### 2AC Tech Feasible

#### The Tech is Feasible

Gina Langen, Ohio State Office of Energy and Environment January 29, 2013 Successful 200+ Hour Continuous Operation of Coal-Direct Chemical Looping Combustion Technology at Ohio State http://oee.osu.edu/documents/Fan200.pdf

The Ohio State University successfully demonstrated 200+ hours of continuous operation of a fully ¶ integrated chemical looping combustion pilot plant for solid fuel conversion last quarter. The Coal-Direct ¶ Chemical Looping (CDCL) is an advanced oxy-combustion carbon capture technology for coal-fired ¶ power plants. This demonstration represents the first long-term integrated operation of any chemical ¶ looping technology in the world. ¶ Directed by Professor Liang-Shih Fan and his team of graduate students, the successful operation of the 25 ¶ kWth CDCL sub-pilot unit conducted at Ohio State’s Clean Energy Research Laboratory signifies the ¶ commercial potential for the Ohio State-patented CDCL technology.¶ Chemical looping technology is a transformational process for converting carbon-based fuels such as coal, ¶ syngas and natural gas to electricity, liquid fuels and/or hydrogen with low to negative net carbon ¶ emissions. As one of the ultimate technologies in the U.S. Department of Energy’s Carbon Emission ¶ Control Technology Roadmap, the chemical looping technology utilizes the reduction-oxidation reactions ¶ of an oxygen carrier to segregate the air source from the fuel. This eliminates the need for energy intensive ¶ CO2 separation systems that require high capital and operating costs. ¶ CONSOL Energy, in collaboration with Ohio State, performed an economic analysis of the CDCL process ¶ using DOE’s economic and boiler performance assumptions for a coal-fired, supercritical power plant. ¶ The results indicate that Ohio State’s CDCL process can meet and exceed DOE’s target of less than 35% ¶ increase in cost of electricity with greater than 90% carbon capture. ¶ The CDCL sub-pilot unit successfully demonstrated the integrated performance of the two major process ¶ components: the counter-current moving bed reducer and the fluidized bed combustor, establishing the ¶ viability of the process for the direct conversion of coal to electricity. The CDCL process utilizes an ironbased oxygen carrier cycling between the reducer and combustor reactors. ¶ Under DOE’s Carbon Capture Program, the fully integrated, streamlined CDCL plant is unique in both ¶ design and operation because of its moving bed design and non-mechanical valves. The CDCL system ¶ uses an in-situ ash removal system in the reducer to eliminate the need for additional fines removal ¶ devices, which lowers the unit capital and operating costs and simplifies the process design and operation. ¶ Office of Energy and Environment¶ 3018 Smith Laboratory ¶ 174 W. 18th Avenue¶ Columbus, OH 43210¶ Phone (614) 247-4762¶ oee.osu.eduhe 200+ hours of continuous operation, using metallurgical coke and sub-bituminous and lignite coals, ¶ demonstrated the robustness of the unique moving bed reducer design and non-mechanical valve operation ¶ by achieving nearly 100% solid fuel conversion with more than 99% carbon dioxide purity. ¶ The concentrated CO2 stream produced from the reducer contained very low concentrations of methane, ¶ oxygen, and carbon monoxide. From the reducer to the combustor, minimal carbon carry-over was ¶ observed from the transfer of oxygen carrier particles contributing to nearly 100% carbon capture ¶ efficiency. Additionally, pollutant analyses during the operation showed comparable NOx and SOx¶ concentrations in the reducer as compared to concentrations in a conventional pulverized coal combustion ¶ boiler equipped with a low NOx burner, and negligible amounts of both pollutants observed in the ¶ combustor effluent gas. The long-term demonstration validated the oxygen carrier particle performance in ¶ terms of its reactivity, recyclability and attrition resistance.¶ This program was primarily sponsored by DOE’s National Energy Technology Laboratory (Project #: DENT0005289, Project Title: Coal-Direct Chemical Looping Retrofit to Pulverized Coal Power Plants ¶ System for In-Situ CO2¶ Capture) and the Ohio Development Services Agency. In addition, Ohio State has ¶ conducted this research in collaboration with multiple industrial partners: Babcock & Wilcox Power ¶ Generation Group, Inc. (B&W PGG), CONSOL Energy, Inc., and Clear Skies Consulting LLC.¶ Further, a fully integrated 250-kWth pressurized Ohio State Syngas Chemical Looping (SCL) pilot unit is ¶ being designed and constructed at DOE’s National Carbon Capture Center in Wilsonville, Alabama and is ¶ expected to be in operation in late 2013 to further verify the operability and economic feasibility of ¶ advanced chemical looping technologies. Combined, more than 800 operating hours have been achieved ¶ using the SCL and CDCL sub-pilot units, which demonstrate the reliability and operability of the Ohio ¶ State design.¶ This remarkable feat follows the recent awarding of Phase I DOE funding for advanced oxy-combustion ¶ technologies. Ohio State is working with B&W PGG, the Phase I project principal investigator, to conduct ¶ a techno-economic study of a commercial 550 MWe¶ power plant using the CDCL process. The CDCL ¶ process can be implemented as a greenfield plant or as a cost-effective repowering option to existing coalfired power plants.

### Warmin

#### Immediate action solves the 2 degree tipping point

Kelly Levin, via WRI Insights., 3-7-13 (“Developed Nations Must Cut Emissions In Half By 2020, Says New Study”,Climate Progress)

The findings from this most recent study suggest that the challenge we already knew was great is even more difficult. But even with an increased level of reductions necessary, the study does show that a 2°C goal is still attainable — if we act ambitiously and immediately.¶ The early seeds of transformation we are seeing in Europe, the United States, and some developing countries need to be scaled up quickly (WRI recently laid out several policy recommendations for the United States to significantly reduce its greenhouse gas emissions). At the same time, we need further financing and technology transfer to bend developing countries’ emissions trajectories. Equally important is for the international community to work together to identify additional opportunities for raising ambition. The UNFCCC negotiations have started a dialogue on this, but these conversations need to lead to action. WRI has outlined how “international clubs” could make a difference.¶ This research demonstrates that now more than ever, leaders must understand the risk of inaction and put in place ambitious, effective policies to build a low-carbon economy. The gap between current and necessary ambition is growing, as is the urgency of addressing global climate change.

#### Its too late” is a faulty frame – reductions in emmissions make catastrophic change less likely

Bosetti et al 11 (Valentina Bosetti, EuroMediterranean Center for Climate Change, Sergey Paltsevb Massachusetts Institute of Technology, John Reilly Massachusetts Institute of Technology, Carlo Carraro University of Venice, CEPR, CESifo, Fondazione Eni Enrico Mattei, and EuroMediterranean Center for Climate Change, “Climate Impacts and Policies. An Economic Assessment,” 9/16/11) http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2027881

 Emission pathways consistent with a “likely” chance of meeting the 2°C limit generally peak before 2020, have emission levels in 2020 around 44 GtCO2e (range: 39-44 GtCO2e), have steep emission reductions afterwards and/or reach negative emissions in the longer term. Hence, the ranges implied by Copenhagen pledges do not necessarily rule out the 2°C target, as the two ranges are not severely distant from one another. However, as previously discussed, the larger the overshoot will be, the faster the decarbonization in the second half of the century will be needed, with all the implications that we have discussed above. The consideration that the 2° C target could be out of reach should not be a reason to inaction. Even limited actions towards reducing GHG concentrations result in a substantial reduction in risk of exceeding a certain temperature threshold. Table 2 (adapted from Webster et al, 2009) illustrates the benefits of at least some mitigation actions in comparison to the no-action scenario. For example, stabilization at 800 ppm reduces the probability of exceeding 4°C in 2100 to 7 percent from 85 percent in the no-policy scenario. Therefore, even a limited action directed at GHG reductions by a subset of regions will appreciably reduce the probability of more extreme levels of temperature increase.

### T Pre-existing

#### 2. We meet-

#### A. Plan can increase from zero

Gibson, Justice of the Oklahoma Supreme Court delivering its majority opinion, 1938 (*In re Moore*, 77 P.2d 676, 678)

The amended act provides for an appeal only when the assessment is increased. We think, however, that an assessment is increased within the meaning of the act when it is **increased from zero** or no assessment as well as when it is increased from some valuation, nominal or otherwise. The purpose of the taxing procedure is to give the right to be heard to those taxpayers whose property is assessed beyond what they returned to the assessor, also where it is arbitrarily assessed in the absence of a return, and to give them a right to appeal to the district court.

#### Counter-interp: AFFs must fiat a net-increase in social services relative to a baseline of not passing the plan

Economic Policy Institute, 3-31-4 (“Congressional budget resolution takes the deficit from bad to worse”, http://www.epi.org/economic\_snapshots/entry/webfeatures\_snapshots\_archive\_03312004/)

The budget resolution passed by the House of Representatives on March 25 is an odd response to current concerns about deficits. 1 Instead of lowering deficits, the resolution would increase deficits through at least 2005, for a total increase of $242 billion over five years. The **meaning of “increase**” here **is critical** to understanding the budget proposal in context. **With no policy changes** and very optimistic assumptions, the “baseline” deficit is projected to drop to $170 billion in 2009. Thus, doing nothing implies an automatic decrease from the projected 2005 level of $323 billion. In contrast, the resolution proposes tax and spending changes that would put the deficit at $231 billion in 2009—$61 billion **higher than the baseline** level of $170 billion.

#### Prefer our interp:

#### A. Truth- The Supreme Court adopted it because it’s more precise and reflects actual usage – Solves education via predictable limits that reflect the literature

#### B. No abuse- New energies provide predictable literature and stronger DA links

Cnaan, professor, associate dean for research, and chair of the Doctoral Program in Social Welfare at the University of Pennsylvania, and Cnaan, professor of Pediatrics, Epidemiology and Biostatistics at the George Washington University Schools of Medicine and Health Sciences and Public Health and Health Services, Director of Multi-Center Studies Section in the Center for Clinical and Community Research, 1987 (Ram and Avital, “Allocation of resources for social services: Israel as a case study”, Social Indicators Research, Vol. 19, No. 4)

The two target variables appear to measure two distinct phenomena. Their correlation was low and a few of their explaining factors were different. The results indicates, however, that welfare expenditure is a good explanatory factor for the creation of new programs. New programs mean a larger and deeper social responsibility as **their existence is usually long while welfare expenditure can more easily be manipulated**. Once a program exists people adapt to it and expect it to serve them. New programs in turn, require more welfare expenditures and vice versa. These unique relationships of the two target variables can be explained by Heclo's theory. Heclo (1974) used the learning theory in its macro form as a tool for explaining the required a priori conditions for establishment of new social services. Heclo assumes that there will be socio-political learning before the critical event takes place, meaning that **people will be aware of and waiting for the changes, the costs and benefits**. All this combined with the activity of special social change agents creates the a priori conditions required for new social services. People are used to and expect to utilize existing social services. Therefore programs' abolition in a new democratic society is hard and requires socio-political preparation. This cycle may go on until other contributing factors intervene and temporarily break the cycle.

### 2AC T Energy Production

#### 1. We meet – the plan provides loan guarantees – 1AC CSL evidence explicitly advocates financial incentives for C-DCL

#### 2. Counter-Interpretation –

#### a) Financial Incentives are grants, loan guarantees, and tax incentives

3E ‘5 (“A Guide to U.S. Federal, Oregon, and Local Financial Incentives Available to Firms Engaged in Renewable Energy and Energy Efficiency,” 3E is a non-profit organization aimed at creating a business alliance for sustainable energy, November 1, <http://www.3estrategies.org/Documents/IncentivesforSEcompaniesguide--3-06_000.pdf>, Mike)

U.S. FEDERAL LEVEL FINANCIAL INCENTIVES Assistance is available in the following forms: grants, loans (typically, loan guarantees), and tax incentives (in the form of tax credits or special tax deductions). The government also buys goods and services through procurement contracts. In the renewable energy/energy field, the federal departments or agencies most frequently involved include: the Small Business Administration (SBA), the Department of Energy (DOE), the Department of Agriculture (USDA). The federal government also makes funds available to state governments; see the “state-level incentives” section of this guide for further information.

#### b) “Energy production” means *electricity made from the energy*

US Code 2012 (Title 42 › Chapter 149 › Subchapter XIII › § 16491, http://www.law.cornell.edu/uscode/text/42/16491)

42 USC § 16491 - Energy production incentives

(a) In general

A State may provide to any entity—

(1) a credit against any tax or fee owed to the State under a State law, or

(2) any other tax incentive,

determined by the State to be appropriate, in the amount calculated under and in accordance with a formula determined by the State, for production described in subsection (b) in the State by the entity that receives such credit or such incentive.

(b) Eligible entities

Subsection (a) shall apply with respect to the production in the State of electricity from coal mined in the State and used in a facility, if such production meets all applicable Federal and State laws and if such facility uses scrubbers or other forms of clean coal technology.

(c) Effect on interstate commerce

Any action taken by a State in accordance with this section with respect to a tax or fee payable, or incentive applicable, for any period beginning after August 8, 2005, shall—

(1) be considered to be a reasonable regulation of commerce; and

(2) not be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate, against interstate commerce.

#### c) CDCL is explicitly for electricity production

Wire News 1-30-13 (“DOE-Supported Project Advances Clean Coal, Carbon Capture Technology Ohio State Researchers Show Viability of Advanced Chemical Looping Process,” http://www.power-eng.com/news/2013/01/29/doe-supported-project-advances-clean-coal-carbon-capture-technology-ohio-state-researchers-show-viab.html, Mike)

The following information was released by the U.S. Department of Energy, The National Energy Technology Laboratory (NETL): Researchers at The Ohio State University (OSU) have successfully completed more than 200 hours of continuous operation of their patented Coal-Direct Chemical Looping (CDCL) technology - a one-step process to produce both electric power and high-purity carbon dioxide (CO2). The test, led by OSU Professor Liang-Shih Fan, represents the longest integrated operation of chemical looping technology anywhere in the world to date. The test was conducted at OSUs 25 kilowatt thermal (kWt) CDCL combustion sub-pilot unit under the auspices of DOEs Carbon Capture Program, which is developing innovative environmental control technologies to foster the use of the nations vast coal reserves. Managed by the Office of Fossil Energys National Energy Technology Laboratory, the programs specific goal is to develop CO2 capture and compression technologies that can reduce the capital cost and energy penalty of CO2 capture by more than half equivalent to CO2 capture at less than $40 per metric ton when integrated into a new or existing coal fired power plant. The successful test moves chemical-looping a step closer to full scale. Chemical looping is an advanced technology that offers several advantages over traditional combustion. In a chemical-looping system, a metal oxide, such as an iron oxide, provides the oxygen for combustion. The metal oxide releases its oxygen in a fuel reactor with a reducing atmosphere, and the oxygen reacts with the fuel. The reduced metal cycles back to an oxidation chamber where the metal oxide is regenerated by contact with air. The metal oxide is then reintroduced into the fuel reactor, thus completing the loop. Since CO2 separation occurs simultaneously with coal conversion, chemical looping offers a low-cost scheme for carbon capture. The process can produce power, synthesis gas, or hydrogen in addition to high-purity CO2. OSU reports that the CDCL plants 200+ hours of operation, using metallurgical coke and subbituminous and lignite coals, shows the robustness of its novel moving-bed design and non-mechanical valve operation. The combination resulted in nearly 100 percent solid fuel conversion and a CO2 stream more than 99 percent pure, making it applicable to CO2 enhanced oil recovery operations. The OSU project is expected to benefit the DOE Carbon Capture Program by identifying oxygen carriers and a chemical looping process having the potential to control multiple pollutants, including sulfur dioxide (SO2) and nitrogen oxides (NOx), along with CO2. OSU research aims to identify potential barriers and optimize the CDCL technology and provide realistic data for future technological and economic analysis. In addition to DOE, OSU is partnering on the project with the Ohio Department of Development, Babcock and Wilcox Power Generation Group, Inc., CONSOL Energy Inc., and Clear Skies Consulting LLC. In a related project, DOEs National Carbon Capture Center in Wilsonville, Ala., will serve as the host site for the construction and operation of a fully integrated 250 kWt pressurized syngas chemical looping pilot unit starting this year. The facility will be used to further prove the operability and economic feasibility of OSUs advanced chemical looping technologies.

#### 3. We Meet – prefer our interpretation

#### a) Limits – our interpretation excludes procurement contracts, intra-governmental incentives, and indirect incentives – sets a fair predictable constraint on the topic that still allows aff creativity but hedges against neg bias

#### b) Precision – the US Code evidence is the only legal, government evidence with intent to define on this question since it uses the complete term of art “energy production incentive”- that ensures it’s the most *contextual* and *predictable-* we control the core of the literature and whether people can find that lit

#### c) Topic Education – Virtually every other coal aff on the topic is a restrictions aff – allowing our aff is key to debating about the intricacies of coal policy

#### 4. Their interpretation is bad- [insert]

#### 5. Default to reasonability and err aff – unless you think it’s impossible for the neg to generate Coal links to their generic positions this argument should not be a part of your decision calculus

### 2AC QER

#### 1. Perm do the Counterplan- Nothing in the plan commits our affirmative to immediacy. Counterplans must be textually and functionally competitive.

#### A) Not textually competitive- Ought has no temporal function

Dictionary of Americanisms, ‘99

(1999, The Dictionary of Americanisms was originally created by John Russell Bartlett in 1848, This edition was re-copyrighted 1999-2006 – http://www.merrycoz.org/voices/bartlett/AMER10.HTM#o)

OUGHT. As this verb is defective, and has no inflection to distinguish past from present time, illiterate persons often attempt to supply the deficiency by the use of auxiliaries. Hence the expressions, don't ought, had ought, hadn't ought. Mr. Pegge notices the two last among the vulgarisms of London.

#### B) Not functionally competitive- because the plan can be read in a way that is not different than the counterplan

#### C) Best standard of competition- only predictable and objective standard for evaluating theory.

#### 2. The CP is a voting issue-

#### A) Fairness- They literally do the aff so we cant generate solvency deficits- makes the debate about the net benefit- this skews debate too far negative

#### B) Education- There are an infinite amount of potential counterplans you can think of- they cause shallow research, which incentivizes generics-, creates stale debates

#### C) Solvency Advocate- No evidence plan is lynchpin for condition- shifts debate too far to the negative and legitimizes permutation do the plan and condition on something else

#### 4. CP wont be implemented and links to politics

Stephen, Barlas 12 (Columnist @ Financial Executive “Does the US really need an energy policy?” ,Lexis)

But it is highly unlikely that Obama's blueprint will lead to a firmer footing for U.S. energy security than past so-called blueprints from other presidents, or perhaps more importantly, whether a print is even necessary. Obama's policy is a loosely knit set of policies that focus on producing more oil at home and reducing dependence on foreign oil by developing cleaner alternative fuels and greater efficiency. ¶ The Obama plan is not the result of any particular deep thinking or strategy. The President's Council of Advisors on Science and Technology (PCAST) called for the development of such a strategy in its November 2010 Report to the President on Accelerating the Pace of Change in Energy Technologies. Through an Integrated Federal Energy Policy. ¶ PCAST called for a Quadrennial Technology Review (QTR) as the first step in preparing a Quadrennial Energy Review. DOE completed the QTR in November 2011, six months after Obama published his blueprint. ¶ Steven E. Koonin, former undersecretary of Energy for Science, says QTR is limited in scope and all DOE felt it could get done given budget and time. "Technology development absent an understanding and shaping of policy and market context in which it gets deployed is not a productive exercise," he says. At this point there is no indication that DOE will even undertake the much more important QER, much less complete it any time soon. ¶ The larger reality is that any energy independence plan proposed by any U.S, president--whether based on a QER or not--has as much a chance of coming to fruition as Washington's football Redskins have of getting into the Super Bowl. But regardless of the rhetoric of president after president, maybe the U.S. doesn't even need an energy independence or energy security policy. ¶ Natural Gas Making Inroads ¶ The biggest energy input for industrial and commercial business users is natural gas. Natural gas prices are incredibly important, both because the fuel is used directly to run industrial processes, heat facilities and commercial buildings and make products such as fertilizers, pharmaceuticals, plastics and other advanced materials. Thanks to the shale revolution, EIA forecasts natural gas prices will stay low for the foreseeable future, rising to $4.66 m/BTU in 2015 and $5.05 m/BTU in 2020. ¶ That is good news for the owners of 15,000 to 17,000 industrial boilers in this country, most of which use natural gas (and many of those who still use coal are switching to natural gas). In addition, companies such as Dow Chemical Co. are restarting operations at facilities idled during the recession, Bayer AG is in talks with companies interested in building new ethane crackers at its two industrial parks in West Virginia and Chevron Phillips Chemical Co. and LyondellBasell Co., are considering expanding operations in the United States. ¶ Fracking has also had a much less remarked-upon effect on petroleum prices, which are important to businesses with transportation fleets. New oil sources are spurting from the Bakken (stretching from Canada to North Dakota and Montana) and Eagles Ford (South Texas) shale plays. ¶ U.S. oil prices have fallen from $133.88 a barrel of Texas intermediate crude in June 2008 to around $86.07. EIA predicts oil prices will rise to $94.58/bbl in 2015 and $108.10/bbl in 2020. ¶ Beyond the flood of natural gas washing over them, U.S. companies are also benefitting from three decades of investments--most of which were made without federal subsidies, or support--into facility energy efficiency. Ralph Cavanagh, co-director of the Energy Program at the Natural Resources Defense Council and a member of the Electricity Advisory Board at DOE, says the most important single solution for U.S. businesses worried about energy prices and access is aggressive energy efficiency. ¶ "Energy independence is the wrong issue," Cavanagh says. "It is reducing the cost of energy services and improving energy security. ¶ "U.S. business has done a tremendous job in energy efficiency over the past three decades," he adds. "It takes less than one-half of a unit of energy to create $1 of economic value than it did in 1973. Industry has done that by upgrading the efficiency of process equipment and upgrading lighting." ¶ Others may well argue that the U.S. needs, and has always needed, an energy policy, but one narrowly targeted. Kenneth B Medlock III, deputy director, Energy Forum at the James A Baker III Institute for Public Policy at Rice University, notes that DOE and the Gas Research Institute helped develop, with federal funding, the horizontal drilling (i.e. fracking) technology that Mitchell Energy and Development Corp. (now a part of Devon Energy Corp.) pioneered. ¶ "Government ought to be focused on research and development," Med-lock notes. He also is a supporter of loan guarantees to promote investment activity in frontier technologies, and argues that as long as there are more good bets than bad bets in that kind of portfolio, the funds committed in total are a good investment. ¶ But spectacular failures of energy companies such as Solyndra Corp., the Chapter 11 filing of Beacon Power Corp. and other less publicized busts reduce, if not kill, the prospect of any additional congressional funding for energy loan guarantees of any kind. That is true even when legislation has bipartisan support, which is the case for the Energy Savings and Industrial Competitiveness Act of 2011 (S. 1000), which would, among other things, provide grants for a revolving loan program designed to develop energy-saving technologies for industrial and commercial use. ¶ The bill passed the Senate Energy Committee by a vote of 18-3 in July. However, the Congressional Budget Office has pegged the cost of the bill's provisions at $1.2 billion over five years. That is a serious barrier to passage. And in any case, even if it did pass, the bill would simply authorize funding. ¶ Congressional appropriations committees would have to approve the money as part of DOE's budget, which would be highly unlikely, Solyndra aside, since similar programs authorized by the 2005 and 2007 energy bills are still begging for appropriations. ¶ Besides impact on the federal deficit, politics, too, often impede progress on otherwise sensible policies. Politics apparently have clogged up the proposed Keystone XL oil pipeline extension from Canada. Environmentalists, a Democratic constituency, oppose the project, arguing it would create more greenhouse gas emissions than necessary and pose a potential drinking water danger for Nebraska residents because it passed over the Ogallala Aquifer. ¶ That view is shared by Nebraska's Republican Gov. Dave Heineman, whose views are opposite those of all the can presidential candidates, each of whom supported U.S. approval of Keystone XL. ¶ Labor unions, another key Democratic constituency, support the project that TransCanada, the project sponsor, says will bring more than 11 8,000 person-years of employment to workers in the states of Montana, South Dakota and Nebraska. ¶ If the Keystone debate features Democrats versus Democrats and Republicans versus Republicans, efforts to substitute domestic natural gas for foreign petroleum features business versus business.

#### CP predetermines outcome and forces rushed process --- both independently gut solvency

Sands 11 (Derek, Inside Energy with Federal Lands, 11/21, Lexis)

In the wake of a major internal report on the future of the Energy Department's technology roadmap, the agency's top scientist cautioned last week that political and economic factors would be even more difficult to solve than the technical challenges. Steven Koonin, DOE's under secretary for science, told lawmakers on the Senate Energy and Natural Resources Committee that using the agency's recently released Quadrennial Technology Review as a basis for a government-wide policy under a separately planned Quadrennial Energy Review would be challenging. "A QER dealing with technology and policy will be far more complex, with many possible goals, and many more participants," Koonin said at the hearing Tuesday. "I don't believe we know how to do it right at the moment, and because it needs to be done right, it should not be done in haste." The QER would be modeled on a similar military policy review that the Pentagon performs every four years. That broader energy review would be led by DOE, and is aimed at coordinating energy policy across federal agencies. While DOE wrapped up the first-of-its-kind technology review in September, it has not yet set a timeframe for a QER. The technology review concluded that DOE should make broad changes in how it doles out billions of dollars in energy-technology spending in coming years, shifting from an emphasis on funding new power-plant technologies to providing more money for the next generation of transportation technologies (IE, 3 October, 1). At Tuesday, hearing, Koonin testified on two bills that would require cross-government energy policy reviews. Koonin stepped down from his post as under secretary on Friday, and his appearance before the committee was his last. The Energy Research and Development Coordiation Act (S. 1807) introduced by Senator Jeff Bingaman, a New Mexico Democrat and the committee's chairman, would require federal agencies involved in energy R&D to coordinate their planning and budget process. The Quadrennial Energy Review Act (S. 1703), introduced by Senator Mark Pryor, an Arkansas Democrat, and co-sponsored by Senate Lisa Murkowski, the senior Republican on the committee, would require a comprehensive review of federal energy programs and technologies every four years. Apart from Pryor and Murkowski, that bipartisan bill has attracted two Republican and four Democratic co-sponsors, including Bingaman. While Koonin said developing a quadrennial energy review would be difficult, he also said it would be a crucial step. "Technology development absent an understanding of what is shaping the policy and market contexts in which it would get deployed is not a very productive exercise," Koonin said. "We absolutely have to bring the technology, the policy, the market environments together in a coherent picture if we want to make progress on the challenges we are facing." Murkowski echoed that view, saying a quadrennial energy review could help stabilize a national energy policy. "I have long believed that our nation needs to develop an energy policy that can endure — a policy that won't be completely revamped every time a new administration comes into office, or every time Congress passes a new Energy Policy Act," Murkowski said. "It's hard to believe that we don't already require something like the QER." However, she also acknowledged the difficulties that will come with developing such a broad-ranging policy, and urged an open process. "Any study or plan must involve all parties from the start," Murkowski said. "If there is not buy-in across the political aisle, from Capitol Hill to the White House, from industry and NGOs alike, there is little chance the review will help generate a long-term strategy that can survive changes in administrations or in Congress." This view was shared by Ernest Moniz, the director of the Massachusetts Institute of Technology Energy Initiative and a member of the President's Council of Advisors on Science and Technology. That group recommended that DOE do a technology review, and that the administration begin a QER process. "A test of the [technology review] is whether it will indeed stimulate the kind of discussion that can build sufficient agreement to support long-term stable portfolio planning with both administration and Congressional endorsement," Moniz told the lawmakers during the hearing.

#### Signal not solve- tech is key- their fuel cell evidence proves not released

### 2AC DA 2

#### No link not decrease regs- just increase tech

#### Domestic Chinese coal production satisfies demand- The disad relies on flawed data

Lifeng Fang, 2- ’13 (Masters in Agronomy from Chinese Academy of Agricultural Sciences, Senior Campaigner at Greenpeace “The MyTh of China’s endless Coal deMand: A Missing Market For US Exports”, Greenpeace)

Before examining the current assumptions underpinning the idea of endless Chinese coal demand, it’s worth noting how and why that notion has been propagated within the US. The US has the world’s largest estimated recoverable reserves of coal. The nation produced more than a billion short tons of coal, more than 90% of which was used domestically to generate electricity in 2011.1 As a result of reduced US electricity demand, low natural gas prices, increased use of renewable energy, and citizen activism against coal-burning power plants, domestic US coal consumption has declined since 2007 (see Fig.1). As US coal demand drops, so too do the profit margins previously enjoyed by the industry. Faced with a shrinking domestic market for its product, the coal industry is proposing coal export terminals in the Pacific Northwest to ship low-grade coal from the Powder River Basin (PRB) in Wyoming and Montana to a supposedly stable and profitable Asian market. Industry leaders brim with confidence that Asia is a sure bet for US coal exports; they cite high and stable coal demand, arguing that US coal can successfully displace China’s current importers to earn a significant share of that market. And they promise big money for shareholders and communities if projects get approved and financed.¶ Given the US coal industry’s pessimistic outlook for domestic sales, its leaders’ optimism is self-serving; if China is not a potential market for US coal, the US industry may have no market for its wares. A clearer-eyed analysis of the Chinese coal economy exposes the large risks that US coal export projects present for investors. Historically, China has supplied virtually all of its coal demand from domestic sources. According to estimates from the Chinese Ministry of Land and Resource (MoLR), China’s 170 billion tons of coal reserves account for 19% of the global total, placing China second behind only the United States for coal reserves. China stands as the world’s largest coal producer, with 4 billion short tons of coal mined in 2012, up from 3.8 billion tons in 2011 (see Fig. 2).¶ Until recently—and despite rapid long-term growth in domestic demand—China exported more coal than it imported. But in 2009 China became a net coal importer; by 2011 the nation had surpassed Japan as the world’s leading coal importer; and in 2012, China imported over 300 million short tons of coal (see Fig. 3). However, even after that rapid growth, China’s imported coal remains a small fraction of what it burns, accounting for only 5% of China’s total coal consumption in 2011.¶ So despite the massive quantities of coal China currently burns, it is still a 95% self-dependent country for its current use of coal. This means that increases in Chinese coal production or transportation infrastructure could quickly reduce the country’s current demand for imports.

#### Warming Outweighs

#### Independently Chinese emissions are sufficient to cause extinction

John Copeland Nagle 11, the John N. Matthews Professor, Notre Dame Law School, Spring 2011, “How Much Should China Pollute?,” Vermont Journal of Environmental Law, 12 Vt. J. Envtl. L. 591

China is the world’s worst polluter. It suffers more from air pollution than any other nation, hosting most of the world’s polluted cities.1 Nearly two-thirds of the country’s 360 million urban residents suffer from unhealthy levels of air pollution.2 Anecdotal reports by visitors to China frequently refer to the alarming nature of the air pollution there.3 China’s water is polluted, too. About 100 billion cubic meters of China’s water supply is contaminated.4 China is also the leading emitter of greenhouse gases that contribute to climate change.5 China’s carbon dioxide emissions nearly tripled between 1990 and 2008.6 And China’s pollution is only expected to get worse.7 It is building unbelievable amounts of coal-fired electric power plants,8 and the number of cars in China is increasing exponentially. China “is expected to release five times more carbon dioxide over the next twenty-five years than the Kyoto Protocol is projected to save.”9¶ That pollution creates problems for three separate entities. First, it is a problem for China itself. The health of the Chinese people suffers from the polluted air that they breathe and the polluted water that they drink. “Air pollution causes the premature deaths of 750 thousand Chinese people every year.”10 Just one percent of China’s urban residents “breathe[] air considered healthy by the World Health Organization.”11 China’s pollution also has a profound detrimental impact on the nation’s economy. Economists suggest that China’s staggering economic growth statistics would be much more modest if the economic effects of polluters are included.12 The health and economic aspects of pollution, in turn, cause domestic unrest that threatens the stability of the Chinese government. There have been numerous protests against pollution from existing or proposed facilities throughout China.13¶ Second, China’s pollution also produces an American problem.14 Pollution emitted in China reaches the United States, sometimes at levels prohibited by the Clean Air Act.15 China is also the most common antagonist in American debates about climate change. Members of Congress routinely make two arguments about China as a basis for opposing federal climate change legislation or international climate change treaties. The first argument claims that the United States will lose jobs to China if we internalize the costs of emitting greenhouse gases but China does not. The second argument insists that it is unfair for China to be allowed to continue to emit greenhouse gases if the United States is obliged to cap its emissions. Moreover, many American politicians note that the environment itself will suffer if the United States reduces its emissions but China does not. Such concerns persuaded the Senate to vote ninety-seven to zero in 1997 to ratify a resolution proclaiming that “the United States should not be a signatory to any protocol” to reduce greenhouse gas emissions “unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period.”16 Numerous Senators pointed to the forthcoming Kyoto Protocol’s treatment of China as justifying the American refusal to endorse that agreement.17 The United States never did ratify the Kyoto Protocol, and similar concerns about China continue to animate congressional opposition to a new international climate change agreement.18 Third, the rest of the world suffers because of the inability of China and the United States to agree on a method for reducing their greenhouse gas emissions. Even if the rest of the world were to reach such an agreement, the failure to include China and the United States would doom the project from the start. Together, China and the United States account for forty-one percent of the world’s greenhouse gas emissions.19 Left unchecked, China’s emissions alone could result in many of the harms associated with climate change.20 That is why many observers believe that “[t]he decisions taken in Beijing, more than anywhere else, [will] determine whether humanity thrive[s] or perishe[s].”21

### 2AC CP -2

### 2AC Perm do the CP

#### 1. Perm do the Counterplan- Nothing in the plan commits our affirmative to immediacy. Counterplans must be textually and functionally competitive.

#### A) Not textually competitive- Ought has no temporal function

Dictionary of Americanisms, ‘99

(1999, The Dictionary of Americanisms was originally created by John Russell Bartlett in 1848, This edition was re-copyrighted 1999-2006 – http://www.merrycoz.org/voices/bartlett/AMER10.HTM#o)

OUGHT. As this verb is defective, and has no inflection to distinguish past from present time, illiterate persons often attempt to supply the deficiency by the use of auxiliaries. Hence the expressions, don't ought, had ought, hadn't ought. Mr. Pegge notices the two last among the vulgarisms of London.

#### B) Not functionally competitive- because the plan can be read in a way that is not different than the counterplan

#### C) Best standard of competition- only predictable and objective standard for evaluating theory while preventing race to the bottom of worst counterplans

#### 2. The aff should get to define the scope of the plan’s mandate

#### **A) Most real world- no policymaker controls implementation**

#### **B) Checks abusive interpretations of fiat that hurt neg ground- we don’t fiat solvency**

#### 3. The counterplan is a voting issue-

#### A) Fairness- They literally do the aff so we cant generate solvency deficits- makes the debate about the net benefit- this skews debate too far negative

#### B) Education- There are an infinite amount of potential counterplans you can think of- they cause shallow research, which incentivizes generics-, creates stale debates

#### C) No Solvency advocate- Solvency advocates must have evidence that distinguishes competition otherwise they create lit bias which makes specific answers impossible killing clash and research

#### CP doesn’t solve- **no** evidence the CP results in the plan

#### Picking winners good- enhances growth.

**Blattman 12** Chris, Assistant Professor of Political Science & International and Public Affairs at Colombia University, "The Case for industrial policy (a paper and a rant)", May 7, chrisblattman.com/2012/05/07/the-case-for-industrial-policy-a-paper-and-a-rant/?utm\_source=feedburner&utm\_medium=feed&utm\_campaign=Feed%3A+chrisblattman+%28Chris+Blattman%29

A new paper, where some very good economists look at data from Chinese medium and large firms:¶ …sectoral policy aimed at **targeting production activities to one particular sector, can enhance growth** and efficiency if it made competition-friendly.¶ …if subsidies are allocated to competitive sectors… and allocated in such a way as to preserve or increase competition, **then the net impacts of subsidies**, tax holidays, and tariffs **on total** factor **productivity** levels **or growth become positive and significant**.¶ “You can’t pick winners” is the knee-jerk retort to the mention of anything that even rhymes with industrial policy**. I would call it the triumph of ideology over evidence**, except that even “ideology” feels like a generous term**. Lazy thinking might be a more accurate description**. Some have given the question a great deal of thought, but most have not.¶ I’m not suggesting that the paper above has the right answer (odds are, like most papers, it does not). I’m also not suggesting that governments can pick winners (probably they can’t). Nor am I forgetting that industrial policy is easily politicized and distorted (as surely it is). So what am I talking about?¶ I’ll make two claims. The first: industrialization is the most important and essential process of development. Everything from lower poverty, reduced inequality, and tax bases to support education and health and welfare systems will (and must) spring from high value-added production**. Anything policymakers can do to hasten the process will have unparalleled benefits**. The problem? We have little to no idea how to do that. And many of the tools in the current policy tool box are deeply flawed.¶ Some take this as evidence economists and researchers should focus on other things. This brings us to the second part of my argument, where I make the opposite claim: there is no more important or promising frontier of knowledge. The fact that we know so little, and the tools are so poor, suggests (to me) that the marginal gains from more research are huge. there is no more important place for scholars to spend their time.¶ As for the worry that industrial policy is too easily politicized or captured, I say: what policy is not? Again, this is simply a yet more promising opportunity for experimentation and learning.

#### Conditionality is a voter-

#### Strat skew- 2AC can’t make all its best arguments, decreases in-depth debate and incentive to research specific strategies

#### Skills- Isn’t real world, you could never advance multiple contradictory arguments in policymaking- It’s the biggest impact- only portable benefit

#### Dispo solves your offense- causes us to examine argument interaction and preserves neg flex

### 2AC Politics – Plan Popular

#### Won’t pass --- several reasons

-Other Agenda Items Thump -Dems overplay their hand -Graham will bail like he always does

-Obama push will polarize it -Dems stall bc the GOP would get blamed

-No payoff for the rank and file House GOP, Hispanics won’t switch by 2014 and the base is still key

Altman 3-20 (Alex,- Washington correspondent for TIME “Four Hurdles That Could Block Immigration Reform”)

The next few months offer the best chance in a generation for the two parties to solve a problem that has bedeviled Congress like few others. Both sides agree the U.S. immigration system is broken. Both would seem to gain from a deal that clears a pathway out of legal oblivion for the nation’s 11 million illegal immigrants. Support is building for a landmark pact. But while negotiations are progressing in both the House and Senate, an agreement is a long way off. As the talks grow more detailed, obstacles to a deal may begin to emerge: Problem #1: The Gang of Eight The first snag lurks in the Senate, where the so-called Gang of Eight has huddled privately since the election in hopes of hammering out a bill. Members have crafted a set of measures that would create a pathway to citizenship for the nation’s estimated 11 million undocumented immigrants within about 13 years while requiring them to register with federal authorities, pay back taxes and fines, learn English and undergo background checks. The deal, both sides agree, would also beef up border security and determine how the future flow of immigrants will be regulated to match the needs of the economy. (MORE: Rand Paul Embraces Immigration Reform) The Gang’s closed conclaves have been marked by Vatican-style secrecy, often a sign of progress in a town where silence is rare. The Gang’s members – Republicans Marco Rubio, Lindsey Graham, John McCain and Jeff Flake, and Democrats Chuck Schumer, Dick Durbin, Bob Menendez and Michael Bennet – have, by all accounts, developed a rapport. “You can tell by the tone of their voices,” says an elected Democrat briefed on the progress of the private talks. But the broad themes are the easy part. The full bill will stretch to hundreds of pages, each peppered with detailed provisions that could spike it. Members bring clashing political imperatives and ideologies to the talks. Rubio, for exam ple, is trying to repair the GOP’s tattered image with Hispanic voters without sparking a backlash among the movement conservatives he’d need in a presidential bid. Graham, who faces a probable primary challenge in 2014, has a habit of basking in the bipartisan spotlight before boltingwhen negotiations intensify. The measure of the Gang of Eight’s success isn’t whether they are aligned at the start of their talks. It’s whether they are all aligned at the end. Problem #2: The Lobbyists A few years ago, an impasse between the leaders of the Chamber of Commerce and the AFL-CIO helped scupper an immigration-reform bill backed by President George W. Bush. At that time, business and labor could not agree on how many visas to grant low skilled workers who make the construction, agriculture and hotel and restaurant industries hum. The Chamber wanted cheap labor, but didn’t want workers to stay; unions were concerned about protecting citizens’ jobs. Soon after, reform collapsed. This time the two groups have nurtured an unlikely alliance. “There has been a sea change,” says a labor source close to the discussions. Nudged by Graham and Schumer, the two lobbies released a set of shared principles, including one stating that Americans should get “first crack” at available jobs and that businesses should have the flexibility to hire to meet the demands of the market. But history could repeat itself again. The two sides call for a new federal agency charged with setting visa levels, but they have yet to agree on who’s eligible or how the new bureau will work. The issue of future flow has been a stubborn sticking point before. And it is as easy to imagine conservatives balking at efforts to create a new government agency as it is to foresee unions drawing a line at a small number of foreign workers. (MORE: Committee to Save the GOP Says Pass Comprehensive Immigration Reform, Become Inclusive to Gays or Keep Losing) Problem #3: House Republicans Even if Senate negotiators can come up with a package to get 60 votes in the upper chamber, “the question continues to be, how does it get through the House?” says Frank Sharry, an expert on immigration reform. As in the Senate, a bipartisan cluster of eight representatives from across the ideological spectrum have been secretly meeting for months. Congressman Luis Gutierrez, an Illinois Democrat who has long been a leader on immigration reform, is full of praise for the new tack taken by his Republican counterparts. But, he acknowledges, “You still have to put those votes on the board, and that’s going to be a real, real test in the House of Representatives.” For their part, Republicans say the party’s old dogma, which held that illegal immigrants should self-deport and then go to the back of the line, is not viable policy. Even many immigration hard-liners say they want to help shape comprehensive reform. “It’s time for us to belly up to the bar,” says Ted Poe, the Texas Republican who chairs the House immigration reform caucus. But for conservatives, amnesty remains a dirty word. “A bill that’s basically amnesty, that says you’re here and you’re going to be a citizen — those two things are not going to come out of this conservative House,” says Poe. Even citizenship is charged enough that Republican Senator Rand Paul, who gave a speech March 19 backing a path to legalization for undocumented immigrants, avoided using the term. Many House Republicans, including several in the Judiciary Committee through which a bill must pass, have a long history of antipathy to amnesty, and only a grassroots rebellion to fear as next year’s primaries approach. Then there is the reality that even if Republicans were to be widely supportive of amnesty, very few of those new citizens are likely to abandon the Democratic Party anytime soon. “Republicans face a choice: do they ditch their principles and go all out in a failing attempt to outpander Democrats?” asks Rosemary Jenks, director of government relations at NumbersUSA, which advocates for lower immigration levels. “It’s becoming very clear to Republicans in Congress that this is not going to get them the Hispanic vote.” (MORE: The Plight of the “Illegal” Nanny) Problem #4: The Democrats Little discussed but also looming is the possibility that Democrats drag their feet on reform. Liberals will balk if the path to citizenship is too long or too onerous, or if enforcement provisions are too rigid. Many conservatives also suspect that Democratic power brokers, despite their daily hammering of Republicans to get moving on immigration reform, would privately prefer to keep the issue as a cudgel than actually pass a law. Barack Obama “wants to make a bill come out of the Senate that is so far out there that it would never pass, so that he can blame us for not being compassionate and use the issue to take back the House in 2014,” says a House Republican. Even some liberals see this as a plausible scenario. “There’s always a lingering doubt in my mind,” admits one House Democrat. Obama knows that putting his fingerprints on the deal is an easy way to kill it; when a draft of his proposal leaked in the press, he called Republican negotiators individually to apologize. But if negotiations in Congress bog down, he may not be so hands off. By all accounts, negotiators are making genuine progress toward a landmark deal that builds on a foundation laid during its last fumbled attempts. But lawmakers still have to thread a bill through a thicket of obstacles in a bitterly divided Congress. Sources close to the negotiations say they expect both chambers to introduce legislation in early April, giving Congress several months to haggle out a pact before members scatter for their summer recess. It sounds like plenty of time, but it’s not. Immigration will have to jockey for attention this spring with gun control, budgets and a potential grand bargain on tax and entitlement reform. Meanwhile, the human cost of the political stalemate is high. Each day, 1,400 undocumented immigrants are deported.

#### Obama won’t get involved in immigration – he has given it entirely to Congress

Fox 3-28-13 (“Obama ‘Confident’ Immigration Bill Could Pass By Summer,” <http://www.foxnews.com/politics/2013/03/28/obama-says-immigration-bill-could-pass-by-summer/>)

While overhauling the nation's patchwork immigration laws is a top second term priority for the president, he has ceded the negotiations almost entirely to Congress. He and his advisers have calculated that a bill crafted by Capitol Hill stands a better chance of winning Republican support than one overtly influenced by the president. In his interviews Wednesday, Obama tried to stay out of the prickly policy issues that remain unfinished in the Senate talks, though he said a split between business and labor on wages for new low-skilled workers was unlikely to "doom" the legislation. "This is a resolvable issue," he said. The president also spoke Wednesday with Univision. His interviews followed a citizenship ceremony conducted Monday at the White House where he pressed Congress to "finish the job" on immigration, an issue that has vexed Washington for years. The president made little progress in overhauling the nation's fractured immigration laws in his first term, but he redoubled his efforts after winning re-election. The November contest also spurred some Republicans to drop their opposition to immigration reform, given that Hispanics overwhelmingly backed Obama. In an effort to keep Republicans at the negotiation table, Obama has stayed relatively quiet on immigration over the last month. He rolled out his immigration principles during a January rally in Las Vegas and made an impassioned call for overhauling the nation's laws during his early February State of the Union address, then purposely handed off the effort to lawmakers. The president has, however, privately called members of the Senate working group, and the administration is providing technical support to the lawmakers. The Gang of Eight is expected to unveil its draft bill when Congress returns from a two-week recess the week of April 8.

#### Squo solves piecemeal

#### Link is bad- not citing a specific congressmen

#### Squo solves- Obama will XO

#### No Link funding is already allocated

EDWARD FELKER, 3-26-13 (ENERGYGUARDIAN, “Energy Department questioned for failing to spend Recovery Act monies, target new projects”, Washington Guardian)

Years after promising to revive the coal industry with new carbon capture technologies, the Energy Department has spent less than half of the $1.5 billion it targeted for "clean coal" projects under President Barack Obama's stimulus program.¶ And much of the money it has spent went to existing carbon capture research instead of new projects intended to create new jobs under the Recovery Act, the department's internal watchdog reported Tuesday.¶ "We found that the Department had not always effectively managed the Carbon Program and the use of Recovery Act funds," Inspector General Gregory H. Friedman reported in a memo to departing Energy Secretary Steven Chu.¶ The memo offered the latest sobering look at the administration's clean energy efforts under the stimulus law enacted in 2009. The Energy Department became an early poster child for allegations that Recovery Act money went to clean energy companies with political connections or that later failed, like solar panel maker Solyndra that went bankrupt after receiving more than $500 million in loan guarantees.¶ Subsequent investigations by Congress and Friedman found no evidence of untoward political influence but did uncover poor management practices that put taxpayers at increased risk with loans and grants to solar, wind and other renewable energy companies.¶ Clean coal was another major target of the stimulus. The department awarded $1.5 billion under the stimulus to further the development of technologies to capture greenhouse gas emissions from coal-burning power plants and store them under ground. Chu told an audience in West Virginia in 2010 that development carbon capture and sequestration was " an economic opportunity" and key to coal's survival in a global market looking to reduce greenhouse gas emissions.¶ “The United States is very serious about this,” Chu said at the time. “We see this as an opportunity to develop the technology that we can not only use in the United States, but export around the world.”

#### The link is non-unique Obama is pro clean coal

Sarah Battaglia, 3-6- 13 (“Clean Coal Could be the Solution to Global Warming”, Heyl and Patterson, http://info.heylpatterson.com/blog/bid/113777/Clean-Coal-Could-be-the-Solution-to-Global-Warming)

President Obama is already in complete support for the development of clean coal. In 2011, he declared his goal of generating 80 percent of the nation’s energy from clean sources, including clean coal. The following year, he summarized the “all-of-the-above” energy strategy, which also incorporated clean coal technologies.

#### Conservative dems love coal- backlashing to new regs now

Heitkamp 3/18/2013 (Senator Heidi, Democrat of North Dakota, Press Release of Senator Heitkamp¶ SENATORS URGE WHITE HOUSE TO PROTECT COAL PLANTS FROM OVERREACHING EPA REGULATIONS, http://www.heitkamp.senate.gov/record.cfm?id=341066)

U.S. Senators Joe Manchin (D-W.Va.), Joe Donnelly (D-IN), Heidi Heitkamp (D-ND) and Mary Landrieu (D-LA) sent a letter to the White House last Thursday urging that the Administration amend the proposed EPA new source performance standard (NSPS) regulations. As drafted, EPA’s regulations for new fossil fuel-based power plants would effectively ban any new coal-fired plants from being built in the U.S. The proposed regulation would require new coal-fueled power plants to meet the same emissions standards as new gas-fired plants.¶ “EPA’s choice to hold coal and gas to the same emission standard is unprecedented under the Clean Air Act, and is yet another example of EPA overreach by the Obama Administration,” Senator Manchin said. “Not only would this rule have a devastating effect on our coal production, this rule would endanger the reliability and sustainability of our electricity supply.” “This unprecedented proposal from the Obama Administration would put the future of Indiana coal and the low-cost, reliable energy that our manufacturers depend on in doubt. As our economic recovery continues, it is absolutely critical that the President understands the impact of such a decision and the price this regulation would ask Hoosiers to pay. I urge the EPA to reconsider,” Senator Donnelly said.¶ “This plan by the EPA would thwart efforts to build new, more efficient, cleaner burning, coal-fueled American power plants and modernize current facilities. We need to encourage, not discourage, innovation in the coal industry and the development of American energy, which provides good-paying jobs and helps us lessen our dependence on foreign fuel,” Senator Heitkamp said.

#### They’re *on the fence now* and *key to CIR*

PTR 2/19/2013 (Pittsburgh Tribune Review, Some Dems uneasy with immigration bills, lexis)

Immigration isn't a touchy subject just for many Republicans. Southern and moderate Democrats may be a bit skittish about the idea of granting a path to citizenship for the nation's 11 million illegal immigrants.¶ A small group of Senate Democrats, because they represent conservative states such as North Carolina and Arkansas, could help derail ambitious plans to overhaul the nation's immigration laws.¶ Views on illegal immigration are very different in the conservative South, where moderate Democrats have long sought to strike a balance between a range of issues on their party's agenda and the divergent opinions of those who elect them.¶ President Obama won the presidency in part because of Latino support in the swing states of Colorado and Nevada. But he lost in most of the South, including North Carolina and Arkansas, where the electorate remains uneasy about legalizing millions of illegal immigrants.¶ His aggressive push for a path to citizenship isn't necessarily going to help Sens. Kay Hagan, D-N.C., and Mark Pryor, D-Ark., who might face tough re-election prospects in 2014.¶ "If they vote for it, Republicans will add it to the litany of things that they supported the president on," said Jennifer Duffy, an analyst at the nonpartisan Cook Political Report.¶ Supporters for immigration think they can get enough Democrats to pass the bill, but Israel Ortega, the editor of Libertad.org, the Spanish-language website of the conservative research center the Heritage Foundation, said it would take only a few reluctant Democrats to wreck the bill.¶ It's happened before.¶ About two years ago, five Democrats joined Senate Republicans and doomed an effort that would have given hundreds of thousands of young illegal immigrants a path to legal status if they enrolled in college or joined the military. The Democrats were Hagan, Pryor, Ben Nelson of Nebraska and Montana's Jon Tester and Max Baucus, who is up for re-election in 2014.¶ Had all five voted the other way, the bill, known as the DREAM Act, would have reached the Senate floor and could have passed by a simple majority. The House of Representatives had passed the measure.¶ Dozens of young advocates crowded the galleries above the Senate floor in December 2010 in support of the bill. Many wore graduation caps and gowns. They held hands as the senators cast their votes.¶ "It was pure devastation," said Gaby Pacheco, a 28-year-old Miami-based advocate who was among the students. Pacheco said she and other students would never forget the vote. They plan to keep pressure on Hagan and other Democrats who they fear might oppose a new immigration proposal.¶ "It's not all just bad Republicans and good Democrats," she said.¶ Democratic Sens. Mary Landrieu of Louisiana and Mark Begich of Alaska are two other senators up for re-election who are being closely watched on the issue. A member of the Homeland Security Committee, Begich said last week that he likes the direction of the Senate bipartisan plan, which includes a path to citizenship and actions to make the borders more secure. Before he decides, however, Begich wants more specifics on how the legalization process would work. Hagan said Friday that she thought in 2010, and now, that the DREAM Act needed to be part of a comprehensive package that addressed national security and economic interests. She supports "comprehensive reform" that includes stronger border security, visas for high-tech workers and some kind of agriculture component to help farmers get needed workers. She was noncommittal about whether that would include some form of legalization for the 11 million illegal immigrants now in the United States.

#### Turn the Chamber of Commerce supports coal

Jeremy P. Jacobs and Manuel Quinones, 3-14-13 (“Congressional intent at issue as judges wrestle with EPA's Clean Water Act veto power”, E and E)

Skeptical appellate judges put tough questions today to both U.S. EPA and a major coal mining company as the two argued over the agency's 2007 Clean Water Act veto of a federal strip-mining permit issued by the Army Corps of Engineers for a sprawling West Virginia mine.¶ The stakes are high in the battle over Mingo Logan Coal Co.'s Spruce No. 1 mine -- one of the largest-ever mountaintop-removal mining projects -- as the mining company challenges one of EPA's most potent regulatory weapons, its Clean Water Act veto.¶ EPA's use of that veto in 2011 effectively revoked the 4-year-old mining permit issued under the George W. Bush administration. The agency cited its authority under the pollution law's Section 404, which empowers the EPA administrator to scrap a "specification" in a corps permit "whenever he determines" a potentially unacceptable environmental damage.¶ Mingo Logan's corporate parent, St. Louis-based Arch Coal Inc., challenged EPA's ability to take retroactive veto action and prevailed in a lower court.¶ EPA appealed the decision to a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit, where Judge Thomas Griffith today asked EPA why it used its veto power so many years after the permit had been issued.¶ "EPA came late," Griffith said. "Doesn't that create the instability that Congress wanted to avoid?"¶ He also asked whether EPA effectively negated the Army Corps' permitting authority.¶ Matthew Littleton of the Department of Justice replied, "There is no temporal limitation to EPA's authority."¶ At the time of the veto of the mining permit, the 13th time the agency had used the veto under the 1970 water pollution law, EPA said it was the first time it had used that authority retroactively. But in court documents filed later, the agency said it had taken retroactive action twice before.¶ EPA said it used retroactive vetoes in 1981 when it blocked a North Miami, Fla., plan to fill Biscayne Bay wetlands at the edge of a municipal garbage dump, and in 1992 to stop a permit to turn wetlands into a reservoir in James City County, Va. EPA contends that decision was later upheld by the Richmond, Va.-based 4th U.S. Circuit Court of Appeals.¶ Littleton argued that Congress intended that EPA serve as an "environmental backstop" for the Army Corps and that the court should give EPA deference in its interpretation of Section 404.¶ The law intends that the corps and EPA collaborate on Section 404(c) permits, he added. "That balance of authority persists after the permit is issued," he said.¶ Littleton also said the effect of EPA's action -- the revoking of Arch's permit -- shouldn't influence the court. At issue, he said, is whether EPA had veto authority.¶ That sparked questions from Judge Karen Henderson, who didn't see the two issues as necessarily separate matters.¶ "I don't understand why we shouldn't look at the effect," she said.¶ Arch Coal attorney Robert Rolfe faced similarly aggressive queries as judges probed the meaning of technical language in the Clean Water Act.¶ Rolfe contended that EPA is only allowed to withdraw a "specification," meaning a condition on which a permit is issued, and only during the permitting process.¶ But Griffith acknowledged EPA has a "strong textural argument."¶ "That is exactly what the statute allows them to do," Griffith said, arguing that EPA vetoed a specification that in effect nullified the permit.¶ But Rolfe battled on.¶ "'Withdrawal' means withdrawal of a specification, not a permit. Congress used the term 'specification.' It did not use the term 'permit,'" he said.¶ "EPA certainly has a role" in permitting, he added. "But that role has to be exercised before the permit is issued."¶ Judge Brett Kavanaugh expressed reservation about whether there should be procedures for EPA and the corps to resolve permit issues, but he also appeared receptive to EPA's arguments.¶ "What Congress may have thought," he said, "is EPA may have been more sensitive to environmental issues, so let's make them a backstop."¶ Kavanaugh also noted that there is inherent instability in Section 404 permitting because the corps can modify, suspend or withdraw a permit at any time.¶ "I don't see how anyone could have a permit and assume it is going to stay in place," he said.¶ The case could have far-reaching implications for both industry and resource protection.¶ A broad industry coalition has lambasted the EPA veto, arguing that the retroactive action threatens the certainty on which businesses rely. Groups including the U.S. Chamber of Commerce and American Farm Bureau Federation have argued that if EPA can use this authority in this case, it could effectively rip the rug out from under countless other industries (Greenwire, March 13).

#### Link Goes One Way – Coal Interests Outweigh Environmental Concerns

By Brian Merchant November 2012 How Coal Trumps Climate in Washington http://motherboard.vice.com/blog/washington-fights-for-coal-amidst-deafening-climate-silence

Our fossil fueled climate problem is massively asymmetrical; in the ‘Pro-’ column you have the executives of the richest companies in the world, the politicians who benefit from their campaign contributions, and, as Hayes says, real live people who work in the industry and stand to lose their jobs if a coal plant shuts down. All of those folks have an intensely focused incentive to maintain the climate-altering status quo; also, some are richer and more influential than almost anyone else on the planet.¶ Here’s a fine example from today’s news, of the pro-fossil fuel complex in action. The Hill has a story headlined Inhofe starts pro-coal campaign tour for GOP Senate candidates:¶ Sen. James Inhofe (R-Okla.) is hitting the road to fire up support for GOP Senate candidates opposed to Obama administration rules on coal and other energy sources. ¶ Inhofe began his tour in Montana, where he touted Rep. Denny Rehberg’s (R-Mont.) coal credentials. Inhofe said the Montana Senate candidate would fight to keep the Corette power plant in Billings, Mont., open, while incumbent Sen. Jon Tester’s (D) support of the administration’s air pollution rules put the plant’s future in jeopardy … Inhofe is backing the candidates to bring GOP colleagues to the Senate to achieve one of his key legislative aims — curbing the administration’s environmental and air rules.¶ Inhofe is, of course, one of the largest recipients of coal and oil cash in the Senate. As so, in a year where extreme weather events, exacerbated by climate change, turned most of the nation into a disaster zone, Inhofe hops on his chariot and calls for more coal, more gas, more pollution. Unabashedly and with a straight face. There’s nothing to stop him.¶ See, the “Anti” fossil fuels contingent is a comparatively ragtag band of environmental activists, concerned citizens, and progressive businesses that, while having made incredible use of their resources, are hopelessly outmanned and outgunned. They can catch the public’s eye with creative protests and passionate demonstrations, they can make every argument with the facts and the moral imperative on their side. But ultimately, they can only struggle to compete with the sheer capital amassed by the fossil fuel industry—they fund few reelection campaigns, their numbers appear too few, and they have, for the moment, been swept aside.

#### Coal industry Key to Agenda

Lipton 12

Eric, NYT, Even in Coal Country, the Fight for an Industry: May 29, 2012

But the coal industry is mustering all the weapons it can: lobbying, legislation, litigation and a multimillion-dollar advertising campaign trumpeting the benefits of “clean coal.” The fight has even become an issue in the presidential campaign, with the industry blaming President Obama and the Environmental Protection Agency for the onslaught, and Mitt Romney, the presumptive Republican nominee, hinting that he would roll back some of the rules. Here in Kentucky, the intervention by Mr. Adkins and other coal industry advocates has saved coal at Big Sandy, at least temporarily. American Electric Power, which is based in Columbus, Ohio, is proposing a $1 billion retrofit to allow the plant to continue burning coal and has asked Kentucky regulators to approve a 30 percent increase in electricity rates to pay for the work. But that request, which will come up for a vote by the state’s utility commission within the next week, has inspired resistance from some residents, large industrial companies that consume much of Kentucky’s electricity and even the state attorney general’s office. Pressured on the domestic front, some giant American coal producers, like Arch Coal and Peabody Energy, are shifting their attention to markets overseas, where coal-fired power plants are being built faster than they are being abandoned in the United States. Even if Big Sandy continues to eat up 90 rail cars of coal a day, the industry’s decline is evident here. Sales to Midwestern power plants have slumped, as has the market price of coal, dropping so suddenly that many local mines are cutting back hours or closing. A warm winter, decreasing demand, only made matters worse. “I call it the imperfect storm,” Mr. Adkins said. “And it is breaking the back of our local economy.” A Coordinated Effort The anger toward Washington is palpable in this impoverished corner of Eastern Kentucky, where miners display bumper stickers or license plates on their pickup trucks with slogans like “Coal Keeps the Lights On” or “If Obama Is the Answer, How Stupid Was the Question?” It is hard to find anyone here who does not feel affected by the fate of Big Sandy. Just as the smokestack at the plant towers over the countryside, Big Sandy dominates much of life here. Danny Sartin, 61, a barrel-chested heavy equipment operator at the plant, said his father, grandfathers and uncles all worked in local mines that feed Big Sandy. “Coal and the coal mining industry, it’s all we have ever known,” Mr. Sartin said. Some of that coal comes from the Licking River mine, about 50 miles south of Big Sandy, where miners rip apart hillsides to reach vast seams just below the surface. Chris Lacy, 41, an executive at Licking River Resources Inc., said layoffs among his 350 miners — in Magoffin County, where unemployment is already 17.5 percent — are inevitable if the coal furnaces at Big Sandy go cold. Even the garden supply company that Mr. Lacy’s father-in-law owns and where his two sons work indirectly relies on Big Sandy, because mines are required to plant grass over the scarred earth they leave behind. “It is the ripple effect that comes right through us,” Mr. Lacy said. Channeling the animosity toward Washington and fears about their livelihoods, coal producers, union leaders, landowners and railroads came together to pressure American Electric Power to back down on its plan to close the coal furnaces at Big Sandy. They have leaned on county judges, state legislators and other politicians to attempt to silence public criticism of the 30 percent electricity rate increase and to pressure the Kentucky Public Service Commission to approve the retrofit project.