, billions in gross profits," he said. "They hired a former Pennsylvania governor for $900,000 [as a lobbyist]. They gave a [Republican] candidate for governor nearly $400,000. A rate of 39 cents per MCF is fair and reasonable. They can afford it."¶ Rep. Barbara McIlvaine Smith, D-Chester, said, "We are the only shale state without a shale tax. People must think we have a big S on our forehead -- for stupid."¶ Rep. Bryan Lentz, D-Delaware, added, "If this tax is defeated, the headlines will read 'Corporations Win, People Lose.' If you vote against this bill you are doing the bidding of the gas industry, which can and should pay its fair share."¶ Republicans strongly disagreed, claiming such a high tax will stifle the drilling industry as it gets going in the state, providing thousands of jobs and other types of taxes to the state and localities where drilling is going on.¶ GOP legislators also objected that the bill was unconstitutional, because House Democrats on Monday had taken a measure on a different subject, which the Senate had already passed, and added totally new tax language to it. Republicans said that legally, revenue-raising bills must start in the House, not the Senate.¶ Republicans also objected that the rewritten bill provides $97 million -- 80 percent of the $120 million expected from the tax in the first year -- to fill a state budget hole, rather than helping replenish the nearly bankrupt Environmental Stewardship Fund, which protects farmland and open space.¶ "People are fed up with higher taxes," Rep. Scott Hutchinson, R-Venango said. "There's a firestorm sweeping across the nation and state. People don't want us to use this money to feed the Leviathan called state government."¶ "To come in with the highest tax rate in the country is unbelievable," said Rep. Daryl Metcalfe, R-Cranberry. "It will kill jobs in Pennsylvania."¶ Rep. Matt Baker, R-Tioga, said, "Like sharks in a feeding frenzy, big state government preys on drillers and landowners. It will impede job creation. This is the wrong way to go. It's a monumental tax, the largest in the whole country."¶ Rep. Dan Frankel, D-Squirrel Hill, insisted that contrary to what opponents said, states like Wyoming, Oklahoma, New Mexico and Montana have higher gas taxes than what this bill contains.¶ Other Democrats said that while the 39 cents per MCF may be the highest rate in the country, other taxes on drillers in Pennsylvania, such as income and property taxes, are lower, so the overall tax isn't the highest in the U.S.¶ Initially, 60 percent of the shale-tax revenue was to go to the state general fund and 40 percent was to be split several ways, including going to county and local governments, environmental improvements and the hazardous sites cleanup fund. But under an amendment by Rep. Kate Harper, R-Montgomery, that passed Tuesday night, those percentages were reversed, with 40 percent going to the state. She said the original version of the bill didn't provide enough for local government or the Environmental Stewardship Fund in the first year.¶ Everyone agreed that the bill is far from the final word on the subject of a shale gas tax. Erik Arneson, an aide to Senate Republican leader Dominic Pileggi, said the 39 cents per MCF "is not an approach that would win majority support in the Senate."¶ But Democrats said Tuesday night's affirmative vote on the amendment at least keeps the process moving forward, with upcoming talks aimed at producing a bill that can pass both chambers and be signed by Gov. Ed Rendell before legislators go home in mid-October.

### AT: Winners Win

### Asia

#### Solves US-India relations --- builds trade relationships

LA Times 12, 11/9/2012 (Other countries eagerly await U.S. immigration reform, p. http://latimesblogs.latimes.com/world\_now/2012/11/us-immigration-reform-eagerly-awaited-by-source-countries.html)

"Comprehensive immigration reform will see expansion of skilled labor visas," predicted B. Lindsay Lowell, director of policy studies for the Institute for the Study of International Migration at Georgetown University. A former research chief for the congressionally appointed Commission on Immigration Reform, Lowell said he expects to see at least a fivefold increase in the number of highly skilled labor visas that would provide "a significant shot in the arm for India and China."¶ There is widespread consensus among economists and academics that skilled migration fosters new trade and business relationships between countries and enhances links to the global economy, Lowell said.¶ "Countries like India and China weigh the opportunities of business abroad from their expats with the possibility of brain drain, and I think they still see the immigration opportunity as a bigger plus than not," he said.

#### Relations are k2 solve every major impact, including US primacy in Asia, China rise, and Asian instability

Armitage et al 10 Richard is the President of Armitage International and former Deputy Secretary of State. R. Nicholas Burns is a Professor in the Practice of Diplomacy and International Politics, Kennedy School of Government, Harvard University. Richard Fontaine is the President of the Center for New American Security. “Natural Allies: A Blueprint for the Future of U.S.-India Relations,” October, Center for New American Security, http://belfercenter.ksg.harvard.edu/files/Burns%20-%20Natural%20Allies.pdf

A strengthened U.S.-India strategic partnership is thus imperative in this new era. The transformation of U.S. ties with New Delhi over the past 10 years, led by Presidents Clinton and Bush, stands as one of the most significant triumphs of recent American foreign policy. It has also been a bipartisan success. In the last several years alone, the United States and India have completed a landmark civil nuclear cooperation agreement, enhanced military ties, expanded defense trade, increased bilateral trade and investment and deepened their global political cooperation.¶ Many prominent Indians and Americans, however, now fear this rapid expansion of ties has stalled. Past projects remain incomplete, few new ideas have been embraced by both sides, and the forward momentum that characterized recent cooperation has subsided. The Obama administration has taken significant steps to break through this inertia, including with its Strategic Dialogue this spring and President Obama’s planned state visit to India in November 2010. Yet there remains a sense among observers in both countries that this critical relationship is falling short of its promise.¶ We believe it is critical to rejuvenate the U.S.- India partnership and put U.S. relations with India on a more solid foundation. The relationship requires a bold leap forward. The United States should establish a vision for what it seeks in the relationship and give concrete meaning to the phrase “strategic partnership.” A nonpartisan working group of experts met at the Center for a New American Security (CNAS) over the past eight months to review the main pillars of the U.S.-India relationship and we articulate here a specific agenda of action.¶ In order to chart a more ambitious U.S.-India strategic partnership, we believe that the United States should commit, publicly and explicitly, to work with India in support of its permanent membership in an enlarged U.N. Security Council; seek a broad expansion of bilateral trade and investment, beginning with a Bilateral Investment Treaty; greatly expand the security relationship and boost defense trade; support Indian membership in key export control organizations, a step toward integrating India into global nonproliferation efforts; and liberalize U.S. export controls, including the removal of Indian Space Research Organization (ISRO) subsidiaries from the U.S. Entity List.¶ These and the other actions outlined in this report will require India to make a number of commitments and policy changes, including taking rapid action to fully implement the Civil Nuclear Agreement; raising its caps on foreign investment; reducing barriers to defense and other forms of trade; enhancing its rules for protecting patents and other intellectual property; further harmonizing its export control lists with multilateral regimes; and seeking closer cooperation with the United States and like-minded partners in international organizations, including the United Nations. ¶ The U.S. relationship with India should be rooted in shared interests and values and should not be simply transactional or limited to occasional collaboration. India’s rise to global power is, we believe, in America’s strategic interest. As a result, the United States should not only seek a closer relationship with India, but actively assist its further emergence as a great power.¶ U.S. interests in a closer relationship with India include:¶ • Ensuring a stable Asian and global balance of power.¶ • Strengthening an open global trad[e]ing system.¶ • Protecting and preserving access to the global commons (air, sea, space, and cyber realms).¶ • Countering terrorism and violent extremism.¶ • Ensuring access to secure global energy resources.¶ • Bolstering the international nonproliferation regime.¶ • Promoting democracy and human rights.¶ • Fostering greater stability, security and economic prosperity in South Asia, including in Pakistan, Afghanistan, Nepal, Bangladesh and Sri Lanka.¶ A strong U.S.-India strategic partnership will prove indispensable to the region’s continued peace and prosperity. Both India and the United States have a vital interest in maintaining a stable balance of power in Asia. Neither seeks containment of China, but the likelihood of a peaceful Chinese rise increases if it ascends in a region where the great democratic powers are also strong. Growing U.S.-India strategic ties will ensure that Asia will not have a vacuum of power and will make it easier for both Washington and New Delhi to have productive relations with Beijing. In addition, a strengthened relationship with India, a natural democratic partner, will signal that the United States remains committed to a strong and enduring presence in Asia.¶ The need for closer U.S.-India cooperation goes well beyond regional concerns. In light of its rise, India will play an increasingly vital role in addressing virtually all major global challenges. Now is the time to transform a series of bilateral achievements into a lasting regional and global partnership.

#### Global nuclear war

Landay 2k (Jonathon, National Security and Intelligence Correspondent with 15 Years of Experience for Knight Ridder, “Top administration officials warn stakes for US are high in Asian conflicts,” March 11th, Lexis)

Few if any experts think China and Taiwan, North Korea and South Korea, or India and Pakistan are spoiling to fight. But even a minor miscalculation by any of them could destabilize Asia, jolt the global economy and even start a nuclear war. India, Pakistan and China all have nuclear weapons, and North Korea may have a few, too. Asia lacks the kinds of organizations, negotiations and diplomatic relationships that helped keep an uneasy peace for five decades in Cold War Europe. "Nowhere else on Earth are the stakes as high and relationships so fragile," said Bates Gill, director of northeast Asian policy studies at the Brookings Institution, a Washington think tank. "We see the convergence of great power interest overlaid with lingering confrontations with no institutionalized security mechanism in place. There are elements for potential disaster."