### Off

#### Interpretation—AFF has to increase energy production in the US

Words & Phrases 3 – WORDS & PHRASES, Vol. 43, 2003, p. 469

FIa.App. 3 Dist. 19,76. Term "United States," as used in statute providing for exclusion of income and losses derived from sources outside of United States, means only the 50 states and the District of Columbia. West's F.S.A. § 220.13(1)(b)2b. Heft- ler Const. Co. and Subsidiaries v. Department of Revenue, 334 So.2d 129, certiorari denied 341 So.2d 1082.-Tax 1001.1, 1074.1.

#### Violation – Native American nations are not in the US

The Random House Dictionary of the English Language (The Unabridged Edition) 1983. prep: 1.a. Within the confines of; inside.

American Indian tribal powers originate with the history of tribes managing their own affairs.

AND

foreign nations, among the several states, and with the Indian tribes.

#### Voting Issue

#### Limits - They severely unlimit the topic – allowing critical affirmatives that can critique United States energy production in any location prevents the negative from every being able to prepare effectively.

### Off

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

Anell 89

Chairman, WTO panel "To examine, in the light of the relevant GATT provisions, the matter referred to the CONTRACTING PARTIES by the United States in document L/6445 and to make such findings as will assist the CONTRACTING PARTIES in making the recommendations or in giving the rulings provided for in Article XXIII:2." 3. On 3 April 1989, the Council was informed that agreement had been reached on the following composition of the Panel (C/164): Composition Chairman: Mr. Lars E.R. Anell Members: Mr. Hugh W. Bartlett Mrs. Carmen Luz Guarda CANADA - IMPORT RESTRICTIONS ON ICE CREAM AND YOGHURT Report of the Panel adopted at the Forty-fifth Session of the CONTRACTING PARTIES on 5 December 1989 (L/6568 - 36S/68) 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

AND

to what the situation would be in the absence of all government measures.

#### B Violation- TERA process just makes it harder- does not prohibit the development of renewables

Fosland 2012

[Benjamin J., Law Clerk to Chief Judge David W. Gratton, Idaho Court of Appeals, 2011–¶ 2012; J.D., cum laude, Gonzaga University School of Law, 2011; B.A., honors, University of ¶ Montana, 2008. “A CASE OF NOT-SO-FATAL FLAWS: ¶ RE-EVALUATING THE INDIAN TRIBAL ¶ ENERGY DEVELOPMENT AND ¶ SELF-DETERMINATION ACT” Idaho Law Review, Vol. 48 ¶ p. 453-4]

There have been many different criticisms leveled at ITEDSA and ¶ the tribal energy resource

AND

want to maximize their control over the development of tribal energy ¶ resources.

#### Voting issue –

#### 1. Including regulations is a limits disaster.

Doub 76

Energy Regulation: A Quagmire for Energy Policy Annual Review of Energy Vol. 1: 715-725 (Volume publication date November 1976) DOI: 10.1146/annurev.eg.01.110176.003435LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW, Washington, DC 20036 Mr. Doub is a principal in the law firm of Doub and Muntzing, which he formed in 1977. Previously he was a partner in the law firm of LeBoeuf, Lamb, Leiby and MacRae. He was a member of the U.S. Atomic Energy Commission in 1971 - 1974. He served as a member of the Executive Advisory Committee to the Federal Power Commission in 1968 - 1971 and was appointed by the President of the United States to the President's Air Quality Advisory Board in 1970. He is a member of the American Bar Association, Maryland State Bar Association, and Federal Bar Association. He is immediate past Chairman of the U.S. National Committee of the World Energy Conference and a member of the Atomic Industrial Forum. He currently serves as a member of the nuclear export policy committees of both the Atomic Industrial Forum and the American Nuclear Energy Council. Mr. Doub graduated from Washington and Jefferson College (B.A., 1953) and the University of Maryland School of Law in 1956. He is married, has two children, and resides in Potomac, Md. He was born September 3, 1931, in Cumberland, Md. http://0-www.annualreviews.org.library.lausys.georgetown.edu/doi/pdf/10.1146/annurev.eg.01.110176.003435

FERS began with the recognition that federal energy policy must result from concerted efforts in

AND

agencies. Unfortunately, this example is the rule rather than the exception.

#### Extra Topical- they remove all of the secretary of the interiors authority not just those limited to topic energies- voter for fairness

### Off

#### CP Text:

#### The United States federal government should:

#### · Reinstate federal liability in Tribal Energy Resource Agreements.

#### · Allow identification and incorporation of environmental mitigation measures at the discretion of individuals entering into Tribal Energy Resource Agreements.

#### · Acknowledge successful Public Law 638 compacts and contracts as equivalent to demonstrated capacity.

#### · Stream-line approval of Tribal Energy Resource Agreements and automatically approve Tribal Energy Resource Agreement proposals pending 271 days if inaction is taken on behalf of the Secretary of the Interior.

#### Changing the Secretary’s approval process solves the whole case—spurs wind development and balances self-determination with the trust doctrine

Royster 1AC Author 12, Co-Director – Native American Law Center @ University of Tulsa

(Judith V., “Tribal Energy Development: Renewables and the Problem of the Current Statutory Structures,” March, 31 Stan. Envtl. L.J. 91)

Nonetheless, there are steps that can be taken to tighten up the approval process

AND

resources, and do so with more direct say in the development itself.

#### Reinstating liability avoids politics and solves energy development

Kronk 1AC Author 12, assistant professor of law – Texas Tech University,

(Elizabeth Ann, 29 Pace Envtl. L. Rev. 811)

B. An Alternative Possibility for Reform: Reinstate Federal Liability under the TERA Provisions

AND

, would encourage tribes to enter into TERAs with the Secretary of Interior.

#### The plan opens up the floodgates for renewables – justifies corporate exploitation – Turns the aff – recreates neo-colonial structures

Mills 11 (Andrew D, Energy and Resources Group at UC Berkeley, Wind Energy in Indian Country: Turning to Wind for the Seventh Generation,")

Broadly, the idea of dependency is summarized in the common phrase “the development

AND

on their land, wind development is still subject to the dependency critique.

#### Turns the entire aff – CP key to reform institutions that shield indigenous cultures from coercive market forces

Mills 11 (Andrew D, Energy and Resources Group at UC Berkeley, Wind Energy in Indian Country: Turning to Wind for the Seventh Generation,")

To allow the market mechanism to be the sole director of the fate of human

AND

accompany energy development (Schoepfle et al. 1984, 887-8).

### Off

#### Immigration reform won’t pass now *because Obama’s politically weak*

Washington Post 2/22/2013 (Immigrants, advocates grow impatient with Obama on pace of changes to laws, http://www.washingtonpost.com/politics/immigrants-advocates-grow-impatient-with-obama-on-pace-of-legislation/2013/02/22/cc4e3f96-7aab-11e2-9a75-dab0201670da\_story.html)

Homeland Security Secretary Janet Napolitano had just begun her remarks to a Senate Judiciary Committee

AND

said Chris Newman, legal director of the National Day Laborer Organizing Network.

#### Reducing regulations on Native energy generates political capital

Jones 11—Senior Fellow on the Energy Policy Team, Center for American Progres—AND—Bracken Hendricks, Senior Fellow, and Jorge Madrid, Research Associate (Van, Clearing the Way for a Native Opportunity in America’s “Sputnik Moment”, http://www.nativetimes.com/index.php?option=com\_content&view=article&id=4853:clearing-the-way-for-a-native-opportunity-in-americas-sputnikmoment&catid=46&Itemid=22)

In recent weeks President Obama has boldly called for a 21st-century regulatory system

AND

and strengthen their people, and thus make America as a whole stronger.

#### Obama’s PC is key

DMN 1/2/2013 (Dallas Morning News, Editorial: Actions must match Obama’s immigration pledge, http://www.dallasnews.com/opinion/editorials/20130102-editorial-actions-must-match-obamas-immigration-pledge.ece)

President Barack Obama said all the right things Sunday about immigration reform. The president

AND

fight this year for a comprehensive solution. Nothing but action will count.

#### CIR massively boosts high skill visas

LA Times 11/9/2012 (Other countries eagerly await U.S. immigration reform, 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.

AND

relationships between countries and enhances links to the global economy, Lowell said.

#### Visa caps are key to *innovation offshoring*

Lewin, Massini and Peeters 2008 (Arie, Professor of Strategy and International Business at the Fuqua School of Business, Duke University; Silvia, Senior Lecturer at Manchester Business School; Carine, Senior Research Fellow, Solvay Business School, ECARES and Centre Emile Bernheim; Why Are Companies Offshoring Innovation? The Emerging Global Race for Talent\*, https://offshoring.fuqua.duke.edu/pdfs/conference2009/Lewin%20Massini%20Peeters%20JIBS%20paper.pdf)

ORN data show that “access to qualified personnel” has emerged as the second

AND

savings, growth, global strategy, competitive pressures and speed to market.

Offshore R&D is critical to India’s R&D sector

**Tripathi 2007** (Salil, writer and journalist based in London, India's growth path: steady but not straight; Contentious internal political debates have slowed India's movement into the global economy, but its commitment to democratic processes will serve it well in the long term; Company overview, Issues in Science and Technology, 3/22, lexis)

Although there is considerable excitement in India with so many western firms setting up R

AND

will eventually spread from the labs of the multinationals to India's domestic companies.

R&D is critical to Indian economic growth

**Tripathi 2007** (Salil, writer and journalist based in London, India's growth path: steady but not straight; Contentious internal political debates have slowed India's movement into the global economy, but its commitment to democratic processes will serve it well in the long term;

Company overview, Issues in Science and Technology, 3/22, lexis)

Although IITs have produced CEOs of leading western multinationals, they are not known for

AND

few Indian shrink-wrapped software products, and comparatively little intellectual property.

Indian econ accesses multiple scenarios for extinction – nuclear winter with Pakistan, nuclear war with China, and Naxalite Insurgency

Robinson ‘10

Dr. David Robinson, History lecturer at Edith Cowan University in Perth, Western Australia and published author that holds a PhD in History, and is mid-way through a Master of International Relations degree. “The Regional and Global Implications of India’s Rise as a Great Power.” – June 17th, 2010 – made available at http://lfort.wordpress.com/2010/06/17/indias-rise-as-a-great-power/#\_ftn21

Over the last decade there has been an increasing focus on India’s economic and military

AND

, and thus may falsely ‘retaliate’ against the other country.[70]

### Off

#### Deregulating TERAs is a move towards market freedom which subjugate native interests to the invisible hand

Unger, JD Candidate – Loyola Law School (LA), ‘9

(Kathleen, 43 Loy. L.A. L. Rev. 329)

Another reason the limitation on federal liability does not need to be changed is that

AND

, because "sovereignty without such risks is a contradiction in terms." n289

#### That Culminates in extinction –Neolib is the root cause of all impacts

Boaventura de SousaSantos**,** Dir. of the Center for Social Studies at the Univ. of Coimbra**,** 2003

[http://bad.eserver.org/issues/2003/63/santos.html, BAD SUBJECTS, Issue #63, April, Accessed 8-24, 2005, JT]

According to Franz Hinkelammert, the West has repeatedly been under the illusion that it

AND

human suffering imposed by the real axis of evil: neoliberalism plus war.

#### The alternative is to reject the aff – This is key to break down discursive borders that reproduce exclusionary mindsets

Di Chiro 8 (Giovanna, Mount Holyoke College Massachusetts, Living environmentalisms: coalition politics, social reproduction, and environmental justice, <http://www.tandfonline.com/doi/pdf/10.1080/09644010801936230>) kc

According to the aforementioned ‘eco-morticians’ proclaiming environmentalism’s

death, the major failure of the environmental movement has been its commitment to a

AND

democratic politics in the US. Sadly, environmentalism got it all wrong.

### Off

#### The United States federal government should end secretarial approval requirement for coal, crude oil, natural gas, solar power and wind power production on native peoples land.

**The inclusion of nuclear power in their plan turns the entire 1AC. The nuclear power infrastructure is colonialist and renders native populations invisible and expendable**

**Kuletz,** Lecturer in American Studies at the University of Canterbury in New Zealand and daughter of a weapons scientist who grew up in the Mojave Desert, **98** [Valerie L., *The Tainted Desert: Environmental and Social Ruin in the American West*, pgs 5-6]

Most historians and government officials have ignored the presence of certain populations at risk in

AND

, for sacrifice, shrouded in secrecy, and plundered of its wealth.

One method for piercing the veil of secrecy cloaking these landscapes is to listen to

AND

lands and the displacement of North America’s indigenous population by their European conquerors.

The use of spacial coordinates (maps of designated areas) and historical and contemporary

AND

doesn’t simply disappear once the combatants have called off the dogs of war.

**Nuclear power is continual weaponization – it is impossible to separate nuclear energy from this meaning – entrenches the military industrial complex which culminates in all forms of violence – turns the case**

**Kaur 11** - Senior Lecturer in Anthropology at the University of Sussex

(Raminder, “A ‘nuclear renaissance’, climate change and the state of exception,” Australian Journal of Anthropological Studies 22.2 p. 273-277, http://www.dianuke.org/a-%E2%80%98nuclear-renaissance%E2%80%99-climate-change-and-the-state-of-exception/)

Increasingly, nation-states such as China, France, Russia, Britain and

AND

vindication of the saying, ‘out of sight, out of mind’.

### Case

**Aff doesn’t solve self-determination**

**Porter 98**

Porter, Director – Tribal Law and Government Center @ U Kansas, ‘98¶ (Robert B., 31 U. Mich. J.L. Reform 899)

Nevertheless, no matter how much responsibility we assume for the redevelopment of our sovereignty

AND

continue to erode, and with it, the existence of our nations.

#### Self determination fragmentation impedes ability to address environmental problems – turns the case

Etzioni, First University Professor of The George Washington University, 92 (Amitai, “The Evils of Self-Determination,” Foreign Policy, December 22, p. 21)

Theoretically, in a world of truly free trade, it does not matter where

AND

more cross-national community building and the difficulties posed by additional fragmentation.

Extinction first

Kateb, Professor of Politics at Princeton University, ‘92 (George, “The Inner Ocean” p 111-112)

Schell's work attempts to force on us an acknowledgment that sounds far-fetched and

AND

hence as morally allowed, perhaps enjoined, to take the appropriate preserving step