# 1NC

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

#### Restrictions are geographical limits on production

Karapinar 10 (Export restrictions on natural resources: policy options and opportunities for Africa Baris Karapinar World Trade Institute, University of Bern, Switzerland http://www.wti.org/fileadmin/user\_upload/nccrtrade.ch/news/TRAPCA%20Paper%20%28Submitted1711%29\_BK.pdf

In case of non‐compliance, the enterprise may face a suspension of business imposed by the Central Government or People’s Government at the provincial level. The Law of the Prevention and Control of Water Pollution, on the other hand, requires those responsible for underground mining operations to take protective measures against groundwater pollution (Article 35).21 The main objective of the abovementioned laws is to ensure that mining operations do not cause environmental damage through pollution of land, water and air. Although government authorities may decline to grant permission for production on sites or for operations that may lead to environmental damage, or they may authorize suspension of business in cases of actual environmental damages, these measures cannot be considered as direct restrictions on production intended to protect or to prevent the depletion of minerals as environmental resources. Moreover, it has been argued that the implementation and enforcement of these regulations have been highly problematic. The fact that many government institutions are involved in various aspects of these laws leads to enforcement difficulties. In addition, the rules are often not specific enough in identifying obligations and liabilities. Such lack of clarity creates additional difficulty in implementing the laws and regulations and arguably encourages corruption and undue discretion (Cao, 2007). For instance, in the coal mining industry, complicated institutional and regulatory structures and inconsistencies of implementation have been reported as major causes of a range of environmental damage, high numbers of casualties among miners and economic inefficiencies in small‐scale mining operations (Andrews‐Speed, et al. 2007; Wright, 2004).

#### Vote neg –

#### Including regulations is a limits disaster

Doub 76

Energy Regulation: A Quagmire for Energy Policy

Annual Review of Energy

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DOI: 10.1146/annurev.eg.01.110176.003435LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW, Washington, DC 20036

http://0-www.annualreviews.org.library.lausys.georgetown.edu/doi/pdf/10.1146/annurev.eg.01.110176.003435

 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.

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

#### Researching all of the possible regulations would take 5 million research hours – proves that their interpretation makes debate impossible

Tugwell 88 The Energy Crisis and the American Political Economy:

Politics and Markets in the Management of Natural Resources

 Previously, Dr. Tugwell was the executive director of the Heinz Endowments of Pittsburgh, the founder and president of the Environment Enterprises Assistance Fund, and as a senior consultant for International Projects and Programs at PG&E Enterprises. He served as a deputy assistant administrator at USAID (1980-1981) and as a senior analyst for the energy program at the U.S. Office of Technology Assessment (1979-1980). Dr. Tugwell was also a professor at Pomona College and an adjunct distinguished professor at the Heinz School of Carnegie Mellon University. Additionally, he serves on the Advisory Board and International Committee of the American Council on Renewable Energy and on the Joint Board of Councilors of the China-U.S. Center for Sustainable Development. He also serves on the Board of Eucord (European Cooperative for International Development). Dr. Tugwell received a PhD in political science from Columbia University.

 Finally, administering energy regulations proved a costly and cumbersome endeavor, exacting a price all citizens had to pay. As the energy specialist Paul MacAvoy has noted: "More than 300,000 firms were required to respond to controls, ranging from the three dozen major refining companies to a quarter of a million retailers of petroleum products. The respondents had to file more than half a million reports each year, which probably took more than five mil- lion man-hours to prepare, at an estimated cost alone of $80 mil- lion."64 To these expenditures must be added the additional costs to the government of collecting and processing these reports, monitor- ing compliance, and managing the complex process associated with setting forth new regulations and adjudicating disputes. All to- gether, it seems likely that the administrative costs, private and public, directly attributable to the regulatory process also exceeded $1 billion a year from 1974 to 1980.^

#### It promotes multi-directionality, destroying topic coherence

McKie 84

 Professor James W. McKie, distinguished member of the economics department at The University of Texas at Austin for many years

McKie, J W

Annual Review of Environment and Resource , Volume 9 (1)

Annual Reviews – Nov 1, 1984

THE MULTIPLE PURPOSES OF ENERGY REGULATION AND PROMOTION Federal energy policy since World War II has developed into a vast and multidirectional program of controls, incentives, restraints, and promotions. This development accelerated greatly during the critical decade after 1973, and has become a pervasive and sometimes controlling influence in the energy economy. Its purposes, responding to a multitude of interests and aims in the economy, have frequently been inconsistent, if not obscure, and the results have often been confusing or disappointing.

#### Precision – only direct prohibitions are restrictions – key to predictability

Sinha 6

<http://www.indiankanoon.org/doc/437310/>

Supreme Court of India Union Of India & Ors vs M/S. Asian Food Industries on 7 November, 2006 Author: S.B. Sinha Bench: S Sinha, Mark, E Katju CASE NO.: Writ Petition (civil) 4695 of 2006 PETITIONER: Union of India & Ors. RESPONDENT: M/s. Asian Food Industries DATE OF JUDGMENT: 07/11/2006 BENCH: S.B. Sinha & Markandey Katju JUDGMENT: J U D G M E N T [Arising out of S.L.P. (Civil) No. 17008 of 2006] WITH CIVIL APPEAL NO. 4696 OF 2006 [Arising out of S.L.P. (Civil) No. 17558 of 2006] S.B. SINHA, J :

We may, however, notice that this Court in State of U.P. and Others v. M/s. Hindustan Aluminium Corpn. and others [AIR 1979 SC 1459] stated the law thus:

"It appears that a distinction between regulation and restriction or prohibition has always been drawn, ever since Municipal Corporation of the City of Toronto v. Virgo. Regulation promotes the freedom or the facility which is required to be regulated in the interest of all concerned, whereas prohibition obstructs or shuts off, or denies it to those to whom it is applied. The Oxford English Dictionary does not define regulate to include prohibition so that if it had been the intention to prohibit the supply, distribution, consumption or use of energy, the legislature would not have contented itself with the use of the word regulating without using the word prohibiting or some such word, to bring out that effect."

### 1NC

#### **The affirmatives deployment of Sovereignty co-opts indigenous movements – the plan is used as a tool to subjugate Native peoples - props up regimes of knowledge that exclude indigenous perspectives**

Alfred 99, Taiaiake Alfred, professor at the University of Victoria, Peace, Power, Righteousness: An Indigenous Manifesto, Oxford University Press, 1999.

To summarize the argument thus far, sovereignty is an **exclusionary concept** **rooted** in an adversarial and coercive Western notion of power. Indigenous peoples can never match the awesome coercive force of the state; so long as sovereignty remains the goal of indigenous politics, therefore, Native communities will occupy a **dependent and reactionary position** relative to the state. Acceptance of “Aboriginal rights” in the context of state sovereignty represents the **culmination of white society’s efforts to assimilate indigenous peoples**. Framing indigenous people in the past, as ‘noble but doomed’ relics of an earlier age, allows the colonial state to maintain its legitimacy by preventing the fact of contemporary indigenous peoples’ nationhood to intrude on its own mythology. Native people imperil themselves by accepting formulations of their own identities and rights that prevent them from transcending the past. The state relegates indigenous peoples’ rights to the past, and constrains the development of their societies by allowing only those activities that support its own necessary illusion: that indigenous peoples today do no present a serious challenge to its legitimacy. Thus the state celebrates paint and feathers and Indian dancing, because they reinforce the image of doomed nobility that justified the pretence of European sovereignty on Turtle Island. Tribal casinos, Indian tax-immunity, and aboriginal fisheries, on the other hand, are uncomfortable reminders that—despite the doctrine of state sovereignty—indigenous identities and rights continue to exist. Native leaders have a responsibility to expose the truth and debunk the imperial pretense that supports the doctrine of state sovereignty and white society’s dominion over indigenous nations and their lands. State sovereignty depends on the fabrication of falsehoods that exclude the indigenous voice. Ignorance and racism are the founding principles of the colonial state, and concepts of indigenous sovereignty that don’t challenge these principles in fact serve to perpetuate them. To claim the state’s legitimacy is based on the rule of law is hypocritical and anti-historic. There is no moral justification for state sovereignty. The truth is that Canada and the United States were established only because indigenous peoples were overwhelmed by imported European diseases and were unable to prevent the massive immigration of European populations. Only recently, as indigenous people have learned to manipulate state institutions and gained support from other groups oppressed by the state has the state been forced to change its approach. Recognizing the power of the indigenous challenge, and unable to deny it a voice, the state has attempted to pull indigenous people closer to it. It has encouraged them to **re-frame and moderate their nationhood demands to accept** the fail accompli of **colonization**, to collaborate in the development of a ‘solution’ **that does not challenge the fundamental imperial lie.** By allowing indigenous peoples a small measure of self-administration, and by forgoing a small portion of the money derived from the exploitation of indigenous nations’ lands, the state has created incentives for **integration into its own sovereignty framework**. Those communities that cooperate are the beneficiaries of a patronizing false altruism that sees indigenous peoples as the anachronistic  remnants of nations, the descendants of once independent peoples who by a combination of tenacity and luck have managed to survive and must now be potected as minorities. By agreeing to live as artifacts, such **co-opted communities** guarantee themselves a role in the state mythology through which they hope to secure a limited but perpetual set of rights. In truth **the bargain is a pathetic compromise of principle**. The reformulation of nationhood to create historical artifacts that lend legitimacy to the political economy of the modern state is nothing less than a betrayal.

#### **The alternative is to reject the affirmative to deem western notions of sovereignty illegitimate**

Rejecting the aff opens space for frameworks of indigenous knowledge – solves exploitive power differentials that enable imperialism

Alfred 2 (Taiaiake, Director, Indigenous Governance Programs and the Indigenous People’s Research Chair, University of Victoria, "Sovereignty," <http://indigenousknowledge.org/discussion/native-conversations/big-question-1-does-tribalism-have-a-valid-role-in-modern-life/post/taiaiake-alfred/>)

Taiaiake Alfred says: “Indigenous people have successfully engaged Western society in the first stages of governance. The movement … is founded on an ideology of indigenous nationalism and a **rejection of the models of government rooted in European cultural values**. It is an uneven process of reinstituting systems that promote the goals and reinforce the values of indigenous cultures, against the constant effort of the Canadian and United States governments to maintain the systems of dominance imposed on indigenous communities over the past 100 years. Many communities have almost disentangled themselves from paternalistic state controls in administering institutions within jurisdictions that are important to them Many more are currently engaged in substantial negotiations over land and governance, hoped and believed to lead to significantly greater control over their own lives and futures. Most of the attention and energy thus far has been directed at the process of decolonization. ... There has been a fundamental ignorance of the end values of the struggle. What will an indigenous government be like after self-government is achieved? Few people imagine that it will be an exact replica of the precolonial system that governed communities in the past. Most acknowledge that all indigenous structures will adapt to modern methods in terms of administrative technique and technology. There is a political universe of possibility when it comes to the emodiment of core values in the new systems. The great hope is that the government systems being set up to replace colonial control in indigenous communities will embody the underlying cultural values of those communites. The great fear is that the postcolonial governments being designed today will be simple replicas of non-indigenous systems for smaller and racially defined constitutencies: oppression becoming self-inflicted and more intense for its localization... Is there a Native philosophical alternative? And what might one achieve by standing against the further entrenchment of insitutions modeled on the state? ... Indigenous perspectives offer **alternatives**, beginning with the restoration of a regime of respect. This ideal **contrasts with the statist solution**... True indigenous formulations are **nonintrusive and build frameworks of respectful coexistence** by acknowledging the integrity and autonomy of the various constituent elements of the relationship. They go far **beyond** even the most liberal Western conceptions of justice in promoting the achievement of peace, because they explicitly allow for differences while mandating the construction of sound relationships among autonomously powered elements... It is no longer possible to maintain the legitimacy of the premise that there is only one right way to see and do thing. Indigenous voices have been consistent over centuries in demanding such recognition and respect. There is great wisdom coded in the languages and cultures of all indigenous peoples. - - this is knowledge that can provide answers to compelling questions if respected and rescued from its status as cultural artifact. There is also a great potential for resolving many of our seemingly intractable problems by bringing traditional ideas and values back to life. . . . As our world emerges into a post-imperial age, . . . the central values contained within their traditional cultures are the North American Indian’s contribution to the reconstruction of a just and harmonious world.

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#### 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.

#### Federal liability solves – Jumpstarts renewable development

Castro 12 (Scott N, partner in JMBM’s Government, Land Use, Environment and Energy practice group. He has extensive experience working with the Department of Interior and other federal and state agencies on renewable energy, mining and minerals, and related issues, and has expertise in a broad array of federal, state and local land use and environmental regulations. He has worked with various tribes, the Bureau of Indian affairs and other governmental agencies on fee-to-trust land transfers, tribal ordinances, municipal services agreements, cultural resource assessments and protection, and related matters, "RENEWABLE ENERGY UPDATE: Proposed Regulatory Changes For Tribal Leases Provide Promise for Solar and Wind Projects," http://www.jmbm.com/docs/proposed\_regulatory\_changes.pdf)

The proposed rulemaking is notable given the failure of provisions in the Energy Policy Act of 2005 to foster energy development, including renewables, on Indian lands. The Energy Policy Act of 2005 included a provision intended to promote energy development on Indian lands by requiring the DOI establish a process by which tribes can enter into what is known as a Tribal Energy Resource Agreement (TERA) with the Secretary of Interior. Under the TERA regulations issued by DOI in March 2008, if a tribe can meet the multiple criteria for a TERA, the tribe is responsible for managing energy development within its territory without approval from the Secretary of Interior. TERAs allow tribes to avoid certain federal requirements, notably compliance with the National Environmental Policy Act. While the TERA process aims to provide tribes with **greater** authority and **autonomy** to pursue energy development on their lands, to date, no tribe has entered into a TERA. Many believe that the **waiver of federal liability under the TERA provisions**, coupled with other factors, have dissuaded tribes from pursuing TERAs. CONTINUING GOVERNMENT SUPPORT FOR RENEWABLES ON INDIAN LANDS The proposed rulemaking, by focusing on solar and wind projects, and by avoiding the current problems with the TERA process, may serve as a **catalyst for increased renewable energy efforts on tribal lands**. Indeed, the federal government’s continued interest in and support for such developments, particularly financial support, should provide added incentive. For example, the Department of Energy and the Office of Indian Energy Policy and Programs (OIEPP), just awarded on February 16, 2012 over $6.5 million in funding to 19 clean energy projects on tribal lands for feasibility studies, pre-construction, and installation activities.

TERA reform solves – overcomes barriers to participation

Royster 1AC Author 12—Professor of Law and Co-Director, Native American Law Center, University of Tulsa College of Law (Judith, Tribal Energy Development: Renewables and the Problem of the Current Statutory Structures, 31 Stan. Envtl. L.J. 91)

The Concept Paper issued by the Senate Committee on Indian Affairs, the subsequent hearing testimony, the proposed Indian Energy Parity Act of 2010 (IEPA), and the proposed Indian Tribal Energy Development and Self-Determination Act Amendments of 2011 (ITEDSA Amendments) all address amendments to ITEDSA and the TERA process. n163 The Concept Paper called for making "the TERA process a more practical, effective and attractive [\*125] alternative to the IMDA or the Mineral Leasing Act." [n164](http://www.lexisnexis.com/lnacui2api/frame.do?reloadEntirePage=true&rand=1350846225116&returnToKey=20_T15836020682&parent=docview&target=results_DocumentContent&tokenKey=rsh-23.377000.8736873406" \l "n164) The IEPA and the ITEDSA Amendments propose nearly identical amendments to address some of the more troublesome provisions of the TERA process. n165 In particular, the proposals modify the tribal environmental review process, expand a tribe's ability to demonstrate regulatory capability, and streamline the Secretary's approval process for TERAs. Currently, a TERA must include a tribal environmental review process that substantially parallels the federal environmental review process under the National Environmental Policy Act. [n166](http://www.lexisnexis.com/lnacui2api/frame.do?reloadEntirePage=true&rand=1350846225116&returnToKey=20_T15836020682&parent=docview&target=results_DocumentContent&tokenKey=rsh-23.377000.8736873406" \l "n166) Tribes objected to the environmental review requirement both because of the substantial costs involved and because of the inroads on tribal self-determination. n167 Not only would the process mandate considerable public input into tribal decision-making, but the federal government would be decreeing how tribes approach balancing environmental concerns and development. The bills modify the TERA environmental review process in two significant ways. First, rather than require a tribal environmental review to identify mitigation measures and incorporate them into the lease or agreement, the bills provide for the identification and incorporation of mitigation measures "if any" that the tribe in its **discretion** chooses to propose. [n168](http://www.lexisnexis.com/lnacui2api/frame.do?reloadEntirePage=true&rand=1350846225116&returnToKey=20_T15836020682&parent=docview&target=results_DocumentContent&tokenKey=rsh-23.377000.8736873406" \l "n168) Second, a new provision would permit a tribe to identify categories of actions deemed not to have significant effects on the environment and therefore excluded from environmental review. n169 Although [\*126] these amendments would not eliminate tribal concerns with the TERA environmental review process, they would provide some relief both by streamlining the process and enhancing the role of tribal decision-making. In addition, the bills substantially alter the ways in which a tribe may show the required capacity to regulate energy development. Under the current TERA process, the Secretary may not approve a TERA unless the tribe demonstrates "sufficient capacity to regulate the development of energy resources." [n170](http://www.lexisnexis.com/lnacui2api/frame.do?reloadEntirePage=true&rand=1350846225116&returnToKey=20_T15836020682&parent=docview&target=results_DocumentContent&tokenKey=rsh-23.377000.8736873406" \l "n170) The proposed bills provide instead that the Secretary shall disapprove a proposed TERA that does not demonstrate sufficient regulatory capacity, n171 but further provides that meeting that criterion is not the only way in which a tribe "shall be considered to have demonstrated sufficient capacity." [n172](http://www.lexisnexis.com/lnacui2api/frame.do?reloadEntirePage=true&rand=1350846225116&returnToKey=20_T15836020682&parent=docview&target=results_DocumentContent&tokenKey=rsh-23.377000.8736873406" \l "n172) Sufficient capacity can be demonstrated in two additional ways. First, if the Secretary fails to determine within the statutory time period that a tribe has not demonstrated sufficient capacity, then the tribe is considered to have done so. n173 Second, if the Secretary determines that a tribe has successfully carried out a Public Law 638 compact or contract [n174](http://www.lexisnexis.com/lnacui2api/frame.do?reloadEntirePage=true&rand=1350846225116&returnToKey=20_T15836020682&parent=docview&target=results_DocumentContent&tokenKey=rsh-23.377000.8736873406" \l "n174) for at least three consecutive years, the tribe shall also be considered to have demonstrated capacity. n175 These amendments would ease the TERA process for tribes. [\*127] There is a subtle but important shift in the burden of demonstrating sufficient capacity. **Rather than place the whole burden** on the tribe to demonstrate sufficient capacity, the Secretary is now **charged with determining its absence** from the evidence in the tribe's TERA application. Moreover, the Secretary is held to a **short time frame** to make that determination, and the consequence of the Secretary's failure to act in a timely manner **benefits rather than disadvantages** the tribal applicant. In addition, acknowledging successful Public Law 638 compacts and contracts as the **equivalent of demonstrating capacity** recognizes tribes' existing accomplishments in administering federal laws and programs. Providing that a tribe with a successful Public Law 638 record need **not redemonstrate** its governmental and regulatory capabilities is a practical recognition of tribal self-government. Finally, the bills would **streamline the approval timeline** for TERAs. Currently, the Secretary has 270 days from receipt of a complete TERA application to approve or disapprove the TERA. [n176](http://www.lexisnexis.com/lnacui2api/frame.do?reloadEntirePage=true&rand=1350846225116&returnToKey=20_T15836020682&parent=docview&target=results_DocumentContent&tokenKey=rsh-23.377000.8736873406" \l "n176) There is, however, **no consequence** attached to the Secretary's failure to meet this deadline. Because one of the primary tribal concerns that the TERA process was meant to address was the often substantial delay in secretarial approval of leases and agreements, it would indeed be ironic if a tribe had to wait years for approval of a TERA to avoid such delays. Consequently, the bills provide that 271 days after the tribe submits its TERA application, the TERA "shall" **become effective** if the Secretary has not disapproved it. n177 Although this may put substantial pressure on the Department of the Interior, [n178](http://www.lexisnexis.com/lnacui2api/frame.do?reloadEntirePage=true&rand=1350846225116&returnToKey=20_T15836020682&parent=docview&target=results_DocumentContent&tokenKey=rsh-23.377000.8736873406" \l "n178) it furthers the intent of the Indian energy acts to promote tribal control over the development of their energy resources.

#### **Plans massively unpopular – CP shields the link**

Kronk (1AC Author) 12—Assistant Professor, Texas Tech University School of Law (Elizabeth, Tribal Energy Resource Agreements: The Unintended "Great Mischief for Indian Energy Development" and the Resulting Need for Reform, 29 Pace Envtl. L. Rev. 811)

If Senator Bingaman’s viewpoint is any indication, Congress may be **unwilling to relinquish federal oversight over energy development within Indian country**. As a result, the first proposal for reform discussed above may prove to be unacceptable to Congress. Assuming this is the case, this second proposal allows the federal government to maintain an oversight role in Indian county and, at the same time, reinstates the federal government’s liability. Based on the legislative history discussed above, reinstatement of the federal government’s liability would likely go a long way toward addressing many of the concerns raised by tribes in relation to the existing TERA provisions. In this way, this second proposal would also constitute an improvement over the status quo.

### 1NC

#### Moniz transition into the DOE will be stable – new energy initiatives will draw fire and destroy his agenda

Carus 3/12/13, Felicity Carus, UK journalist based in California specialising in clean energy policy and finance for a global audience, worked for nine years at the Guardian, Sydney Morning Herald, “Energy department nominee Moniz pro nuclear and natural gas but ‘bullish’ on solar”, <http://www.pv-tech.org/editors_blog/energy_department_nominee_moniz_pro_nuclear_and_natural_gas_but_bullish_on>

President Barack Obama might have selected another boffin to replace his much-respected first appointee at the Department of Energy, but Ernest Moniz may turn out to be a very different political animal from Steven Chu. Like Chu, Moniz is a physics professor plucked from a prestigious university, this time from the Massachusetts Institute of Technology (MIT) rather than Stanford University. But where the Nobel Prizewinner wore kid gloves to massage data and science into government funded programmes, such as ARPA-E and the SunShot Initiative, Moniz could become Obama's prize-fighting scientist, having already done time on Capitol Hill, including a stint as Bill Clinton's Undersecretary of Energy. Moniz may be a theoretical scientist, but he has earned a reputation for **pragmatism** among policymakers and industry leaders. Dave McCurdy, head of the American Gas Association and a former congressman from Oklahoma, told NPR after Moniz's nomination: "Ernie Moniz understands Washington. He knows that you have to work with both sides of the political aisle. You have to build consensus." Michael Lubell, Director of Public Affairs for the American Physical Society in Washington, said: "Even before he came to Washington he was a pretty savvy guy politically, and certainly the years he's spent in Washington have honed those skills. My guess is that he will navigate the treacherous congressional and political waters very well." Moniz has of course yet to be appointed and will have to endure a grilling in front of the Senate Energy and Natural Resources Committee before Congress approves Obama's first choice. But what does the solar industry expect from him? We'll have to wait for more information from the Congressional hearing in a couple of weeks' time, but Moniz has previously hinted at his "bullish" stance on solar. "I will admit to being very bullish on solar in the long term," he told the Switch Energy Project. "It just has so many attractive features, including the fact that it's intermittent, at least it tends to be on when you want it. "But there are other issues. For example, for the large utility-scale solar thermal plants, they have to be in places that have very clear direct sunshine. It's a solution in large parts of the south west and then however, you're in the old problem - typically you're far from demand, you still require some water, that can be a challenge. With all of these things, there is no one-size fits all." The Solar Energy Industries Association (SEIA) pointed out that under the Obama administration, the amount of solar powering homes, businesses, and military bases has grown by nearly 500% to more than 6,400MW and employs more than 119,000 Americans at 5,600 companies. Rhone Resch, president and chief executive of SEIA, told PV-Tech that a continuation of the programmes, tempo and tenor set by Chu would be most welcome. "Building on much of the work that the DoE has been doing for the last four years is important," he said. "We don't need to reinvent a lot of what's going on at DoE but rather continue to fund it and continue to make it a priority. "The SunShot Initiative in particular is more than just a goal. It's a very clear formula for how we achieve cost reductions. "Dr Moniz has a very long line of experience both at MIT and DoE in working on solar both in materials science as well has identifying cost reductions in the solar industry. This prepares him fully for the challenges that are facing the industry today. We're very excited to have Dr Moniz coming back to Washington." It would be difficult to find a bigger cheerleader for solar than Chu, but Moniz may turn out to give the renewables industry some mixed signals with his support for natural gas and nuclear. Potential **future controversy** could be read between the lines spoken by Obama when the nomination for this "brilliant scientist" was officially announced last week along with Gina McCarthy as head of the Environmental Protection Agency. “They’re going to be making sure that we’re investing in American energy, that we’re doing everything that we can to combat the threat of climate change," said the US president. "Ernie knows that we can produce more energy and grow our economy while still taking care of our air, our water and our climate. And so I could not be more pleased to have Ernie join us." As director of MIT's Energy Initiative (MITEI), supported by BP, Shell and Chevron to the tune of a reported $125 million since 2006, Moniz has **walked a** pragmatist's line between science, industry and policy. Moniz is no stranger to the Senate Energy and Natural Resources Committee. In July 2011, he appeared to give testimony on an MIT study called The Future of Natural Gas. Moniz believes that natural gas could be a “bridge” to a low-carbon future that could reduce carbon emissions in the electricity sector as coal fired power stations close. "In broad terms, we find that, given the large amounts of natural gas available in the US at moderate cost (enabled to a large degree by the shale gas resource), natural gas can indeed play an important role over the next couple of decades (together with demand management) in economically advancing a clean energy system. But by 2050, alternatives to natural gas must be ready, placing renewables in the same "low carbon bucket" as nuclear and CCS for both coal and natural gas, he said. "With increasingly stringent carbon dioxide emissions reductions, natural gas would eventually become too carbon intensive, which highlights the importance of a robust innovation programme for zero-carbon options," he said. Moniz recently repeated his position at Washington's World Affairs Council: "Since I see the zero carbon alternatives all having 10-year or longer time frames, I will argue it's buying us time as long as it displaces coal. The caution is, buying time doesn't matter if you don't use the time." Even though Moniz is "anti-coal" from a climate change perspective, his advocacy of low-carbon energy and natural gas sends out mixed signals for the renewable industry. Furthermore, Moniz marked himself out as an advocate of nuclear energy in an article he wrote in 2011 for Foreign Affairs magazine entitled ‘Why We Still Need Nuclear Power’. "It would be a mistake, however, to let Fukushima cause governments to abandon nuclear power and its benefits," he wrote. "Electricity generation emits more carbon dioxide in the United States than does transportation or industry, and nuclear power is the largest source of carbon-free electricity in the country. Nuclear power generation is also relatively cheap." The nuclear industry is already lining up in the lobbying queue to press Moniz to reconsider approval for the nuclear waste disposal Mountain in Nevada, which would remove a huge and expensive bottleneck for nuclear companies in the US. Not-so-cheap cleanup at the Hanford Nuclear Facility in Washington State, which is expected to cost billions of DoE dollars over decades, will also be in Moniz's in-tray. Politicians, businesses, industry advocates and environmentalists are still **managing their expectations** of what they might demand of Moniz. Greg Rosen, Chief Investment Officer at solar investment company Mosaic, told PV-Tech: "Dr Moniz brings a wealth of experience to the table, and if confirmed, Mosaic hopes that as secretary he will aggressively work to support the solar industry given its proven worth both as an economic engine for the US and as a means of achieving a low-carbon future. "From our perspective he can do so by building on the substantial efforts that DoE has made in solar over the last several years, particularly in the area of deployment and finance, and also by working to level the playing field relative to dirtier forms of energy and by investing in solutions that maximise the use of intermittent resources in the US power mix." Moniz's **first task** will be to demonstrate how he can lead the DoE's 16,000 employees through arguably the most dynamic period of change in US energy history, even as its $27 billion budget for 2013 will come under increasing scrutiny and pressure to make cuts. While Moniz might be a more politically pugnacious character than Chu, it's not yet clear which side he will fight on.

#### Moniz not prioritizing energy – plan trades off with nuclear waste and stockpile stewardship

Forbes 3-9 (“Will Secretary Moniz Put Energy Back Into The Department of Energy?,” <http://www.forbes.com/sites/jamesconca/2013/03/09/will-secretary-moniz-put-energy-back-into-the-department-of-energy/>)

President Barack Obama announced Monday that he will nominate Dr. Ernest Moniz to head the U.S. Department of Energy as Secretary. This was a wise move. There are not many who are better qualified, few with as much experience, and none with more chutzpah than Ernie Moniz. And he will **need all three** if he is to accomplish anything in a job that has been a **standing nightmare** for decades. However, all week long the pundits, reporters, supporters and critics alike focused on Dr. Moniz’ views and activities in renewable energy, fracking, climate change and environmental issues. This is all incredibly interesting, but all incredibly irrelevant. Moniz knows better than anyone else that the Department of Energy has almost nothing to do with energy. It’s all about weapons and waste. Nuclear weapons and nuclear waste to be exact. The public, Congress and even the White House can be forgiven for being confused by the word Energy in the title of the Department of Energy. There is a small component of nuclear energy in DOE, and an even smaller component of alternatives and fossil fuel (DOE FY2013 budget) but most of this is for basic scientific research. Fairly recently, Moniz reiterated nuclear energy’s critical role in reducing greenhouse gases as part of a balanced, low-carbon electricity generation portfolio (Foreign Affairs). DOE even has some licensing authority in exporting liquefied natural gas. As Secretary, Moniz **could** increase the DOE’s role in actual energy. But fracking, pipelines and wind turbines **will not be much** in the official mind of the Secretary, although it is one of his passions. His main focus will be: 1) moving nuclear waste disposal forward in the post-Yucca Mountain era of leaking nuclear waste tanks (Hanford tanks; Waste to NM), and 2) dealing with nuclear weapons, both their upkeep in the U.S. and their proliferation globally (Reuters). Iran and North Korea will pull his attention more than Pennsylvania and New York.

#### DOE nuclear arsenal upkeep solves nuclear war

Caves ’10, John P. Caves, Senior Research Fellow in the Center for the Study of Weapons of Mass Destruction at the National Defense University, “Avoiding a Crisis of Confidence in the U.S. Nuclear Deterrent”, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ada514285>

Perceptions of a compromised U.S. nuclear deterrent as described above would have profound policy implications, particularly if they emerge at a time when a nucleararmed great power is pursuing a more aggressive strategy toward U.S. allies and partners in its region in a bid to enhance its regional and global clout. ■ A dangerous period of vulnerability would open for the United States and those nations that depend on U.S. protection while the United States attempted to rectify the problems with its nuclear forces. As it would take more than a decade for the United States to produce new nuclear weapons, ensuing events could preclude a return to anything like the status quo ante. ■ The assertive, nuclear-armed great power, and other major adversaries, could be willing to challenge U.S. interests more directly in the expectation that the United States would be less prepared to threaten or deliver a military response that could lead to direct conflict. They will want to keep the United States from reclaiming its earlier power position. ■ Allies and partners who have relied upon explicit or implicit assurances of U.S. nuclear protection as a foundation of their security could lose faith in those assurances. They could compensate by accommodating U.S. rivals, especially in the short term, or acquiring their own nuclear deterrents, which in most cases could be accomplished only over the mid- to long term. A more nuclear world would likely ensue over a period of years. ■ Important U.S. interests could be compromised or abandoned, or a **major war** could occur as adversaries and/or the United States **miscalculate** new boundaries of deterrence and provocation. At worst, war could lead to state-on-state employment of weapons of mass destruction (WMD) on a scale far more catastrophic than what nuclear-armed terrorists alone could inflict. Continuing Salience of Nuclear Weapons Nuclear weapons, like all instruments of national security, are a means to an end— national security—rather than an end in themselves. Because of the catastrophic destruction they can inflict, resort to nuclear weapons should be contemplated only when necessary to defend the Nation’s vital interests, to include the security of our allies, and/or in response to comparable destruction inflicted upon the Nation or our allies, almost certainly by WMD. The retention, reduction, or elimination of nuclear weapons must be evaluated in terms of their contribution to national security, and in particular the extent to which they contribute to the avoidance of circumstances that would lead to their employment. Avoiding the circumstances that could lead to the employment of nuclear weapons involves many efforts across a broad front, many outside the military arena. Among such efforts are reducing the number of nuclear weapons to the level needed for national security; maintaining a nuclear weapons posture that minimizes the likelihood of inadvertent, unauthorized, or illconsidered use; improving the security of existing nuclear weapons and related capabilities; reducing incentives and closing off avenues for the proliferation of nuclear and other WMD to state and nonstate actors, including with regard to fissile material production and nuclear testing; enhancing the means to detect and interdict the transfer of nuclear and other WMD and related materials and capabilities; and strength ening our capacity to defend against nuclear and other WMD use. For as long as the United States will depend upon nuclear weapons for its national security, those forces will need to be reliable, adequate, and credible. Today, the United States fields the most capable strategic nuclear forces in the world and possesses globally recognized superiority in any conventional military battlespace. No state, even a nuclear-armed near peer, rationally would directly challenge vital U.S. interests today for fear of inviting decisive defeat of its conventional forces and risking nuclear escalation from which it could not hope to claim anything resembling victory. But power relationships are never static, and current realities and trends make the scenario described above conceivable unless corrective steps are taken by the current administration and Congress. Consider the challenge posed by China. It is transforming its conventional military forces to be able to project power and compete militarily with the United States in East Asia, 1 and is the only recognized nuclear weapons state today that is both modernizing and expanding its nuclear forces. 2 It weathered the 2008 financial crisis relatively well, avoiding a recession and already resuming robust economic growth. 3 Most economists expect that factors such as openness to foreign investment, high savings rates, infrastructure investments, rising productivity, and the ability to leverage access to a large and growing market in commercial diplomacy are likely to sustain robust economic growth for many years to come, affording China increasing resources to devote to a continued, broadbased modernization and expansion of its military capabilities. In contrast, the 2008 financial crisis was the most severe for the United States since the Great Depression, 4 and it led in 2009 to the largest Federal budget deficit—by far—since the Second World War 5 (much of which is financed by borrowing from China). Continuing U.S. military operations in Iraq and Afghanistan are expensive, as will be the necessary refurbishment of U.S. forces when those con flicts end. Those military expenses, however, are expected to be eclipsed by the burgeoning entitlement costs of the aging U.S. “baby boomer” generation. 6 As The Economist recently observed: China’s military build-up in the past decade has been as spectacular as its economic growth. . . . There are growing worries in Washington, DC, that China’s military power could challenge America’s wider military dominance in the region. China insists there is nothing to worry about. But even if its leadership has no plans to displace American power in Asia . . . America is right to fret this could change. 7 As an emerging nuclear-armed near peer like China narrows the wide military power gap that currently separates it from the United States, Washington could find itself more, rather than less, reliant upon its nuclear forces to deter and contain potential challenges from great power competitors. The resulting security dynamics may resemble the Cold War more than the U.S. “unipolar moment” of the 1990s and early 2000s. Concerns about Longterm Reliability With continuing U.S. dependence upon nuclear forces to deter conflict and contain challenges from (re-)emerging great power(s), perceptions of the reliability, adequacy, and credibility of those forces will determine how well they serve those purposes. Perception is all important when it comes to nuclear weapons, which have not been operationally employed since 1945 and not tested (by the United States) since 1992, and, hopefully, will never have to be employed or tested again. If U.S. nuclear forces are to deter other nuclear-armed great powers, the individual weapons must be perceived to work as intended (reliability), the overall forces must be perceived as adequate to deny the adversary the achievement of his goals regardless of his actions (adequacy), and U.S. leadership must be perceived as prepared to employ the forces under conditions that it has communicated via its declaratory policy (credibility) These perceptions must be, of course, those of the leadership of adversaries that we seek to deter (as well as of the allies that we seek to assure), but they also need to be those of the U.S. leadership lest our leaders fail to convey the confidence and resolve necessary to shape adversaries’ perceptions to achieve deterrence. Weapons reliability is the essential foundation for deterrence since there can be no adequacy or credibility without it. Reliability is a serious emerging issue for U.S. nuclear weapons. As Secretary of Defense Robert Gates observed, “No one has designed a nuclear weapon in the United States since the 1980s, and no one has built a new one since the early 1990s.” 8 Indeed, the United States is the only nuclear weapons state party to the Nuclear Nonproliferation Treaty (NPT) that does not have the capability to produce a new nuclear warhead. 9 Russia, China, and France currently are modernizing their nuclear weapons systems, and the United Kingdom has decided to replace its current Vanguard-class ballistic missile submarines and is investing in the sustainment of its nuclear warhead maintenance and replacement capabilities. 10 In lieu of a nuclear weapons production infrastructure and nuclear testing, the United States relies upon its Stockpile Stewardship Program (utilizing computer simulation and component testing) to evaluate and validate the continued viability of existing warheads; service life extension programs to prolong the operational life of warheads (and delivery vehicles); and a stockpile of nonoperationally deployed warheads to provide spares for destructive component testing under the Stockpile Stewardship Program and a reserve to be pressed back into service to augment operationally deployed warheads, if deemed necessary. The Achilles’ heel of this current approach to ensuring the reliability of U.S. nuclear forces is the possible advent of critical systemic failure(s) in entire classes of aging warheads. That such failures could occur can be anticipated as a general matter for any aging system, particularly one that is no longer physically tested as a complete assembly. Specific failures, however, cannot be accurately forecast since the United States has no prior experience with warheads of this age. The potential for such failures emerging is increased by the relatively narrow performance margins to which the warheads were engineered by Cold War nuclear weapons designers tasked with maximizing the number and explosive power of warheads that could be delivered by a ballistic missile. 11 U.S. nuclear weapons scientists have warned of this problem for years. 12 The preceding administration proposed to address this problem by reconstituting and exercising the infrastructure needed to develop and produce nuclear weapons. The proposal involved both facilities (consolidation, refurbishment, and replacement), work force (maintenance of highly specialized nuclear weapons skills), and nuclear weapons design, development, and production work (for refurbishment and replacement of existing warheads). The Department of Energy’s National Nuclear Security Administration, which is responsible for the nuclear weapons infrastructure, expected that the infrastructure transformation plan could be implemented within its existing budget projections if the savings realized from the plan were allowed to be reinvested into the infrastructure. 13 While some aspects of the proposed new infrastructure have moved forward (for example, the National Ignition Facility), much of the plan has not because Congress has declined to provide the requisite funding.

### 1NC

**Immigration will pass – capital’s key**

Sink and Mali 3-25. [Justin, Meghashyam, reporters, "Obama: 'The time has come' to move immigration reform in Congress" The HIll -- thehill.com/video/administration/290129-obama-the-time-has-come-to-move-immigration-reform]

Obama said he expects debate on an immigration bill to “begin next month” at a ceremony where 28 people, including 13 armed servicemembers, became citizens.¶ Bipartisan groups in both the House and Senate are moving closer to unveiling separate immigration reform proposals, and the president is hoping to build momentum for a deal.¶ “We've known for years that our immigration system is broken, that we're not doing enough to harness the talent and ingenuity of all those who want to work hard and find a place in America,” Obama said. “And after avoiding the problem for years, the time has come to fix it once and for all. The time has come for comprehensive, sensible immigration reform.”¶ Speaking from the East Room, Obama argued that immigration strengthens the country.¶ “It keeps us vibrant, it keeps us hungry, it keeps us prosperous. It is what makes us such a dynamic country,” he said. “If we want to keep attracting the best and the brightest, we've got to do a better job of welcoming them.”¶ Advocates for immigration reform see a real chance for legislation to pass Congress this year, despite opposition from some House GOP lawmakers, many of whom have said they will oppose measures that grant “amnesty” to illegal immigrants and have questioned proposed protections for gay or lesbian couples.¶ Immigration reform is a potent political issue for Obama, who won more than 70 percent of the Hispanic vote in 2012. Since that showing, a growing number of conservative lawmakers have signaled they would back immigration reform, including measures to provide a pathway to citizenship.¶ Groups aligned with Obama have signaled their intention of pressuring Congress.¶ On Monday, The New York Times reported that Organizing for Action — the political group born from the president's reelection campaign — will launch a new online effort featuring the stories of some 7,000 supporters, some of whom entered the country illegally.¶ The Senate’s “Gang of Eight” introduced their framework, calling for a pathway to citizenship, heightened border security, increased high-skilled immigration and a guest worker program, in January.¶ But since then, senators have been tied down in negotiations over the details of the plan, with many key issues still unresolved.¶ Obama said he wanted to see debate begin on a congressional bill by April.¶ “We are making progress, but we've got to finish the job, because this issue is not new,” Obama said. “Everyone pretty much knows what's broken, everyone knows how to fix it.”¶ At a briefing later Monday with reporters, White House spokesman Josh Earnest insisted that the White House did not hold the event over concern with the progress of negotiations.¶ "We are pleased with the progress they are reportedly making" in the Senate, Earnest said, adding that President Obama had been in touch with members of the Gang of Eight.¶ Earnest also dismissed criticism from freshman Sen. Ted Cruz (R-Texas), who suggested over the weekend that Obama secretly hoped talks would fall through, so Democrats could gain a political wedge for the 2014 midterm elections.¶ "There's no evidence to support those claims," Earnest said.¶ Members of the Senate group predict their plan could move forward when legislators return from a two-week Easter break.¶ A bipartisan House group has yet to share details of their proposals, but their work has already received general support from leaders in both parties.

**New nuclear production causes massive political backlash and saps capital – any evidence pre 2011 is irrelevant**

Alex Trembath, Policy Fellow in AEL’s New Energy Leaders Project, 11 [“Nuclear Power and the Future of Post-Partisan Energy Policy,” Lead Energy, Feb 4, http://leadenergy.org/2011/02/the-nuclear-option-in-a-post-partisan-approach-on-energy/]

Nuclear power is unique among clean energy technologies in that Democrats tend to be more hesitant towards its production than Republicans. Indeed, it has a reputation for its appeal to conservatives -Senators Kerry, Graham and Lieberman included provisions for nuclear technology in their ultimately unsuccessful American Power Act (APA) with the ostensible goal of courting Republican support. The urgency with which Democrats feel we must spark an energy revolution may find a perfect partner with Republicans who support nuclear power. But is there anything more than speculative political evidence towards its bipartisan viability?¶ If there is one field of the energy sector for which **certainty of political will** **and government policy is essential**, it is nuclear power. High up front costs for the private industry, extreme regulatory oversight and public wariness necessitate a committed government partner for private firms investing in nuclear technology. In a new report on the potential for a “nuclear renaissance,” Third Way references the failed cap-and-trade bill, delaying tactics in the House vis-a-vis EPA regulations on CO₂, and the recent election results to emphasize the difficult current political environment for advancing new nuclear policy. The report, “The Future of Nuclear Energy,” makes the case for political certainty:¶ “It is difficult for energy producers and users to estimate the relative price for nuclear-generated energy compared to fossil fuel alternatives (e.g. natural gas)–an essential consideration in making the major capital investment decision necessary for new energy production that will be in place for decades.”¶ Are our politicians willing to match the level of certainty that the nuclear industry demands? Lacking a suitable price on carbon that may have been achieved by a cap-and-trade bill removes one primary policy instrument for making nuclear power more cost-competitive with fossil fuels. The impetus on Congress, therefore, will be to shift from demand-side “pull” energy policies (that increase demand for clean tech by raising the price of dirty energy) to supply-side “push” policies, or industrial and innovation policies. Fortunately, there are signals from political and thought leaders that a package of policies may emerge to incentivize alternative energy sources that include nuclear power.¶ One place to start is the recently deceased American Power Act, addressed above, authored originally by Senators Kerry, Graham and Lieberman. Before its final and disappointing incarnation, the bill included provisions to increase loan guarantees for nuclear power plant construction in addition to other tax incentives. Loan guarantees are probably the most important method of government involvement in new plant construction, given the high capital costs of development. One wonders what the fate of the bill, or a less ambitious set of its provisions, would have been had Republican Senator Graham not abdicated and removed any hope of Republican co-sponsorship.¶ But **that was last year. The** **changing of the guard in Congress makes this a whole different game**, and the once feasible support for nuclear technology on either side of the aisle must be reevaluated. A New York Times piece in the aftermath of the elections forecast **a difficult road ahead for nuclear energy policy**, but did note Republican support for programs like a waste disposal site and loan guarantees.¶ Republican support for nuclear energy has roots in the most significant recent energy legislation, the Energy Policy Act of 2005, which passed provisions for nuclear power with wide bipartisan support. Reaching out to Republicans on policies they have supported in the past should be a goal of Democrats who wish to form a foundational debate on moving the policy forward. There are also signals that key Republicans, notably Lindsey Graham and Richard Lugar, would throw their support behind a clean energy standard that includes nuclear and CCS.¶ Republicans in Congress will find intellectual support from a group that AEL’s Teryn Norris coined “innovation hawks,” among them Steven Hayward, David Brooks and George Will. Will has been particularly outspoken in support of nuclear energy, writing in 2010 that “it is a travesty that the nation that first harnessed nuclear energy has neglected it so long because fads about supposed ‘green energy’ and superstitions about nuclear power’s dangers.”¶ The extreme reluctance of Republicans to cooperate with Democrats over the last two years is only the first step, as any legislation will have to overcome Democrats’ traditional opposition to nuclear energy. However, here again there is reason for optimism. Barbara Boxer and John Kerry bucked their party’s long-time aversion to nuclear in a precursor bill to APA, and Kerry continued working on the issue during 2010. Jeff Bingaman, in a speech earlier this week, reversed his position on the issue by calling for the inclusion of nuclear energy provisions in a clean energy standard. The Huffington Post reports that “the White House reached out to his committee [Senate Energy] to help develop the clean energy plan through legislation.” This development in itself potentially mitigates two of the largest obstacle standing in the way of progress on comprehensive energy legislation: lack of a bill, and lack of high profile sponsors. Democrats can also direct Section 48C of the American Recovery and Reinvestment Act of 2009 towards nuclear technology, which provides a tax credit for companies that engage in clean tech manufacturing.¶ Democrats should not give up on their policy goals simply because they no longer enjoy broad majorities in both Houses, and Republicans should not spend all their time holding symbolic repeal votes on the Obama Administration’s accomplishments. The lame-duck votes in December on “Don’t Ask, Don’t Tell,” the tax cut deal and START indicate that at least a few Republicans are willing to work together with Democrats in a divided Congress, and that is precisely what **nuclear energy** needs moving forward. It **will require an aggressive push from the White House**, and a concerted effort from both parties’ leadership, but the road for forging bipartisan legislation is not an impassable one.

**That kills Obama’s immigration push**

Amy **Harder**, National Journal, 2/6/13, In Washington, Energy and Climate Issues Get Shoved in the Closet, www.nationaljournal.com/columns/power-play/in-washington-energy-and-climate-issues-get-shoved-in-the-closet-20130206

At a news conference where TV cameras in the back were nearly stacked on top of each other, an influential bipartisan group of five senators introduced legislation late last month to overhaul the nation’s immigration system. The room was so crowded that no open seats or standing room could be found. A week later, one senator, Republican Lisa Murkowski of Alaska, was standing at the podium in the same room to unveil her energy-policy blueprint. There were several open seats and just a few cameras. At least one reporter was there to ask the senator about her position on President Obama’s choice for Defense secretary, former Republican Sen. Chuck Hagel. “I’m doing energy right now,” Murkowski responded. “I’m focused on that.” Almost everyone else on Capitol Hill is focused on something else. Aside from the broad fiscal issues, Congress and the president are galvanizing around immigration reform. Four years ago, the White House prioritized health care reform above comprehensive climate-change legislation. The former will go down in history as one of Obama’s most significant accomplishments. The latter is in the perpetual position of second fiddle. “To everything,” Murkowski interjected fervently when asked by National Journal Daily whether energy and climate policy was second to other policies in Washington’s pecking order. Murkowski, ranking member of the Senate's Energy and Natural Resources Committee, said she hoped the Super Bowl blackout would help the public understand the importance of energy policy. “This issue of immigration: Why are we all focused on that? Well, it’s because the Republicans lost the election because in part we did not have the Hispanic community behind us,” Murkowski said this week. “What is it that brings about that motivation? Maybe it could be something like a gap in the Super Bowl causes the focus on energy that we need to have. I can only hope.” It will take more than hope. Elections have consequences, but so far the only kind of electoral consequence climate and energy policy has instigated is one that helped some lawmakers who supported cap-and-trade legislation to lose their seats in the 2010 midterm elections. For the pendulum to swing the other way—for lawmakers to lose their seats over not acting on climate and energy policy—seems almost unfathomable right now. Billions of dollars are invested in the fossil-fuel power plants, refineries, and pipelines that the country depends on today. The companies that own this infrastructure have a business interest in keeping things the way they are. Immigration reform doesn’t face such formidable interests invested in the status quo. “They [businesses] have employees—real, visible people—who they value and who they want to make legal as soon as possible,” said Chris Miller, who until earlier this year was the top energy and environment adviser to Senate Majority Leader Harry Reid, D-Nev. On energy and climate-change policy, Miller added, “You’re probably never going to have anything like the fence in the Southwest or the border-control issue that pushes action and debate on immigration, because climate-change impacts will likely continue to be more abstract in the public's mind until those impacts are so crystal-clear it’s too late for us to do anything.” Another, tactical reason helps build momentum on immigration and not on other issues. Obama can capitalize on immigration as it becomes more of a wedge issue within the GOP. On energy and climate policy, Obama faces a unified Republican Party. “The president has cracked the code on how to push his agenda items through. He learned from his victories on the payroll tax and the fiscal cliff that the key is to stake out the political high ground on issues that poll in his favor while exploiting the divisions within the GOP,” said a former Republican leadership aide who would speak only on the condition of anonymity. “With this in mind, the next logical place for him to go is immigration. Unlike issues like energy or tax reform where the GOP is united, he can claim a big win on immigration reform while striking a political blow to Republicans.”

#### **Plans unpopular**

Kronk (1AC Author) 12—Assistant Professor, Texas Tech University School of Law (Elizabeth, Tribal Energy Resource Agreements: The Unintended "Great Mischief for Indian Energy Development" and the Resulting Need for Reform, 29 Pace Envtl. L. Rev. 811)

If Senator Bingaman’s viewpoint is any indication, Congress may be **unwilling to relinquish federal oversight over energy development within Indian country**. As a result, the first proposal for reform discussed above may prove to be unacceptable to Congress. Assuming this is the case, this second proposal allows the federal government to maintain an oversight role in Indian county and, at the same time, reinstates the federal government’s liability. Based on the legislative history discussed above, reinstatement of the federal government’s liability would likely go a long way toward addressing many of the concerns raised by tribes in relation to the existing TERA provisions. In this way, this second proposal would also constitute an improvement over the status quo.

**Solves india relations**

Los Angeles **Times**, 11/9/**20**12 (Other countries eagerly await U.S. immigration reform, p. http://latimesblogs.latimes.com/world\_now/2012/11/us-immigration-reform-eagerly-awaited-by-source-countries.html)

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

**Solves south Asian nuclear miscalc**

Schaffer, Spring **200**2 (Teresita – Director of the South Asia Program at the Center for Strategic and International Security, Washington Quarterly, p. Lexis)

Washington's increased interest in India since the late 1990s reflects India's economic expansion and position as Asia's newest rising power. New Delhi, for its part, is adjusting to the end of the Cold War. As a result, both giant democracies see that they can benefit by closer cooperation. For Washington, the advantages include a wider network of friends in Asia at a time when the region is changing rapidly, as well as a stronger position from which to help calm possible future nuclear tensions in the region. Enhanced trade and investment benefit both countries and are a prerequisite for improved U.S. relations with India. For India, the country's ambition to assume a stronger leadership role in the world and to maintain an economy that lifts its people out of poverty depends critically on good relations with the United States.

### Corporatism

#### Renewable energy opens the floodgates for 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 of underdevelopment.” Dependency is a critique of the idea of the economic base in that underdeveloped regions become specialists in providing raw materials and resources that are used in developed regions to create manufactured goods. Substantial value is added to products in the latter stages of processing, but very **little** of that **value** is transferred to the developing region. Furthermore, when **large multi-national companies control the extraction of the resources the developing region** often **forgoes** the **opportunity** to **build capacity** in the production of the base resource. Instead, the local economy simply provides access to the resource and unskilled or semiskilled laborers (See Palma 1989 and Kay 1991). Beyond the lack of opportunity to capture value, the dependency critique argues that the success of developing a base resource can distort the structure of the regional economy. Instead of entrepreneurs developing a strong, diversified economy, the businesses that do emerge in the regional economy are oriented toward providing services to the large industrial companies that extract resources (Gunton 2003, 69). The services provided by the government can become focused on increasing the development of just one sector and income to the government becomes tied to the production of the resource. The economy of the entire region and the services provided by the government become linked to the price of the export resource. Moreover, if the resource is depleteable, the economy contracts as the resource becomes more and more difficult to extract in comparison to alternative resources. One measure of the degree of specialization in the production of energy resources is called the “oil dependency” metric. The “oil dependency” of the Navajo Nation is the ratio of the value of the energy exports (oil, coal, and gas) to the gross regional product of the Navajo Nation (Ross 2001). A rough approximation of the “oil dependency” for the Navajo Nation was found to be 1.1 using data available in the Comprehensive Economic Development Strategy of the Navajo Nation (Choudhary 2003) and energy prices from the Energy Information Agency. The most oil dependent national economy in the world is Angola (68.5). Norway, which exports a considerable amount of oil has an oil dependency of 13.5. The 25th of the top 25 most oil dependent nations has an oil dependency of 3.5 (Ross 2001). Although the Navajo Nation would not be considered as “oil dependent” as these other countries, it is also important to realize that 15- 20% of the Navajo Nation annual funds are from royalties on energy resources. If the grants from external sources like the federal government are not included in the sources of annual funds, then the share of energy resources increases to 25-50% of the Navajo Nation budget (Choudhary 2003, 65 - Table 7). Furthermore, the second largest recipient of revenues from the Navajo General Fund is the Division of Natural Resources (ibid, 64 – Table 6C). Overall these statistics indicate that the Navajo Nation is oriented toward a heavy reliance and focus on energy development. Discussions of the Navajo economy in the context of dependency often focus on the importance of the tribe being in control of energy development. By control, most authors are referring to the right to dictate the pace and laws surrounding energy development on their lands (Owens 1979, Ruffing 1980). However, gaining control of energy development is only one part of the dependency critique. The second part is that even with control over the pace and quality of energy development the Navajo government needs to steer the economy in diverse directions so that the economy does not become specialized in providing services to energy extraction companies. One could easily argue that the Navajo Nation is focusing significant efforts on increasing the level of energy development at the expense of supporting alternative development pathways (for example, the speech by Shirley and Trujillo to the World Bank, 2003). Many authors draw from dependency theories to show why the Navajo Nation is locked into an energy development pathway. One of the more important historical reasons for the orientation of the Navajo government toward energy development was that the Navajo government was first formed in 1922 by the federal government to act as a representative of the Navajo interests in signing oil leases on Navajo land. As part of organizing the relationship between the federal government, the Navajo Business Council (as it was first called) and energy developers, the Interior Department set policy such that the Navajo government would own all of the mineral resources on tribal land, rather than individual Navajo owning rights to the mineral resources (Wilkins 2002, 101-3). At the end of World War II, the still fledgling tribal government turned to economic development to improve the conditions in Navajoland in hopes that young people would not feel forced to live elsewhere (Iverson and Roessel 2002, 189). In a process LaDuke and Churchill refer to as “Radioactive Colonialism”, the driver of economic development became, with pressure from energy companies and the Bureau of Indian Affairs (BIA), revenues from leasing land for large-scale extraction of the Navajo’s mineral resources by private non-Navajo enterprises. The Vanadium Corporation of America and Kerr-McGee provided $6.5 million in uranium mining revenues and jobs for Navajo miners. The miners worked under dangerous and unhealthy conditions, but many of the jobs were the only wage employment ever brought to the southeastern part of the reservation. An oil boom in Navajoland between 1958-62 provided tens of millions of dollars in revenues to the tribal government (Iverson and Roessel 2002, 218-20). The Tribal Council used the revenues to provide services to many of the Navajo and increasingly employed Navajo in government related jobs. The government officials and workers, along with the few that obtained jobs in the capital-intensive extractive industries **formed a class with similar economic interests**. Their wealth and power increased with increasing energy development. LaDuke and Churchill explain: “With this **reduction in self-sufficiency** came the transfer of economic power to a neo-colonial structure lodged in the US/tribal council relationship: ‘development aid’ from the US, an ‘educational system’ geared to training the cruder labor needs of industrialism, [and] employment contracts with mining and other resource extraction concerns… for now dependent Indian citizens.”(LaDuke and Churchill 1985, 110) The relationship between economic development and energy development was further extended in the 1960’s with the development of large coalmines and power plants on Navajo lands. The federal government played numerous roles in support of connecting energy developers and the tribal government. One example that illustrates the diverse ways in which the federal government encouraged energy development with tribes was a stipulation in the contracts for cooling water for the Mohave Generating Station in Nevada that specified that the owners of Mohave could only use the Colorado River for cooling water as long as the power plant used “Indian Coal”6 (also see Wiley and Gottlieb 1982, 41-53; and Wilkinson 1996, 1999 for more of the history of coal development in the Western Navajo Nation). Recommendations for economic development in initial stages of the self-determination era focused not on how to build a diverse economy, but how to take control of energy development and ensure that the Navajo Nation received the best deal for their resources. In describing the role of policy in energy development on the Navajo Nation one author focuses on the capital-intensive nature of energy development. Whereas one recommendation might be to shift the focus to other development pathways, her recommendation was to take steps to ensure that the jobs that are created by energy development go toward tribal members. She recommended that provisions should be included in contracts for training and preference hire for tribal members with all energy development projects (Ruffing 1980, 56-7). A major transition point in the history of energy development on Navajo lands involved the Chairman of the Navajo Nation, Peter McDonald, declaring that changes needed to take place before the Navajo Nation would support continued development of energy resources on their land in the 1970’s. Two major points he stressed included making sure that energy development was being carried out for the benefit of the Navajo people and that the tribe should be given opportunities to participate in and control energy development (Robbins 1979, 116). The main critique of both these stances from dependency theory is that even with control over energy development, it is still a **capital-intensive, highly technical, and tightly controlled industry** (Owens 1979, 4). The Navajo Nation can participate in energy development, but not without creating distortions in the orientation of the economy and government. In this same vein, it is difficult to argue that wind energy is inherently different that other forms of energy development from the dependency perspective. While it is possible for the Navajo Nation to take steps to ensure that the tribe will obtain the maximum benefit from wind development, such as ensuring that tribal members and Navajo owned businesses have preference in hiring, it is not likely that the tribe can become a self-sufficient wind developer **without severely distorting** the priorities of the economy and Navajo government. The alternative is to allow a **specialized, large company from off the reservation** to develop the wind farm, with the possibility that a Navajo partner can take part in the ownership of the wind farm. While the Navajo Nation may now have the institutional structure in place to control wind energy development on their land, wind development is still subject to the dependency critique.

### Centralization

####  The plan doesn’t solve democracy or justice- process will be controlled by intellectual elites

**Hoffman and Pippert ‘05** [Steven M. Hoffman, PhD, Professor of Political Science at the University of St. Thomas in St. Paul, Minnesota, and Angela High-Pippert, PhD, Director of Women's Studies at the University of St. Thomas, and serves on the ACTC Women's Studies Coordinating Committee, “Community Energy: A Social Architecture for an Alternative Energy Future”, Bulletin of Science Technology & Society 2005 25: 387, http://www.stthomas.edu/politicalscience/communityenergy/comenergyarchitect11.html]

Community-based energy, using clean and renewable forms of energy, offers a serious alternative to the on-going despoliation of the planet caused by the current energy system. Yet, the nature of community energy and the role that such initiatives might play in the general fabric of civic life is not well understood. This paper makes it clear that several conceptual models are available. Community energy initiatives might, for instance, perform the intermediate role envisioned by so-called “stealth theorists”, allowing the mass of citizens to avoid the sort of engagement preferred by a select group of citizens actively and continuously involved in intense, democratic debate (Hibbing and Theiss-Morse, 2002). For those participating in an initiative the time and effort would be more significant and on-going than participation in other forms of engagement such as a deliberative polling process or a citizen’s jury. But in all instances, intense engagement would be confined to a fairly narrow set of citizens, namely those citizens with the requisite education and knowledge. Interaction with the larger community would be limited to message development, i.e., “wind is good/nuclear is bad”, and the mass of citizens would have only limited personal involvement, say, a willingness to participate in a community-sponsored energy conservation program. Only very rarely would the majority of citizens be expected to aggressively participate in public policy making or in any sort of sustained political process. Thus, community-based initiatives could legitimately be limited to “communities of interest” based upon any number of criteria, including individual financial gain.

#### Decentralization fails to improve social equality- empirical evidence

Anne M. **Larson**, Center for International Forestry Research, **and** Fernanda **Soto**, Department of Anthropology, University of Texas, Austin, “Decentralization of Natural Resource Governance Regimes,” November **2008**, *Annual Review of Environment and Resources*, Vol. 33

Social benefits for marginalized groups are unlikely to change without targeted policies for those groups (26; see also 81 for equity issues in forest management, particularly gender). A review of development projects, which were based on community participation, found that these were rarely effective at targeting the poor (82). In Australia, regional panels composed of civil society members were set up to review proposals for community-based environmental management projects, but these systematically failed to approve the proposals of indigenous communities (83). A municipal government in Honduras discouraged community-based forest enterprises, which had doubled household income for participants in a five-year period, from logging on municipal lands by requiring an up-front advance payment that only larger loggers could afford (84). In contrast, Bolivian policy allocates a portion (20%) of the national forest for municipal forest reserves to be given as a concession to local logging associations (26, 71).

#### There’s always value to life

Frankl ’46 (Holocaust Survivor) 46 (Victor Frankl, Professor of Neurology and Psychiatry at the University of Vienna, Man’s Search for Meaning, 1946, p. 104)

But I did not only talk of the future and the veil which was drawn over it. I also mentioned the past; all its joys, and how its light shone even in the present darkness. Again I quoted a poet—to avoid sounding like a preacher myself—who had written, “Was Dii erlebst, k,ann keme Macht der Welt Dir rauben.” (What you have experienced, no power on earth can take from you.) Not only our experiences, but all we have done, whatever great thoughts we may have had, and all we have suffered, all this is not lost, though it is past; we have brought it into being. Having been is also a kind of being, and perhaps the surest kind. Then I spoke of the many opportunities of giving life a meaning. I told my comrades (who lay motionless, although occasionally a sigh could be heard) that human life, under any circumstances, never ceases to have a meaning, and that this infinite meaning of life includes suffering and dying, privation and death. I asked the poor creatures who listened to me attentively in the darkness of the hut to face up to the seriousness of our position. They must not lose hope but should keep their courage in the certainty that the hopelessness of our struggle did not detract from its dignity and its meaning. I said that someone looks down on each of us in difficult hours—a friend, a wife, somebody alive or dead, or a God—and he would not expect us to disappoint him. He would hope to find us suffering proudly—not miserably—knowing how to die.

#### Democratic checks prevent their impact from escalating

O’Kane ‘97 (“Modernity, the Holocaust, and politics”, Economy and Society, February, ebsco)

Chosen policies cannot be relegated to the position of immediate condition (Nazis in power) in the explanation of the Holocaust. Modern bureaucracy is not ‘intrinsically capable of genocidal action’ (Bauman 1989: 106). Centralized state coercion has no natural move to terror. In the explanation of modern genocides it is chosen policies which play the greatest part, whether in effecting bureaucratic secrecy, organizing forced labour, implementing a system of terror, harnessing science and technology or introducing extermination policies, as means and as ends. As Nazi Germany and Stalin’s USSR have shown, furthermore, those chosen policies of genocidal government turned away from and not towards modernity. The choosing of policies, however, is not independent of circumstances. An analysis of the history of each case plays an important part in explaining where and how genocidal governments come to power and analysis of political institutions and structures also helps towards an understanding of the factors which act as obstacles to modern genocide. But it is not just political factors which stand in the way of another Holocaust in modern society. Modern societies have not only pluralist democratic political systems but also economic pluralism where workers are free to change jobs and bargain wages and where independent firms, each with their own independent bureaucracies, exist in competition with state-controlled enterprises. In modern societies this economic pluralism both promotes and is served by the open scientific method. By ignoring competition and the capacity for people to move between organizations whether economic, political, scientific or social, Bauman overlooks crucial but also very ‘ordinary and common’ attributes of truly modern societies. It is these very ordinary and common attributes of modernity which stand in the way of modern genocides.

#### No root cause

Goldstein 2 Joshua S., Professor Emeritus of International Relations, American University (Washington, DC) Research Scholar, University of Massachusetts and Nonresident Sadat Senior Fellow, CIDCM, University of Maryland War and Gender , P. 412 2k2

First, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, “if you want peace, work for justice”. Then if one believes that sexism contributes to war, one can work for gender justice specifically (perhaps among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. The evidence in this book suggests that causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although all of these influences wars’ outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices.  So, “if you want peace, work for peace.” Indeed, if you want justice (gener and others), work for peace. Causality does not run just upward through the levels of analysis from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes toward war and the military may be the most important way to “reverse women’s oppression/” The dilemma is that peace work focused on justice brings to the peace movement energy, allies and moral grounding, yet, in light of this book’s evidence, the emphasis on injustice as the main cause of war seems to be empirically inadequate.

#### The ends justify the means

Isaac 2 (Jeffrey, Professor of PoliSci @ Indiana-Bloomington, Director of the Center for the Study of Democracy and Public Life, PhD Yale, “Ends, Means, and Politics,” Dissent Magazine Vol 49 Issue 2)

As a result, the most important political questions are simply not asked. It is assumed that U.S. military intervention is an act of "aggression," but no consideration is given to the aggression to which intervention is a response. The status quo ante in Afghanistan is not, as peace activists would have it, peace, but rather terrorist violence abetted by a regime--the Taliban--that rose to power through brutality and repression. This requires us to ask a question that most "peace" activists would prefer not to ask: What should be done to respond to the violence of a Saddam Hussein, or a Milosevic, or a Taliban regime? What means are likely to stop violence and bring criminals to justice? Calls for diplomacy and international law are well intended and important; they implicate a decent and civilized ethic of global order. But they are also vague and empty, because they are not accompanied by any account of how diplomacy or international law [it] can work effectively to address the problem at hand. The campus left offers no such account. To do so would require it to contemplate tragic choices in which moral goodness is of limited utility. Here what matters is not purity of intention but the intelligent exercise of power. Power is not a dirty word or an unfortunate feature of the world. It is the core of politics. Power is the ability to effect outcomes in the world. Politics, in large part, involves contests over the distribution and use of power. To accomplish anything in the political world, one must attend to the means that are necessary to bring it about. And to develop such means is to develop, and to exercise, power. To say this is not to say that power is beyond morality. It is to say that power is not reducible to morality. As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

#### Structural violence makes the perfect the enemy of the good—Preventing war is a good thing

Coady ‘7 (C.A.J, Australian philosopher with an international reputation for his research in both epistemology and political and applied philosophy, Morality and Political Violence, pg. 28, 2007, Cambridge University Press)

First, let us look briefly at the formulation of his definition, which has some rather curious features. It seems to follow from it that a young child is engaged in violence if its expression of its needs and desires is such that it makes its mother and/or father very tired, even if it is not in any ordinary sense “a violent child” or engaged in violent actions. Furthermore, I will be engaged in violence if, at your request, I give you a sleeping pill that will reduce your actual somatic and mental realisations well below their potential, at least for some hours. Certainly some emendation is called for, and it may be possible to produce a version of the definition that will meet these difficulties (the changing of “influenced” to “influenced against their will” might do the job, but at the cost of making it impossible to act violently toward someone at their request, and that doesn’t seem to be impossible, just unusual). I shall not dwell on this, however, because I want rather to assess Galtung’s reason for seeking to extend the concept of violence in the way he does. His statement of the justification of his definition is as follows: “However, it will soon be clear why we are rejecting the narrow concept of violence according to which violence is somatic incapacitation, or deprivation of health, alone (with killing as the extreme form), at the hands of an actor who intends this to be the consequence. If this were all violence is about, and peace is seen as its negation, then too little is rejected when peace is held up as an ideal. Highly unacceptable social orders would still be compatible with peace. Hence an extended concept of violence is indispensable but the concept should be a logical extension, not merely a list of undesirables.”16 So, for Galtung, the significance of his definition of violence lies in the fact that if violence is undesirable and peace desirable, then if we draw a very wide bow in defining violence we will find that the ideal of peace will commit us to quite a lot. Now it seems to me that this justification of the value of his definition is either muddled or mischievous (and just possibly both). If the suggestion is that peace cannot be a worthy social ideal or goal of action unless it is the total ideal, then the suggestion is surely absurd. A multiplicity of compatible but non-inclusive ideals seems as worthy of human pursuit as a single comprehensive goal, and, furthermore, it seems a more honest way to characterize social realities. Galtung finds it somehow shocking that highly unacceptable social orders would still be compatible with peace, but only the total ideal assumption makes this even surprising. It is surely just an example of the twin facts that since social realities are complex, social ideals and ills do not form an undifferentiated whole (at least not in the perceptions of most men and women), and that social causation is such that some ideals are achievable in relative independence from others. Prosperity, freedom, peace, and equality, for instance, are different ideals requiring different characterisations and justifications, and although it could be hoped that they are compatible in the sense that there is no absurdity in supposing that a society could exhibit a high degree of realization of all four, concrete circumstances may well demand a trade-off amongst them–the toleration, for example, of a lesser degree of freedom in order to achieve peace, or of less general prosperity in the interests of greater equality.

#### Subjective violence is worse—creates psychological violence that is irreparable and distinct from structural violence

Linden ’12 (Harry van der, Butler University, “On the Violence of Systemic Violence: A Critique of Slavoj Zizek”, 1-1-2012, <http://digitalcommons.butler.edu/cgi/viewcontent.cgi?article=1249&context=facsch_papers&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dstructural%2520violence%2520coady%26source%3Dweb%26cd%3D6%26ved%3D0CEUQFjAF%26url%3Dhttp%253A%252F%252Fdigitalcommons.butler.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1249%2526context%253Dfacsch_papers%26ei%3D445nUNPLGon49QTQpoHIBA%26usg%3DAFQjCNHAtwi4GF88kWuuxN3ymbIA8Y3Ggw#search=%22structural%20violence%20coady%22>)

The “force” at the endpoint of the process of subjective violence, however, stays in place whether the violence is technologically mediated or not, and this force leads to a much more narrow range of harms inflicted by subjective violence than is caused by systemic violence. The harms of subjective violence are death, bodily harms, and acute psychological malfunctioning caused by “force,” while social injustice or systemic violence leads to such a wide variety of harms as social and political exclusion, inadequate intellectual development due to insufficient educational opportunities, harsh working conditions, subsistent wages, lack of free time and recreational opportunities, inadequate housing or no housing at all, lack of basic medical care, hunger, and inadequate access to clean water. We have noted that the degree of permitted counter-violence should vary with the seriousness of the violent threat and the culpability of the perpetrator, and that from this perspective much counter-violence in our society is disproportionate or excessive. Some of the harms of systemic violence (e.g., restricted educational opportunities) are such that revolutionary violence as counter-violence would be disproportionate, especially since revolutionary violence may easily escalate and inevitably include seriously harming people with limited moral responsibility. Other harms caused by poor institutions, though, such as serious illness, starvation, or a much-reduced lifespan, are such that they meet the bar set by proportionality. What should be taken into account in making such proportionality judgments is that subjective violence tends to have a different psychological impact on its victims than systemic violence, even when their respective harms are otherwise equally bad or even similar in kind. Only subjective violence tends to come suddenly to its victims, often leaving them in fear, shock, paralysis, and helplessness. What adds to their trauma is the very realization that another human being is intent on physically harming or killing them, disrupting the everyday trust in minimal human decency and cooperation. So, for example, even a preventable industrial accident that occurs due to infrequent safety inspections as an instance of systemic violence will have a different psychological impact on a mining community than a brutal attack by the mine owner’s private army against a peaceful protest of his workers in support of greater mine safety. Much systemic violence can be integrated into everyday life, but the same is much more difficult to do with regard to most subjective violence. It is this very fact that makes oppressive political violence so often effective in the short run. But, again, the differences here between subjective and systemic violence are less pronounced when subjective violence becomes impersonally or “bureaucratically” executed, as, for example, in penal violence (what happens during an execution provides a good illustration) and strategic bombing (assuming that the bombing campaigns remain limited in scope and frequency). This brings me to the most crucial distinction – for my purpose here – between systemic and subjective violence: the range of options available to the victims in addressing the former are much greater than for the latter. Once the clubs come down or the bullets fly in political protest, the choice is to flee and capitulate, fight back, or hope that nonviolent sacrifice will cease the violence. Similarly, once a war of aggression is under way the basic choice is to fight back or surrender and then hope that a massacre will not follow. Surrender does not preclude nonviolent resistance to the aggressor, but it means at least that the aggressor has been initially successful in imposing his political will. In cases of political violence, the intention of the perpetrator is typically to impose his political will, restricting the options of the victims by making resistance to this will very costly. Personal violence might not have such coercive intent, but similar limited action options are in place. Basically, once an individual attacks you personally, the choice is to fight back or hope that the cheek is not hit too hard when it is turned. In my view, fighting back, or counter-violence, is a prima facie right, but to make its actual execution morally right presumes that other moral standards are satisfied, such as proportionality in the case of individual counter-violence and jus ad bellum and jus in bello standards (or approximations thereof) in the case of collective violence. The mere fact of systemic violence, to the contrary, does not warrant counter-violence; for social injustice can be effectively addressed in many different ways, including through institutional reforms from within, nonviolent protests, boycotts, collective strikes, lobbying, and electoral action. Even when social injustice can only be addressed through revolutionary change, counter-violence is not prima-facie warranted because it might be disproportionate. More importantly, it might not be necessary because it has become abundantly clear during the past few decades that nonviolence strategies can be remarkably successful in overthrowing oppressive regimes and the recent emergence of the global public sphere will only increase the chance of success of future endeavors. However, once the struggle for social justice is met by widespread violence inflicted, or supported, by the state, revolutionary counter-violence is prima facie morally right. Broadly speaking, the ethics of self-defense retains its moral force in light of the fact that nonviolence has not proven to be effective against agents who have no qualms unleashing subjective violence. No doubt, these are all difficult moral issues that should be carefully discussed and placed within their historical context. But all too often this does not happen in Žižek’s work, especially in Violence, and what we find instead is the claim that systemic violence rightfully begets subjective violence because it projects violence. This claim has only a ring of plausibility when we neglect that the two types of violence in this equation create very different ranges of options for remedial action. A more critical use of the concept of violence would not enable him to offer such a broad and facile justification of revolutionary violence. To avoid misunderstanding, I am not claiming that the notion of systemic violence necessarily leads to a broad and superficial justification of revolutionary violence. Galtung, for example, does not make such an inference. However, one must then ask why the inference is not appropriate since it is commonly accepted that counter-violence against wrongful violence is justified. This means that one must show how systemic violence differs from subjective violence so that counter-violence is generally only prima facie just with regard to the latter. I 18 suspect that once such differences are articulated (as I have tried to do in this paper) the notion of systemic violence loses much of its credibility. At any rate, the proponent of the notion of systemic violence should at least caution or clarify that our typical emotive and moral responses to subjective violence might not apply to systemic violence. The proponent also should outline some convincing limits on extending the core concept of violence because without such limits, as will become clear in the next section, we might end up with more conceptual and practical confusion and questionable support of revolutionary violence.

### Paternalism

#### No solar now- sequestration

**Battaglia 3-12**-13 [Sarah, has been one of the in-house Copywriters and the Social Media Specialist for Energy Curtailment Specialists since 2011, holds a Bachelors degree in Business Management and Marketing from the State University of New York at Buffalo, “Sequester Cuts Could Hinder Growth of Energy Industry,” http://www.energyblogs.com/YourEnergyBlog/index.cfm/2013/3/12/Sequester-Cuts-Could-Hinder-Growth-of-Energy-Industry]

The country watched Sequester Day come and go, and most citizens haven’t felt any terrible effects just yet. President Obama promised to develop the energy industry and battle climate change in his second Inaugural Address and his State of the Union speech earlier this year, but the $85.3 billion in federal budget cuts may prevent him from keeping these promises.¶ Ordered by the Budget Control Act of 2011, the sequestration is a series of budget cuts that went into effect March 1 of this year. These immense budget cuts were supposed to appear so detrimental that Democrats and Republicans would be compelled to reach a compromise, but that did not work. The $85 billion budget cut will be rolled out over the next seven months, and by 2021, these cuts are scheduled to reach $1.2 trillion.¶ Secretary of Energy Steven Chu explained to a U.S. Senate committee how the sequestration could potentially affect the energy sector, “Under sequestration, funding reductions would decelerate the nation’s transition into a clean energy economy, and could weaken efforts to become more energy independent and energy secure.”¶ Oil and gas projects are one area that will most likely feel the weight of the sequester. Outgoing Interior Secretary Ken Salazar predicts that about 300 onshore oil and gas leases will be delayed in western states, as well as nearly 550 offshore projects in the Gulf of Mexico.¶ According to a report from the White House, the nation will certainly feel the repercussions of cuts to environmental funding. The National Science Foundation will be required to cut about 1,000 research grants and awards which fund nearly 12,000 students and scientists for scientific development, including research directly related to climate change.¶ Clean energy development is also among the areas facing potentially large cutbacks. “Automatic budget cuts implemented per the sequester threatens the ability of the Department to plan for and issue permits for new development projects, conduct environmental reviews, and lease new federal lands for future development,” stated Salazar. Chu agreed that these cuts “would also hinder U.S. innovation as global markets for solar energy continue to grow rapidly and become more competitive.” Unfortunately, wind and solar plants on federal land are two entities that may not develop as quickly as many predicted.

#### No wind

Maykuth 1/4/13 (Andrew, Inquirer Staff Writer, 1/4/13 “Wind-Power Tax Credit’s Extnsion May Not Revive Plants”) <http://articles.philly.com/2013-01-04/business/36132796_1_wind-power-tax-tax-credit-wind-turbine>

The extension of the federal wind-power tax credit as part of the fiscal cliff package was hailed as a victory Wednesday by renewable power advocates. But a Bucks County wind-turbine manufacturer, where much of the workforce was furloughed in September because of a slowdown in orders, is unlikely to ramp up production any time soon because of the last-minute congressional rescue of the tax credit. "I think it will take a little while for this to work its way to the manufacturing sector, but it will be a stimulus," said David J. Rosenberg, the vice president of marketing for Gamesa USA, the Spanish wind-turbine manufacturer with U.S. headquarters in Langhorne. The production tax credit was due to expire at the end of 2012, which sparked a frenzy of construction to bring a record amount of wind turbines into operation by Dec. 31. But uncertainty over the continuation of the credit meant that few new orders are in the works, and wind developers and manufacturers have laid off their staffs. Gamesa's plant in Fairless Hills is scheduled to complete its last order in a few weeks for turbines that will be exported to Uruguay. It may take many months for domestic wind-turbine developers to restart projects and to place new orders, Rosenberg said. The industry "has really throttled back," Rosenberg said, and Gamesa is concerned that many members of its trained workforce may not be available later this year when new orders are expected to pick up.

#### Lack of PTC crushing energy production for tribes and federal policy acts as an alt cause

ITCUP ‘6 (InterTribal Council on Utility Policy. “An Intertribal COUP Background Policy Paper for a Comparable and Appropriate Tribal Energy Production Incentive”, 6-21-6, http://www.intertribalcoup.org/policy/index.html, Accessed 7/11/08)

Current federal renewable energy incentives serve to underwrite the productive development of a variety of renewable energy resources. These incentives, such as the Production Tax Credit (PTC), the Renewable Energy Production Incentive (REPI), and the Clean Renewable Energy Bonds (CREBs), have all been designed to meet the needs of a variety of entities (for profit developers, municipal utilities, cooperatives, and other non-profit public power entities), but not expressly for Tribes, ironically the only group that the federal government has an explicit trust responsibility to assist in economic development. While Tribes have been recently included in the eligibility of several of these renewable energy incentive programs (usually as an afterthought), **none have been designed** or adapted to meet their unique situation, as governments with abundant trust assets, but with limited practical access to long-term financing, and with **limited control over their membership** as a rate base for competitive commercial development on or off their reservations. Tribally specific programs under the 1992 and 2005 energy policy acts have been routinely under-funded to adequately assist Tribes in full scale economic development of multi-megawatt renewable energy projects. Where significant funding has, in some cases been authorized, adequate corresponding appropriations have failed to follow. Under the energy policy act of 1992, $10 million dollars had been authorized for each of the DOI and DOE tribal renewable energy programs for tribal renewable projects, but the DOI has never requested any funding under this title, and the requests of DOE are always significantly reduced through lower appropriations, and then further reduced, by the practice of earmarks. Direct federal funding, to the extent authorized for large commercial tribal projects serving loads beyond the local rural areas, is unlikely to be actually available due to the constraints and limitations on appropriated federal support.

#### Renewables fail

Lane 6/19/12 (Charles, Member of the Washington Post Editoral Board, “The U.S. Government’s Bad Bets on Energy Policy”)

U.S. energy subsidies — spending, tax breaks, loan guarantees — increased from $17.9 billion in fiscal 2007 to $37.2 billion in fiscal 2010, according to the Energy Department. Yet fossil fuels' overwhelming market advantages have produced a litany of clean-energy failures, from electric cars to Solyndra. The subsidies ostensibly address several issues — dependence on foreign oil, job creation, international economic competitiveness and environmental degradation — but without clear priorities, much less rigorous cost-benefit analysis. Unintended consequences and political influence abound. The best-laid plans are vulnerable to unforeseen market developments — such as the boom in oil and natural gas “fracking” over the past decade, which Obama has now embraced. To the extent that it's coherent at all, the federal energy “portfolio” represents a return to industrial policy — governmental selection of economic winners — which was fashionable in the 1970s and 1980s, before it collapsed under the weight of its intellectual and practical contradictions. As such, current clean-energy programs are no likelier to pay off than President Jimmy Carter's Synthetic Fuels Corp., which blew $9 billion, or President George W. Bush's $1.2 billion program for hydrogen vehicles. This isn't just my opinion or the finding of some right-wing think tank. Rather, all of the above comes from a new paper by three certifiably centrist Brookings Institution scholars, Adele Morris, Pietro S. Nivola and Charles L. Schultze; Schultze was a senior economic adviser to Presidents Kennedy, Johnson and Carter. The researchers pick apart clean-energy subsidies rationale by rationale.

#### Solar fail

Seeking Alpha 12 (Feb 21st 2012, Solar Panel Investing: Don’t Fly to Close to the Sun”) <http://seekingalpha.com/article/381331-solar-panel-investing-don-t-fly-too-close-to-the-sun>

I am located in Bakersfield, California which endures 6 full hour equivalents of sunlight per year, prime real estate for solar. At $7 per watt installation cost and $0.12 per kilowatt-hour price, this is a 3.82% after-tax return in the first year (assuming a 99% efficiency after 1% degradation in the first year and a 2.5% annual increase in electricity prices). For subsequent years, the payoff of the investment depends on electric rates and the decline of the solar cell's output over time. After 25 years, the $7 solar panel has paid back only $8.00. These solar panels have a terrible internal rate of return of 0.99%. These cash flows are horrible for a risky investment, and yes, solar cells are a risky investment. Solar cell payoffs can be interrupted by acts of God, theft, the vacancy of their installed property, or many other causes that are not covered by a manufacturer warranty. SunPower (SPWRB) found many [unforeseeable causes](http://www1.eere.energy.gov/solar/pdfs/pvmrw2011_01_plen_degraaff.pdf) for power interruptions in their test fleet of solar cells, including ant infestations of inverters and bullet holes. Many solar cells are guaranteed by their manufacturers to maintain 80% of their quoted output for 25 years. This might serve as an assurance against randomly damaged units. However, if there is a systematic degradation that triggers warranties in large numbers of solar systems, this becomes a question of solvency. A company which has made promises it cannot keep could go bankrupt, and consumers with excessively degraded solar cells might find that bankrupt firms might not make good on their promises.

#### Wind fails

Platzer 11 (Michaela, “US Wind Turbine Manufacturing: Federal Support for an Emerging Industry”)

Nonetheless, there are several obstacles that may impede the expansion of wind energy manufacturing in the United States. One is the history of policy-induced boom-and-bust cycles in wind energy investment, which may lead wind turbine manufacturers and component suppliers to conclude that future U.S. demand for their products is too uncertain. Another significant challenge affecting the sector’s future is the availability of adequate transmission for power generated by wind farms. Most wind farms are located at a distance from the urban areas where most electricity is consumed, and a shortage of transmission capacity could hamper wind farm creation or expansion. Congress may wish to evaluate the seriousness of transmission issues in the context of other federal efforts to support wind generation.

# 2NC

## T

### violation overview

#### Framing issue – can you comply? You can comply with the aff’s regulation, but you cannot comply with restrictions

Mohammed 7

Kerala High Court Sri Chithira Aero And Adventure ... vs The Director General Of Civil ... on 24 January, 1997 Equivalent citations: AIR 1997 Ker 121 Author: P Mohammed Bench: P Mohammed

Microlight aircrafts or hang gliders shall not be flown over an assembly of persons or over congested areas or restricted areas including cantonment areas, defence installations etc. unless prior permission in writing is obtained from appropriate authorities. These provisions do not create any restrictions. There is no total prohibition of operation of microlight aircraft or hang gliders. The distinction between 'regulation' and 'restriction' must be clearly perceived. The 'regulation' is a process which aids main function within the legal precinct whereas 'restriction' is a process which prevents the function without legal sanction. Regulation is allowable but restriction is objectionable. What is contained in the impugned clauses is, only regulations and not restrictions, complete or partial. They are issued with authority conferred on the first respondent, under Rule 133A of the Aircraft Rules consistent with the provisions contained in the Aircraft Act 1934 relating to the operation, use etc. of aircrafts flying in India.

### Excludes – Leasing

Leasing’s distinct:

DOI 9 (U.S. Department of the Interior – Bureau of Land Management – "Fluid Mineral Leasing within Si Areas on the Carson City District" – January 2009 – <http://www.blm.gov/pgdata/etc/medialib/blm/nv/field_offices/carson_city_field/planning___environmental/geothermal.Par.25880.File.dat/Fluid_Minerals_EA_2009_01_07_2009_A4.pdf>

There would be no direct affects to the propagation of invasive, non-native species from issuing new fluid mineral leases alone because leasing does not directly authorize the surface disturbing activities associated with fluid mineral exploration and development. Direct impacts from these activities would be analyzed under a separate site-specific environmental analysis.

#### More evidence same cite

#### DOI 9 (U.S. Department of the Interior – Bureau of Land Management – "Fluid Mineral Leasing within Six Areas on the Carson City District" – January 2009 – http://www.blm.gov/pgdata/etc/medialib/blm/nv/field\_offices/carson\_city\_field/planning\_\_\_environmental/geothermal.Par.25880.File.dat/Fluid\_Minerals\_EA\_2009\_01\_07\_2009\_A4.pdf)

The BLM is presently considering leasing 59 parcels covering approximately 117,150 acres of federal land in Churchill, Lander, Lyon, Mineral and Nye Counties, Nevada. The Proposed Action is to lease some or all of these pending lease applications, as well as any anticipated future fluid mineral lease applications within the six lease areas comprising the “project area”. The fluid mineral lease areas encompass more than one-million acres of federal and private land throughout the west-central part of Nevada. In general, federal land occupies roughly half of the Wabuska and Fallon lease areas, while the four remaining lease areas are comprised almost entirely of federal land. Lands not included for consideration within the subject lease areas, and therefore not assessed under the Proposed Action, are any lands not open to fluid mineral leasing such as lands within Wilderness Areas, Wilderness Study Areas (WSAs), Areas of Critical Environmental Concern (ACECs), or National Conservation Areas. Also excluded are tribal lands, wildlife refuges, wildlife management areas, and private land with titles that include all fluid mineral rights. Leasing fluid mineral resources by the BLM vests with the lessee a non-exclusive right to future exploration and an exclusive right to produce and use the fluid mineral resources within the lease area for a 10-year period subject to existing laws, regulations, formal orders, and the terms and stipulations in or attached to the lease form. Lease issuance alone does not authorize any ground disturbing activities to explore for or develop fluid mineral resources beyond casual use without site-specific approval for the intended operation. Such approval would require a separate sitespecific environmental analysis.

### Lack of Government Permission =/= Restriction

#### Lack of government permission is not a restriction

Karapinar 10 (Export restrictions on natural resources: policy options and opportunities for Africa Baris Karapinar World Trade Institute, University of Bern, Switzerland <http://www.wti.org/fileadmin/user_upload/nccr-trade.ch/news/TRAPCA%20Paper%20%28Submitted1711%29_BK.pdf>)

 In case of non‐compliance, the enterprise may face a suspension of business imposed by the Central Government or People’s Government at the provincial level. The Law of the Prevention and Control of Water Pollution, on the other hand, requires those responsible for underground mining operations to take protective measures against groundwater pollution (Article 35).21 The main objective of the abovementioned laws is to ensure that mining operations do not cause environmental damage through pollution of land, water and air. Although government authorities may decline to grant permission for production on sites or for operations that may lead to environmental damage, or they may authorize suspension of business in cases of actual environmental damages, these measures cannot be considered as direct restrictions on production intended to protect or to prevent the depletion of minerals as environmental resources. Moreover, it has been argued that the implementation and enforcement of these regulations have been highly problematic. The fact that many government institutions are involved in various aspects of these laws leads to enforcement difficulties. In addition, the rules are often not specific enough in identifying obligations and liabilities. Such lack of clarity creates additional difficulty in implementing the laws and regulations and arguably encourages corruption and undue discretion (Cao, 2007). For instance, in the coal mining industry, complicated institutional and regulatory structures and inconsistencies of implementation have been reported as major causes of a range of environmental damage, high numbers of casualties among miners and economic inefficiencies in small‐scale mining operations (Andrews‐Speed, et al. 2007; Wright, 2004).

## Exploitation disad

### 2NC – Exploit DA – Impact

The plan ensures private companies exploit indigenous communities

Awehali 6 (Brian, "# 25 Who Will Profit from Native Energy?," http://www.projectcensored.org/top-stories/articles/25-who-will-profit-from-native-energy/)

America’s native peoples may attain a modicum of energy independence and tribal sovereignty through the development of wind, solar, and other renewable energy infrastructure on their lands. But, according to Brian Awehali, it won’t come from getting into bed with, and **becoming indebted to**, **the very industry currently driving the planet to its doom.** UPDATE BY Brian Awehali I believe the topic of this article was important and urgent because sometimes all that glitters really is gold, even if the marketing copy says it’s green. The long and utterly predictable history where indigenous peoples and US government and corporate interests are both concerned **shouldn’t be forgotten** as we enter the brave new green era. Marketing for-profit energy schemes on Indian lands as a means of promoting tribal sovereignty is both **ludicrous and offensive**, as are “green” development plans intrinsically tied to the extraction of fossil fuels in the deregulated Wild West of Indian Country. Energy companies are only interested in native sovereignty because it means operations on Indian lands are not subject to federal regulation or oversight. This is why I included a discussion in my article about the instructive example of the Alaska tribal corporations and the ways they’ve mutated into multi-billion dollar loophole exploiters. (My brief examination of Alaska tribal corporations drew heavily from an excellent Mother Jones article, “Little Big Companies,” by Michael Scherer). It’s also my belief that the probably well-intentioned idea of “green tags,” carbon offset credits, and market-enabled “carbon neutrality” should be examined very closely: Why are we introducing systems for transferring (or trading) the carbon emissions of “First World” polluters to those who contributed least to global warming? I would argue that this is merely a nice-sounding way for the overdeveloped world to purchase the right to continue its **pathologically unsustainable mode of existence**, while doing little to address the very grave ecological realities we now face.

### 2NC – Exploit DA – Turns Case

#### 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 beings and their natural environment… would result in the demolition of society…. [Labor] cannot be shoved about, used indiscriminately, or even left unused without affecting also the human individual who happened to be the bearer of that particular commodity. In disposing of a man’s labor power the system would incidentally, dispose of the physical, psychological, and moral entity ‘man’ attached to that tag. Robbed of the protective covering of cultural institutions, human beings would **perish** from the **effects of social exposure**; they would **die** as the **victims** of acute **social dislocation** through vice, perversion, crime, and starvation. Nature would be reduced to its elements, neighborhoods and landscapes defiled, rivers polluted…, the power to produce food and raw materials destroyed (Karl Polanyi quoted in Block 2001, 75-6). Polanyi argues that there is a moral impediment to disembedding the economy from society. It is simply wrong to treat nature and human beings as objects whose value is determined entirely by the market. Subordinating the organization of nature and human beings to market forces **violates principles** that have governed societies for centuries: nature and human life have almost always been recognized as having a sacred dimension (Block 2001, xvii – xxxix). In trying to understand the impacts of energy development on families that were directly impacted by energy development on the Navajo Nation, a group of anthropologists in the early 1980’s applied enthoscience methods to unearth the social impacts of energy development. Instead of applying a cost benefit analysis approach whereby the economic value of the social costs were compared to the economic benefits of energy development, the researchers recognized that they must **begin** with a **framework** that **allows** for some **costs to a way of life to not have a simple monetary value**. Essentially they recognized that what determines the quality of life in not always based on the monetary value of resources. Instead, if energy development were to occur and cause impacts, certain mitigating steps would need to be in place to prevent severe deterioration in the way of life for families impacted by energy development. The researchers evaluated the impacts by first establishing the possible costs to the way of life. Then instead of looking at benefits to offset the costs, they evaluated possible mitigations to the costs that would be required before the impacted families could even begin to assess any benefits that would accompany energy development (Schoepfle et al. 1984, 887-8).

### 2NC – Link

#### Author concludes natives would have to partner with the private industry

Kronk (1AC Author) 12—Assistant Professor, Texas Tech University School of Law (Elizabeth, Tribal Energy Resource Agreements: The Unintended "Great Mischief for Indian Energy Development" and the Resulting Need for Reform, 29 Pace Envtl. L. Rev. 811)

Recognizing the potential key role that tribes will play in the development of the country's energy resources, both the Department of Energy (DOE) and some in Congress recognize that Indian tribes should be included in plans to develop these energy resources. [n18](http://www.lexisnexis.com/lnacui2api/frame.do?reloadEntirePage=true&rand=1350671829875&returnToKey=20_T15828003332&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.139312.47547703574" \l "n18) As a result, "while the movement toward energy independence is an important opportunity for tribes, the present political climate also offers tremendous opportunities for tribes to use their renewable resources to enter into the power-producer market and play an important role in regional and national energy planning." n19 Mirroring this desire, many tribes are also becoming interested in energy development opportunities: Perhaps more importantly, tribes are beginning to perceive renewable energy development in a positive light, as something [\*816] that is consistent with tribal culture and values. Many tribal leaders now see renewable energy as a vehicle for economic development in areas that may no longer be (or never were) suitable for agricultural development. Some also see this as a way for tribes to play a positive role in the nation's energy future. [n20](http://www.lexisnexis.com/lnacui2api/frame.do?reloadEntirePage=true&rand=1350671829875&returnToKey=20_T15828003332&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.139312.47547703574" \l "n20) Accordingly, energy development in Indian country is attractive to the federal government. It both advances the federal interests discussed above, and provides some tribes a method to achieve economic diversification, promote tribal sovereignty and self-determination, and provide employment and other economic assistance to tribal members. Despite the foregoing, extensive energy development within Indian country has yet to happen. Former Senator Campbell explained why this may be the case: The answer lies partly in the fact that energy resource development is by its very nature capital intensive. Most tribes do not have the financial resources to fund extensive energy projects on their own and so must partner with private industry, or other outside entities, by leasing out their energy resources for development in return for royalty payments... . The unique legal and political relationship between the United States and Indian tribes sometime makes this leasing process cumbersome.

#### Using renewable energy as a front for economic sovereignty merely opens the land to further exploitation big business, turning the case

Lindgren 06

Suzanne, “Native Power Struggles”, Utne Reader, 11/16/06, http://www.utne.com/2006-11-01/NativePowerStruggles.aspx

None of us seem to know where our energy fix will come from after the oil wells run dry. Solar, wind, and hydroelectric power are all options, and the government and energy industry have cast an **eye on Native American soil as ground** to experiment with alternative energy. But these lands are also flush with oil, coal, and natural gas, causing some to wonder if **space for turbines is all they want**. According to a piece by Brenda Norrell in [Indian Country Today](http://www.indiancountry.com/search.cfm?category=0&cookie=yes&category2=0&author=0&phrase=Federal%20energy%20bill,%20economic%20opportunity%20or%20Bush), the 2005 Energy Policy Act encourages investment in renewable energy on reservations through 'incentives' and looser federal restrictions on tribe's lands. And though supporters say business investments will increase Native American sovereignty, economic development, and the expansion of renewable energy sources, critics point out that the energy bill also withdraws important government protections on the land, which could **enable big business to exploit native territories**. In [LiP Magazine](http://www.lipmagazine.org/articles/featawehali_nativefutures.htm), Brian Awehali writes that the US government and energy industry may not mind erecting a few wind turbines on tribal territory if it means they also get access to the other fuel sources locked up in those lands. As Awehali notes, one section in Title V of the 2005 Energy Policy Act gives the government 'power to grant rights of way through Indian lands without permission from Indian tribes, if deemed to be in the strategic interests of an energy-related project.' And Clayton Thomas-Muller, organizer of the [Indigenous Environment Network's Native Energy Campaign](http://www.ienearth.org/energy.html), claims that in addition to eliminating the protections of the National Environmental Policy Act and the National Historic Preservation Act, the new act promotes sending nuclear waste to Indian lands and mining more uranium from them. ''As usual,' a former tribal chairman tells Indian Country Today, 'energy companies will kill our pig, skin it, take the meat - mostly at government expense - and leave us with bones and hooves.''

## Case

### Kronk

#### Double bind-

1. **The aff FORCES natives to be dependent on third parties OR**
2. **NO ENERGY IS PRODUCED and you vote neg on presumption**

Kronk 12—Assistant Professor, Texas Tech University School of Law (Elizabeth, Tribal Energy Resource Agreements: The Unintended "Great Mischief for Indian Energy Development" and the Resulting Need for Reform, 29 Pace Envtl. L. Rev. 811)

Despite the foregoing, extensive energy development within Indian country has yet to happen. Former Senator Campbell explained why this may be the case:¶

The answer lies partly in the fact that energy resource development is by its very nature capital intensive. Most tribes do not have the financial resources to fund extensive energy projects on their own and so must partner with private industry, or other outside entities, by leasing out their energy resources for development in return for royalty payments... . The unique legal and political relationship between the United States and Indian tribes sometime makes this leasing process cumbersome.¶ ... .¶ The Committee on Indian Affairs has been informed over the year that the Secretarial approval process is often so lengthy that outside parties, who otherwise would like to partner with Indian tribes to develop their energy resources are reluctant to become entangled in the bureaucratic red tape that inevitably accompanies the leasing of Tribal resources.

### Centralization Turns

#### Central approach is key- the plan causes infighting and turbulence, no stable transition

**Moors ’12** [Dr. Kent Moors, Global Energy Strategist, professor in the Graduate Center for Social and Public Policy at Duquesne University, where he directs the Energy Policy Research Group, serves as an advisor to the highest levels of the U.S., Russian, Kazakh, Bahamian, Iraqi, and Kurdish governments, to the governors of several U.S. states, and to the premiers of two Canadian provinces. He's served as a consultant to private companies, financial institutions and law firms in 25 countries, and has appeared more than 1,400 times as a featured radio-and-television commentator, “The Five Biggest Roadblocks to America's Energy Future,” May 22, http://moneymorning.com/2012/05/22/the-five-biggest-roadblocks-to-americas-energy-future/]

The democratic process, whereby citizens choose their leaders, may well be the best political system ever devised. But it creates a terrible environment in which to make genuine policy. It seems we cannot satisfy more than one important objective at a time.¶ The longer we wait, of course, the more difficult this is going to be. ¶ In fact, revising the U.S. energy base is going to be the most expensive, painful, gut wrenching and divisive exercise in recent history. Having always based our economy on cheap energy (first timber, then coal and, until recently, crude oil), we are now going to face a different mix where price will be an ongoing concern with broad-market implications.¶ But with all the changes that are going to come in energy sourcing, distribution and balance, and processing and trading, something else will be fundamentally changed. ¶ Ourselves. ¶ We delay at our own peril. ¶ Two developments will happen soon that will finally start the energy change in motion. ¶ First, the price of oil will be rising - and fast. ¶ Second, the two guys who want to be the "leader of the free world" will be obliged to set an agenda in response.¶ Therefore, let me present up front what I see as the five major impediments to a national energy approach. What we need will have to be structured over time, incrementally at first, and then more aggressively as the problems develop. ¶ But the negatives will be unfolding right along with the policy commitments.¶ These are also five of the reasons why political leaders who need to be re-elected shy away from the truly difficult decisions:¶ There can be no energy policy of consequence without some people, regions, industries, or special interests getting hurt. This cannot be a win-win scenario. Usually, the political solution has been to divide the pie. That will still happen, but some slices will be bigger than others will, and some will not get any "pie" at all.¶ Costs will be rising across the board. It makes no difference which energy sources we choose. It will feature rising extraction/processing/delivery costs, require taxpayer support, or sacrifice some employment and business prospects for others. All of these results take money from just about everybody's wallet. The second problem leads directly to the next consequence.¶ It is impossible to introduce the revisions needed in a national network without experiencing protracted periods of dislocation. This will hardly be a seamless process.¶ We are going to run the risk of undermining our traditions of personal worth, dignity, purpose, and importance. The idea of self-reliance, so immortalized in the paintings of Normal Rockwell and so admired by others throughout the world, will come under intense pressure.¶ The major threats from the entire exercise may be human in consequence.¶ I have saved the most contentious for last. ¶ It makes no difference where you are on the political spectrum. You can be a liberal, conservative, libertarian, middle-of-the-roader, libertine, or for that matter a vegetarian. ¶ After the smoke clears, there will be one guaranteed result. A national energy policy that is worth the time, money, frustration, and sweat required will end up permitting more government authority. It is impossible to forge a new national approach without centralizing the functions.¶ I have repeatedly made the point that we need a broader mix of energy than is currently available. The single biggest mistake is searching for the silver bullet to replace crude oil. ¶ We are not in a zero-sum game here. ¶ What we need is more guaranteed sources from genuinely different energies with one important ingredient - the ability to exchange alternative types of energy for the same end need, like vehicle fuel, for example. ¶ There will be some regional variations that could be encouraged to exploit local availabilities, preferences, and needs. ¶ Oil, coal, and nuclear will remain in the mix, along with a widening reliance on gas and a range of renewables, from solar and wind, through geothermal, biofuels, kinetic and tidal power, algae, and biomass.¶ That could leave some room for local and state variations. ¶ But make no mistake. ¶ There will have to be standardized regulations and an attention to the truly national picture generated from thousands of local requirements. ¶ And that is government, warts and all. ¶ So take a deep breath. ¶ This is going to be a very long swim.

#### Decentralized energy turns their impacts-

#### First is corruption- central focus key

Fortney ‘06 [Matthew D. is an environmental attorney who specializes in “green buildings” and sustainability issues, “DEVOLVING CONTROL OVER MILDLY CONTAMINATED PROPERTY: THE LOCAL CLEANUP PROGRAM,” Summer, 100 Nw. U.L. Rev. 1863 ]

3. **Regulatory Capture**. - Regulatory capture occurs when policymakers are disproportionately influenced by parties with concentrated interests in an issue. n256 Capture creates policies that are skewed to benefit the parties that exerted influence over the process. n257 In the environmental context, "regulated entities are expected to achieve this disproportionate influence over officials because they likely will be fewer in number and hence have lower costs of acting collectively, and greater monetary interests at stake, than will the usually more dispersed beneficiaries of a political initiative." n258 When the cost of compliance with a regulation is concentrated and the benefits of the regulation are diffuse, those bearing the cost of compliance may have greater incentive to attempt to change the regulation. n259 Compliance with environmental regulations costs money. As one commentator noted, "it does cost something (actually a lot) to clean the environment; if it did not, we would not have pollution problems." n260 For example, one estimate puts the cost of completing all CERCLA cleanups at $ 750 billion. n261 With this kind of money in the balance, industry interest in CERCLA is clear; industry may find it much cheaper to hire lobbyists and influence the political process in an effort to minimize the costs of compliance. The counterbalance to this effort must come from the regulators themselves or from organized environmental groups. In this context, many argue that a larger, centralized governing body is better situated to resist regulatory capture. This argument is based on three primary assumptions: the larger the jurisdiction, the less influence any one actor can command; environmental groups can better organize and amass resources on a larger stage; and finally, federal decision-making is more transparent and more susceptible to judicial review. n262 States are often viewed as less powerful than industry: Very often ... the states simply cannot take on a major industry. The industry can throw enormous resources and essentially wear the state down to the point where a twenty-four year old kid straight out of school who is tasked with fighting the thirty industry lawyers simply cannot muster the attention and will to take them on. The imbalance between power and between technical and scientific expertise and resources is so enormous that **it's a real impediment to** really **delegating things** very often at the state level.

#### Second is race to the bottom-

Fortney ‘06 [Matthew D. is an environmental attorney who specializes in “green buildings” and sustainability issues, “DEVOLVING CONTROL OVER MILDLY CONTAMINATED PROPERTY: THE LOCAL CLEANUP PROGRAM,” Summer, 100 Nw. U.L. Rev. 1863 ]

2. **The Race to the Bottom**. - The cost of production is directly proportional to the level of environmental regulations that are in place. More stringent environmental standards consume more resources to implement than do laxer standards. **If states compete to attract businesses** to locate within the state, **states may make strategic decisions to lower environmental standards in an effort to attract economic development**. If this strategic behavior leads an individual state to lower environmental standards below what it would if it were acting in cooperation with all the competitors, there is a race to the bottom. n247 Professor Richard Stewart, who is widely credited as first articulating this concern in an environmental context, n248 describes the Prisoner's Dilemma as follows: Given the mobility of industry and commerce, any individual state or community may rationally decline unilaterally to adopt high environmental standards that entail substantial costs for industry and obstacles to economic development for fear that the resulting environmental gains will be more than offset by movement of capital to other areas with lower standards. If each locality reasons in the same way, all will adopt lower standards of environmental quality than they would prefer if there were some binding mechanism that enabled them simultaneously to enact higher standards, thus eliminating the threatened loss of industry or development.

### Yes War

#### Nuclear war is still likely

**Modelski ’11** [George, Ph.D. Professor of Political Science Emeritus in the University of Washington, “Preventing Global War,” September, <http://faculty.washington.edu/modelski/PreventGW.pdf>]

Students of world politics, such as John Mueller (1989) have urged a strong case for the “obsolescence of major war”. They argue that major war (or is it all wars? that is not always clear) might disappear from human practice and become abnormal, just as slavery, or dueling, that are now seen as abhorrent, are now unthinkable, and have faded away, not so long ago. War that before 1914 was thought to be virtuous and ennobling is no longer so regarded, and prestige and status accrue to economic performance. If major war is unthinkable, then maybe scholars should avoid discussing it, and decision-makers might let it slip from conscious thought and never consider embarking on such? A more recent examination of these arguments appears in The Waning of Major War, edited by Raimo Vayrynen (2006). These are powerful ideas, but they do not cover all of the ground. Mueller dismisses the thought that war needs to be replaced, in the manner of William James, “by some sort of moral or practical equivalent”. But he refuses to recognize that past global wars have had formative consequences for global politics, and that such a function must continue to be performed, albeit in new forms. In any event, so long as some states retain their nuclear arsenals, and other try to emulate them, the possibility of major war is not entirely unthinkable. The accession to nuclear power status of India, Pakistan, North Korea, and such a prospect for Iran, has been greeted by wide popular acclaim by their respective publics.

#### Great power war is likely- the financial crisis changed international relations-

**Modelski ’11** [George, Ph.D. Professor of Political Science Emeritus in the University of Washington, “Preventing Global War,” September, <http://faculty.washington.edu/modelski/PreventGW.pdf>]

Not much has changed since. At this time of writing (2010), 65 years since the end of the last global war, the world system still has not had the experience of another such great conflagration. But in the long-cycle “calendar” the onset of another macro-decision is approaching fast. It might be as close as 15 years (2025, that would make it the average interval, at 80 years) or somewhat longer, more nearly that of the last time elapsed, 99 years. That pre-World War One experience of an extended interval could have been an outlier, created by a sense of rising tensions that, for a time, made it possible to deescalate mounting crises (over Morocco, German naval build-up, Balkans, Near East) and led far-sighted obervers to advocate a search for alternatives (William James, 1910, Norman Angell, 1910, German historians, mindful of historical precedents, warning against provoking Britain). The financial crisis of 2008-9 looks like a herald of approaching change. The imminence of the onset of macro-decision may also be a function of the rising quality and capacity of global institutions that might facilitate changes without violence. All in all, an interval closer to 15 than to 39 years seems more likely.

#### New actors ensure war

**Adams ’11** [William, retired colonel for the United States Navy and Department of Military Strategy, Planning, and Operations, “Achieving Nuclear Deterrence In the 21st Century,” <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA543192&Location=U2&doc=GetTRDoc.pdf>]

In Knopf’s view, the fourth age of deterrence research will have to solve the problem of deterring rogue nations such as North Korea and Iran, as well as non-state actors such as Al Qaeda. A further complication is that while the United States accepted 15 mutual deterrence during the Cold War, it is not willing to be deterred by Iran, North Korea or Al Qaeda. Deterrence in this fourth age will have to be tailored to fit each group or nation to be deterred; the one size fits all deterrence of the Cold War will not work.

### AT: Intervention

#### Obama’s not gonna start invading people

**Brooks 12**, Stephen, Associate Professor of Government at Dartmouth College, John Ikenberry is the Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, William C. Wohlforth is the Daniel Webster Professor in the Department of Government at Dartmouth College “Don’t Come Home America: The Case Against Retrenchment,” International Security, Vol. 37, No. 3 (Winter 2012/13), pp. 7–51

temptation. For many advocates of retrenchment, the mere possession of peerless, globe-girdling military capabilities leads inexorably to a dangerous expansion of U.S. definitions of national interest that then drag the country into expensive wars. 64 For example, sustaining ramified, long-standing alliances such as NATO leads to mission creep: the search for new roles to keep the alliance alive. Hence, critics allege that NATO’s need to “go out of area or out of business” led to reckless expansion that alienated Russia and then to a heedless broadening of interests to encompass interventions such as those in Bosnia, Kosovo, and Libya. In addition, peerless military power creates the temptation to seek total, non-Clausewitzian solutions to security problems, as allegedly occurred in Iraq and Afghanistan. 65 Only a country in possession of such awesome military power and facing no serious geopolitical rival would fail to be satisfied with partial solutions such as containment and instead embark on wild schemes of democracy building in such unlikely places. In addition, critics contend, the United States’ outsized military creates a sense of obligation to use it if it might do good, even in cases where no U.S. interests are engaged. As Madeleine Albright famously asked Colin Powell, “What’s the point of having this superb military you’re always talking about, if we can’t use it?” Undoubtedly, possessing global military intervention capacity expands opportunities to use force. If it were truly to “come home,” the United States would be tying itself to the mast like Ulysses, rendering itself incapable of succumbing to temptation. Any defense of deep engagement must acknowledge that it increases the opportunity and thus the logical probability of U.S. use of force compared to a grand strategy of true strategic disengagement. Of course, if the alternative to deep engagement is an over-the-horizon intervention stance, then the temptation risk would persist after retrenchment. The main problem with the interest expansion argument, however, is that it essentially boils down to one case: Iraq. Sixty-seven percent of all the casualties and 64 percent of all the budget costs of all the wars the United States has fought since 1990 were caused by that war. Twenty-seven percent of the causalities and 26 percent of the costs were related to Operation Enduring Freedom in Afghanistan. All the other interventions—the 1990–91 Persian Gulf War, the subsequent airstrike campaigns in Iraq, Somalia, Bosnia, Haiti, Kosovo, Libya, and so on—account for 3 percent of the casualties and 10 percent of the costs. 66 **Iraq is the outlier** not only in terms of its human and material cost, but also in terms of the degree to which the overall burden was shouldered by the United States alone. As Beckley has shown, in the other interventions allies either spent more than the United States, suffered greater relative casualties, or both. In the 1990–91 Persian Gulf War, for example, the United States ranked fourth in overall casualties (measured relative to population size) and fourth in total expenditures (relative to GDP). In Bosnia, European Union (EU) budget outlays and personnel deployments ultimately swamped those of the United States as the Europeans took over postconflict peacebuilding operations. In Kosovo, the United States suffered one combat fatality, the sole loss in the whole operation, and it ranked sixth in relative monetary contribution. In Afghanistan, the United States is the number one financial contributor (it achieved that status only after the 2010 surge), but its relative combat losses rank fifth. 67 In short, the interest expansion argument would look much different without Iraq in the picture. There would be no evidence for the United States shouldering a disproportionate share of the burden, and the overall pattern of intervention would look “unrestrained” only in terms of frequency, not cost, with the debate hinging on whether the surge in Afghanistan was recklessly unrestrained. 68 How emblematic of the deep engagement strategy is the U.S. experience in Iraq? The strategy’s supporters insist that Iraq was a Bush/neoconservative aberration; certainly, there are many supporters of deep engagement who strongly opposed the war, most notably Barack Obama. Against this view, opponents claim that it or something close to it was inevitable given the grand strategy. Regardless, the more important question is whether continuing the current grand strategy condemns the United States to more such wars. **The Cold War experience suggests a negative answer**. After the United States suffered a major disaster in Indochina (to be sure, dwarfing Iraq in its human toll), it responded by waging the rest of the Cold War using proxies and highly limited interventions. Nothing changed in the basic structure of the international system, and U.S. military power recovered by the 1980s, yet the United States never again undertook a large expeditionary operation until after the Cold War had ended. All indications are that Iraq has generated a similar effect for the post–Cold War era. If there is an Obama doctrine, Dominic Tierney argues, it can be reduced to “No More Iraqs.” 69 Moreover, the president’s thinking is reflected in the Defense Department’s current strategic guidance, which asserts that “U.S. forces will no longer be sized to conduct large-scale, prolonged stability operations.” 70 Those developments in Washington are also part of a **wider rejection of the Iraq experience** across the American body politic, which political scientist John Mueller dubbed the “Iraq Syndrome.” 71 Retrenchment advocates would need to present much more argumentation and evidence to support their pessimism on this subject.

### PTC Alt Cause

#### That’s a structural alt cause to this advantage

Shahinian 8 – Michigan Law (Mark Shahinian, “SPECIAL FEATURE: THE TAX MAN COMETH NOT: HOW THE NON-TRANSFERABILITY OF TAX CREDITS HARMS INDIAN TRIBES”, American Indian Law Review 2007 / 200832 Am. Indian L. Rev. 267)

To address the handicap tribes face with regards to the impossibility of utilizing tax credits, this paper proposes making federal tax credits tradable - tribes could trade the tax credits they would receive as part of their investment in projects to business partners with tax liability in return for cash or other consideration. The argument for a tradable tax credit is, at root, an argument for equity. Legal scholarship has a history of arguments for a federal tax treatment of tribes that allows tribal economies to develop. The moral basis of arguments for an equitable - even favorable - tax treatment of tribes tends to rest on the federal trust responsibility toward tribes established early in U.S. history and articulated by Chief Justice Marshall in Cherokee Nation v. Georgia. Writing of the Tribal Tax Status Act of 1982, legal scholar Robert Williams said "To satisfy the 'moral obligations of the highest responsibility and trust' incumbent upon the United States in its dealings with Indian nations, federal Indian Country development policy must address itself to the structural barriers currently preventing tribal economic and social self-sufficiency." Lack of tribal access to tax credits is one of today's structural barriers. Addressing those barriers will help alleviate the federal concern for tribal economic development expressed by the Federal Reserve Bank of Minneapolis. "On Pine Ridge, Lower Brule and Rosebud reservations," a bank publication found, "roughly half of Indian families are poor." By aligning the tax incentives tribal businesses face with those faced by the rest of the business community, the federal government will meet its goals of energy development, reduced tribal dependency and increased tribal sovereignty. That alignment of incentives can be made a reality by making wind energy tax credits tradable. More broadly, allowing tribes to utilize all tax credits now available only to tax-paying entities will better align the interests of tribal business and U.S. policy, and also will better provide for tribal economic development.

### Solar Fails

#### Wind power fails – technology easily breaks and is clogged

Driessen 5/8/12 (Paul, Senior Policy Advisor for the Committee For a Constructive Tomorrow, “Time to Terminate Big Wind Subsidies”)

 (1 megawatt (MW, 1 million watts) of power output 3 24 hours 3 365 days 5 8,760 megawatt-hours (MW-h) energy per year; if a 1-MW wind turbine actually produces 1,752 MW-h over a year, owing to the variability of the wind and other factors, its capacity factor is 1,752/8,760 5 0.20, or 20%.) In high winds, ironically, the turbines must be stopped because they are easily damaged. Build-up of dead bugs has been shown to halve the maximum power generated by a wind turbine, reducing the average power generated by 25% and more. Build-up of salt on off-shore turbine blades similarly has been shown to reduce the power generated by 20%–30%.

# 1NR

### Impact overview

**This impact outweighs and internal link turns all of their aff and their criticisms of the politics disadvantage**

Jacome 12 (Felipe, "Trans-Mexican Migration: a Case of Structural Violence," London School of Economics, March 7, clas.georgetown.edu/files/Trans-Mexican%20Migration%20-%20Felipe%20Jacome.pdf)

This paper has argued that the afflictions experienced by trans-Mexican migrants needs to be understood as a case of structural violence. This approach allowed us to grasp the complexities and the dynamics of the violence encountered in the migrant route such as the different kinds of violence afflicting migrants, its systematic perpetration, and the social structures that hold this systems of oppression in place. Through the life stories of Julio and Marilú, which are representative of the suffering of thousands of trans-Mexican migrants, we observe how the constraining of agency and the physical marginalization of migrants are crucial elements in allowing for the systematic perpetuation of both direct and indirect violence. The case of trans-Mexican migration also sheds light on the role of indirect violence as a perpetuator for direct violence and a guarantor for the impunity of its perpetrators. Moreover, in looking at the patterns of the focalization of violence along the route, we perceive that the dynamics of violence are different from place to place and that they constantly evolve and adapt to changes in the migrant flux and to broader sociopolitical trends. The task of understanding the violence of the migrant route has also contributed in exploring how structures of violence are constructed around trans-migrants as a particular social group. Admittedly, this is an un-orthodox application of the structural violence framework. Unlike most pieces written by “anthropologists of suffering” See Schepper-Hughes 1992; Farmer 2005. which look broadly at groups or people “who belong to the lowest social strata” as the object of inquiry (Kleinman 2000, 226), this paper looks at a group which dwells in a geographically constrained universe within society. Thus, they are trapped in a parallel machinery of oppression from that affecting the poorest and most disenfranchised of Mexican citizens. The implications of the existence of this parallel structure of violence are noteworthy. The complete powerlessness of trans-Mexican migrants derived from their physical marginalization and their inability to access justice opens up the machinery of oppression for anyone that wants to partake. Everyone—from a poor villager, to a power-thirsty policeman, to some of the most-dangerous drug-traffickers in the world— can take their share of profit from the violence suffered by trans-migrants. This way, the structural violence affecting trans-migrants links up as escape valve for other parallel structures of violence.

**the disadvantage doesn’t commodify immigrants**

**immigration restrictions means the aff doesn’t have the workers to solve**

Council on Competitiveness 9. [ “Mobilizing a World Class Energy Workforce” December -- [http://www.compete.org/images/uploads/File/PDF%20Files/CoC\_-\_Pillar\_6\_Handout\_-\_Mobilizing\_a\_World-Class\_Energy\_Workforce,\_Dec09.pdf](http://www.compete.org/images/uploads/File/PDF%20Files/CoC_-_Pillar_6_Handout_-_Mobilizing_a_World-Class_Energy_Workforce%2C_Dec09.pdf)]

America currently lacks an energy workforce of sufficient size and capabilities to meet the needs ¶ of a sustainable, secure energy system.1¶ With increasing demand come abundant job ¶ opportunities in both traditional and emerging energy industries. Unfortunately, U.S. workers are ¶ neither aware nor sufficiently prepared to take them. Moreover, with an aging population and the ¶ retirement of the baby boomers well under way, there is an inadequate pipeline of replacement ¶ workers, technicians and managers to succeed them. ¶ The United States stands to lose half of its electric power industry workforce within the next five to ten ¶ years due to retirement. America’s oil and gas workforce averages 50 years in age; half are likely to retire ¶ soon. Workers in these conventional energy sector jobs, from power plant operators to transmission line ¶ and pipeline workers, are retiring at a much faster rate than they are being replaced. The introduction of ¶ any new energy technologies will not compensate for this workforce shortage. For example, in the nuclear ¶ industry, the fact that there has been no new construction of a nuclear facility in the United States in over ¶ 30 years has led to the atrophy of skills, the loss of technicians, the dearth of American students in ¶ nuclear engineering and a national security risk for the primarily nuclear-powered U.S. Navy. 2 The development, installation and ¶ maintenance of new technologies ¶ require skills at all levels of educational ¶ training. Many of these jobs, such as ¶ building new power plants, cannot be ¶ exported and will remain in the United ¶ States. So-called “green collar” jobs ¶ could fill this gap over time and provide ¶ for significant domestic employment ¶ growth, but capitalizing on this ¶ opportunity will require government ¶ being proactive in developing programs ¶ to provide the necessary skills. ¶ Government should provide a 21st ¶ century education to match the 21st ¶ century job opportunities, requirements ¶ and needs. ¶ There is growing global competition for ¶ scientific and engineering talent today,¶ and the U.S. pipeline of students is ¶ slowing.3¶ The private sector, where the overwhelming majority of careers will be, knows best the current ¶ opportunities that are not being met. Executives cite the lack of scientific, engineering and skilled talent as¶ among the most serious challenges facing their businesses today.4¶ They know what skills will be required ¶ and can assist in developing the workforce of the future by working closely with educational institutions as ¶ well as within their own organizations.

### 2nc uq

**Extend Sink and Mali—Obama is empirically able to build momentum by pushing immigration, prefer our evidence—it’s future predictive and conclusive on the likelihood of passage**

**Will pass – bipart momentum – within a month**

Xinhua 3-26-13. ["Obama pushes Congress to put forward immigration bill next month" -- news.xinhuanet.com/english/world/2013-03/26/c\_124501794.htm]

Bipartisan groups in both the House and Senate are moving closer to finalize their separate immigration reform proposals.¶ The Senate group, dubbed "Gang of Eight", expect themselves to finalize their detailed package by the end of this month and bring it up when legislators return from a two-week Easter break.¶ The effort by the Senate group of eight has received more attention over the weeks. The group, including top-ranking Democrats and leading Republicans on immigration reform like veteran Senator John McCain and Hispanic Republican star Marco Rubio, announced their framework of principles to guide the immigration reform at the end of January. One day later, U.S. President Barack Obama officially unveiled his own proposals on immigration reform.¶ Both plans to overhaul the immigration system include giving an earned citizenship to illegal immigrants as well as awarding green cards to foreign young high-end workforce.¶ The bipartisan House group has yet to share details of their proposals, but their work has gained support from leaders in both parties, particularly when the Republicans sent an encouraging signal.¶ Last week, U.S. House Speaker John Boehner, who had never endorsed the negotiation previously, voiced support for the group' s plan, calling it "a pretty responsible solution."

Link controls uq

### a/t: rubio

this card sucks – that was cx

**been resolved**

Murray 3-29. [Sara, congressional reporter, "Hurdle cleared on guest workers" Wall Street Journal -- online.wsj.com/article/SB10001424127887323361804578390753360247518.html]

Business and labor representatives have reached a tentative agreement on how to set wages for low-skilled guest workers, resolving one of the most contentious issues holding up completion of a bipartisan immigration plan in the Senate.¶ The Chamber of Commerce and AFL-CIO have been negotiating the details of a new visa program that would allow a future crop of immigrants to come to the U.S. to work in year-round, low-wage jobs such as landscaping and meatpacking. Wages had been a sticking point that caused talks to stall last week.

**capital overcomes labor disputes**

Davis, 3-22 – Bloomberg news reporter

[Julie, and Kathleen Hunter, "Guest-Worker Visas Sticking Point on Immigration Rewrite," Bloomberg, 3-22-13, www.bloomberg.com/news/2013-03-21/guest-worker-visas-sticking-point-on-immigration-rewrite.html, accessed 3-28-13, mss]

Former Pennsylvania Governor Ed Rendell, a Democrat co- chairing an immigration task force with Barbour at the Bipartisan Policy Center in Washington, said it is ultimately up to Obama to persuade Democrats not to abandon the bill if the immigrant-worker program doesn’t match the unions’ agenda. “If we don’t get guest-worker provisions that are exactly in line with what labor wants, we can’t hold up the bill because of that,” Rendell said. “We’ve got to do the best we can to preserve and protect the interests of organized labor, but in the end you can’t always get what you want.” Obama, he added, has “his work cut out for him.”

**Labor can’t derail immigration**

Davis, 3-22 – Bloomberg news reporter

[Julie, and Kathleen Hunter, "Guest-Worker Visas Sticking Point on Immigration Rewrite," Bloomberg, 3-22-13, www.bloomberg.com/news/2013-03-21/guest-worker-visas-sticking-point-on-immigration-rewrite.html, accessed 3-28-13, mss]

Labor leaders aren’t working to undermine a deal, Avendano said. They are “committed to advancing a bill that guarantees a path to citizenship for millions of people,” she said. Arizona Senator John McCain, a Republican member of the Senate group, said he doesn’t anticipate that union-business tension over the work-visa program will derail the talks. “I don’t think so,” McCain said in an interview yesterday. “I will do everything I can to keep it from going off the rails.” ‘Not Dictated’ While senators are willing to listen to concerns raised by business and labor groups, “we’re not dictated by them,” McCain said.

### a/t: rubio key

**No uniqueness- Rubio on board now**

Macchi- 3-8 -- Naples News staff

[Victoria, "Florida caravan pushing Marco Rubio to lead immigration reform movement," Naples News, 3-8-13, [www.naplesnews.com/news/2013/mar/08/florida-caravan-pushing-marco-rubio-immigration/](http://www.naplesnews.com/news/2013/mar/08/florida-caravan-pushing-marco-rubio-immigration/), accessed 3-10-13, mss]

“We are aware of the caravan and our staff is enjoying meeting with them. Sen. Rubio has been working toward fixing our broken immigration system, and put forward an outline of his immigration proposal earlier this year with a bipartisan group of his colleagues in the Senate,” Rubio’s office wrote Thursday in the statement. “He has been extensively engaged in dialogue on immigration reform, and hopes to see bipartisan immigration reform done this year.”

### a/t: case turns disad

**we don’t commodify native americans**

**commodification is inevitable**

**commodification is good – key to food production**

**ACIR ‘7** (December 4, 2007 THE AGRICULTURE COALITION FOR IMMIGRATION REFORM

Dear Member of Congress: The Agriculture Coalition for Immigration Reform (ACIR) is deeply concerned with pending immigration enforcement legislation known as the ‘Secure America Through Verification and Enforcement Act of 2007' or ‘SAVE Act’ (H.R.4088 and S.2368). While these bills seek to address the worthy goal of stricter immigration law enforcement, they fail to take a comprehensive approach to solving the immigration problem. History shows that a one dimensional approach to the nation’s immigration problem is doomed to fail. Enforcement alone, without providing a viable means to obtain a legal workforce to sustain economic growth is a formula for disaster. Agriculture best illustrates this point. Agricultural industries that need considerable labor in order to function include the fruit and vegetable, dairy and livestock, nursery, greenhouse, and Christmas tree sectors. Localized labor shortages have resulted in actual crop loss in various parts of the country. More broadly, producers are making decisions to scale back production, limit expansion, and leave many critical tasks unfulfilled. Continued labor shortages could force more producers to shift production out of the U.S., thus stressing already taxed food and import safety systems. Farm lenders are becoming increasingly concerned about the stability of affected industries. This problem is aggravated by the nearly universal acknowledgement that the current H-2A agricultural guest worker program does not work. Based on government statistics and other evidence, roughly 80 percent of the farm labor force in the United States is foreign born, and a significant majority of that labor force is believed to be improperly authorized. The bills’ imposition of mandatory electronic employment eligibility verification will screen out the farm labor force without providing access to legal workers. Careful study of farm labor force demographics and trends indicates that there is not a replacement domestic workforce available to fill these jobs. This feature alone will result in chaos unless combined with labor-stabilizing reforms. Continued failure by Congress to act to address this situation in a comprehensive fashion is placing in jeopardy U.S. food security and global competitiveness. Furthermore, congressional inaction threatens the livelihoods of millions of Americans whose jobs exist because laborintensive agricultural production is occurring in America. If production is forced to move, most of the upstream and downstream jobs will disappear as well. The Coalition cannot defend of the broken status quo. We support well-managed borders and a rational legal system. We have worked for years to develop popular bipartisan legislation that would stabilize the existing experienced farm workforce and provide an orderly transition to wider reliance on a legal agricultural worker program that provides a fair balance of employer and employee rights and protections. We respectfully urge you to oppose S.2368, H.R.4088, or any other bills that would impose employment-based immigration enforcement in isolation from equally important reforms that would provide for a stable and legal farm labor force.

**Collapse of ag causes extinction**

Lugar ‘4 – U.S. Senator (Richard, <http://www.unep.org/OurPlanet/imgversn/143/lugar.html>)

In a world confronted by global terrorism, turmoil in the Middle East, burgeoning nuclear threats and other crises, it is easy to lose sight of the long-range challenges. But we do so at our peril. One of the most daunting of them is meeting the world’s need for food and energy in this century. At stake is not only preventing starvation and saving the environment, but also world peace and security. History tells us that states may go to war over access to resources, and that poverty and famine have often bred fanaticism and terrorism. Working to feed the world will minimize factors that contribute to global instability and the proliferation of weapons of mass destruction. With the world population expected to grow from 6 billion people today to 9 billion by mid-century, the demand for affordable food will increase well beyond current international production levels. People in rapidly developing nations will have the means greatly to improve their standard of living and caloric intake. Inevitably, that means eating more meat. This will raise demand for feed grain at the same time that the growing world population will need vastly more basic food to eat. Complicating a solution to this problem is a dynamic that must be better understood in the West: developing countries often use limited arable land to expand cities to house their growing populations. As good land disappears, people destroy timber resources and even rainforests as they try to create more arable land to feed themselves. The long-term environmental consequences could be disastrous for the entire globe.   Productivity revolution  To meet the expected demand for food over the next 50 years, we in the United States will have to grow roughly three times more food on the land we have. That’s a tall order. My farm in Marion County, Indiana, for example, yields on average 8.3 to 8.6 tonnes of corn per hectare – typical for a farm in central Indiana. To triple our production by 2050, we will have to produce an annual average of 25 tonnes per hectare. Can we possibly boost output that much? Well, it’s been done before. Advances in the use of fertilizer and water, improved machinery and better tilling techniques combined to generate a threefold increase in yields since 1935 – on our farm back then, my dad produced 2.8 to 3 tonnes per hectare. Much US agriculture has seen similar increases. But of course there is no guarantee that we can achieve those results again. Given the urgency of expanding food production to meet world demand, we must invest much more in scientific research and target that money toward projects that promise to have significant national and global impact. For the United States, that will mean a major shift in the way we conduct and fund agricultural science. Fundamental research will generate the innovations that will be necessary to feed the world. The United States can take a leading position in a productivity revolution. And our success at increasing food production may play a decisive humanitarian role in the survival of billions of people and the health of our planet.

### a/t: pc not real

**PC key to force a vote**

Ronald **Brownstein**, National Jouranl, **1/31/**13, On Immigration, What Obama Can Learn From Bush's Failed Efforts, www.nationaljournal.com/columns/political-connections/on-immigration-what-obama-can-learn-from-bush-s-failed-efforts-20130131

The prospects for major immigration reform are now the brightest in years, but for key players in Washington, a shadow still looms: the ghost of 2006. That was the last time the stars were aligned for a breakthrough. Immigration reform that included a path to citizenship for those in the United States illegally had the support of President Bush, a broad labor-business-faith coalition, and a bipartisan Senate majority. Yet that armada ultimately splintered against the stony refusal of House Republican leaders to consider a bill opposed by a majority of their majority. Any of that sound familiar? Already many of the same dynamics are developing, with President Obama stamping immigration reform as a top priority, a bipartisan Senate coalition reassembling, a broad outside alliance of support groups coalescing—and most House Republicans rejecting anything that hints at “amnesty” for illegal immigrants. Yet the contrasts between now and 2006, particularly in the political climate, are also significant. Understanding both the similarities and the differences will be critical for reform advocates if they are to avoid replicating the disappointment they suffered under Bush. Presidential interest was then, as it is now, critical in elevating immigration reform. Since his days as Texas governor, Bush had courted Hispanics, and—even during the 2000 GOP presidential primary campaign—he strikingly defended illegal immigrants as “moms and dads” trying to make a better life for their children. Together with his political “architect,” Karl Rove, Bush saw comprehensive reform that coupled a path to citizenship with tougher enforcement as an opportunity to consolidate the beachhead that allowed him to capture more than 40 percent of Hispanic voters in his 2004 reelection. But Bush largely looked away when Republicans who controlled the House channeled that impulse in a very different direction. In December 2005, they passed an enforcement-only bill drafted by Judiciary Committee Chairman Jim Sensenbrenner of Wisconsin, that, for the first time, designated all undocumented immigrants as felons. (Previously, illegal presence in the U.S. had been a civil, not criminal, violation.) Initially, debate in the GOP-controlled Senate drifted. Majority Leader Bill Frist, considering a 2008 presidential bid, pushed his own enforcement-only bill. But amid the backdrop of huge public rallies against Sensenbrenner’s proposal, Sen. Arlen Specter unexpectedly joined with three other Republicans and all eight Judiciary Committee Democrats in late March to approve a comprehensive plan, including a path to citizenship, that followed a blueprint negotiated by Sens. Edward Kennedy and John McCain. When broader Senate agreement teetered over the terms of legalization, Republican Sens. Chuck Hagel and Mel Martinez devised a compromise that divided illegal immigrants into three categories, requiring those here less than two years to leave but allowing those with deeper roots to eventually earn citizenship by paying fines and learning English. After Bush finally delivered a national address on immigration, a bill embodying that plan cleared the Senate with 62 votes, including support from 23 Republicans. House Republicans immediately signaled their disinterest by refusing to appoint a conference committee and instead scheduled hearings in border communities to highlight security lapses. “Border security reigned supreme,” recalls Ron Bonjean, the communications director for then-Speaker Dennis Hastert. “I remember being in a meeting with … the leadership where pollsters came in and said border security was the key to our reelection.” Even in 2006, something like the Senate plan likely could have attracted 218 votes in the House—but not a majority of Republicans. Faced with a collision between his two political imperatives—courting Hispanics and mobilizing conservatives—Bush blinked, allowing House leaders to replace the Senate bill with enforcement-only legislation, which he signed that fall. These choices began the GOP’s slide among Hispanics that continues unabated: Hispanic support for Republican House candidates plummeted from 44 percent in 2004 to just 29 percent in 2006, presaging Mitt Romney’s disastrous 27 percent showing among those voters in 2012. That slippage is one of the two most important differences in the political environment around immigration between 2006 and today. Back then, as Bonjean notes, hardly any House Republicans argued that the GOP needed to pass a plan attractive to minorities. But many GOP leaders now see that as self-preservation. “The political imperative has shifted the tectonic plates,” says Frank Sharry, a key player in the 2006 debate who remains central as executive director of America’s Voice, which backs full citizenship for immigrants. “Immigration was viewed as a wedge issue for Republicans in 2006. Now it’s viewed as a wedge issue for Democrats.” The “Gang of Eight” proposal released this week makes it likely that, as in 2006, the Senate will eventually pass a bipartisan immigration bill. Once again, there are probably 218 House votes for such a plan, but not a majority of the majority Republicans. That raises another key difference from 2006: Hastert faced little pressure to consider the Senate bill, because Bush bit his tongue when the speaker buried it. If House Republicans shelve another bipartisan Senate plan in 2013, they should expect much more public heat, because Obama won’t be as deferential.

**And momentum**

Bill **Keller**, NYTimes, **2/3**/13, Selling Amnesty, www.nytimes.com/2013/02/04/opinion/keller-selling-amnesty.html?pagewanted=print

The good news is that the anti-immigration side has no lobbying equivalent of the National Rifle Association, no group with its hands so firmly on the throats of Congress that it can override public opinion. But the bill will face a reservoir of popular fear, resentment and misunderstanding. President Obama and the indefatigable Senator Charles Schumer will work the Democratic constituencies and rally public support, but the hard sell is up to a few key Republicans who understand that this is their party’s best hope of redemption with the surging Latino electorate. So far the most effective antidote to right-wing opposition has been Senator Rubio. In the days after the Gang of Eight unveiled its proposal the Floridian made the rounds of the shouting heads on the conservative media circuit, arguing the case. By the time Rubio was done, Rush Limbaugh was unconvinced but muted, and Sean Hannity, who announced after the November election that he had “evolved” on the issue, was calling it “the most thoughtful proposal that I’ve heard.” Karl Rove, another Fox talker, who tried unsuccessfully to sell immigration reform when he was President George W. Bush’s right arm, called the Senate principles “a huge step forward.” Fox pundits, perhaps mindful that their owner, Rupert Murdoch, recently came out for a path to citizenship, have avoided using the A-word to describe the latest proposals. Rubio could bolster the case for legalizing undocumented immigrants by making more of the economics. My conservative colleague David Brooks has spelled out the rosiest economic case for increased immigration, including legalization of the undocumented. I would add a point made by Gordon Hanson, who studies immigration economics at the University of California, San Diego. Hanson points out that giving the 11 million undocumented immigrants provisional legal status would greatly improve the odds that their children would become educated, productive, taxpaying members of society rather than drains on the economy. Supporters of reform are moving with unusual speed, hoping to build up momentum that will carry over to the House. They aim to get a bill through the Senate this summer, leaving much of 2013 for the House to act before representatives are completely immersed in midterm electoral politics.

**Hirsch agrees**

Michael Hirsh, National Journal, 2/7/13, There’s No Such Thing as Political Capital, www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207

The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.”

**The plan disrupts sequencing matters**

Michael Hirsh, National Journal, 2/7/13, There’s No Such Thing as Political Capital, www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207

Presidents are limited in what they can do by time and attention span, of course, just as much as they are by electoral balances in the House and Senate. But this, too, has nothing to do with political capital. Another well-worn meme of recent years was that Obama used up too much political capital passing the health care law in his first term. But the real problem was that the plan was unpopular, the economy was bad, and the president didn’t realize that the national mood (yes, again, the national mood) was at a tipping point against big-government intervention, with the tea-party revolt about to burst on the scene. For Americans in 2009 and 2010—haunted by too many rounds of layoffs, appalled by the Wall Street bailout, aghast at the amount of federal spending that never seemed to find its way into their pockets—government-imposed health care coverage was simply an intervention too far. So was the idea of another economic stimulus. Cue the tea party and what ensued: two titanic fights over the debt ceiling. Obama, like Bush, had settled on pushing an issue that was out of sync with the country’s mood.

Unlike Bush, Obama did ultimately get his idea passed. But the bigger political problem with health care reform was that it distracted the government’s attention from other issues that people cared about more urgently, such as the need to jump-start the economy and financial reform. Various congressional staffers told me at the time that their bosses didn’t really have the time to understand how the Wall Street lobby was riddling the Dodd-Frank financial-reform legislation with loopholes. Health care was sucking all the oxygen out of the room, the aides said.

**Capital’s key to comprehensive legislation – that’s key to passage**

**Helderman and Nakamura 1/25**, Rosalind S. Helderman covers Congress and politics for the Washington Post, staff writer for The Washington Post “Senators nearing agreement on broad immigration reform proposal,” 1/25, http://www.washingtonpost.com/politics/senators-nearing-agreement-on-broad-immigration-reform-proposal/2013/01/25/950fb78a-6642-11e2-9e1b-07db1d2ccd5b\_story.html

But obstacles abound. For instance, Rubio has said he thinks immigrants who came to the country illegally should be able to earn a work permit but should be required to seek citizenship through existing avenues after those who have come here legally. Many Democrats and immigration advocates fear Rubio’s approach would result in wait-times stretching for decades, creating a class of permanent legal residents for whom the benefits of citizenship appear unattainable. They have pushed to create new pathways to citizenship specifically available to those who achieve legal residency as part of a reform effort. It is not yet clear whether the Senate group will endorse a mechanism allowing such people to eventually become citizens — something Obama is expected to champion. Schumer said it would be “relatively detailed” but would not “get down into the weeds.” A source close to Rubio said he joined the group in December at the request of other members only after they agreed their effort would line up with his own principles for reform. As a possible 2016 presidential contender widely trusted on the right, Rubio could be key to moving the bipartisan effort. Rubio and other Republicans have said they would prefer to split up a comprehensive immigration proposal into smaller bills that would be voted on separately, but the White House will pursue comprehensive legislation that seeks to reform the process in a single bill. “I doubt if there will be a macro, comprehensive bill,” said Sen. Johnny Isakson (R-Ga.), who supported the 2007 effort. “Anytime a bill’s more than 500 pages, people start getting suspicious. If it’s 2,000 pages, they go berserk.” But Schumer said Friday that a single package will be key for passage. “**We’ll not get it done in pieces**,” he said. “**E**very time you do a piece, everyone says what about my piece, and you get more people opposing it.” Eliseo Medina, secretary treasurer of the Service Employees International Union, which spent millions recruiting Hispanic voters last year, said immigration advocates expect Obama to be out front on the issue. “The president needs to lead and then the Republicans have a choice,” Medina said. “The best way to share the credit is for them to step up and engage and act together with the president.”

**Capital prevents watered down legislation – means even if it passes it fails without Obama’s capital**

Anniston Star, 3-27 [Editorial Board, "On the offensive: Obama is wise to start anew the push for immigration reform," 3-27-13, annistonstar.com/view/full\_story/22088295/article-On-the-offensive--Obama-is-wise-to-start-anew-the-push-for-immigration-reform?instance=opinion\_lead, accessed 3-28-13, mss]

The point: President Obama didn’t fulfill his promise of securing sweeping immigration-reform policies during his first term. Now in his second, Obama is beginning a new campaign to urge legislators — particularly Republicans — to find a bipartisan compromise that (a.) **isn’t watered down** and (b.) is effective. It’s a lot to ask. Nevertheless, Obama is wise to go on this offensive. The need, as always, is great. An Associated Press report this week points out that the president is working behind the scenes in order to **keep Republicans at the** negotiating **table** between now and Congress’ April 8 return from spring break. The key is the Senate working group, the Gang of Eight, that is putting together a bipartisan plan the White House has yet to see. “We’ll reserve judgment on the product of those discussions until it’s produced,” White House spokesman Josh Earnest said.

### Thumpers

**Passed wind fights just mean the plan’s supporters are exhausted and won’t invest in fighting for the plan—only a risk of the link – this card is amazing**

Amy Harder, 1/3/13, Battle Over Wind Subsidy Leaves Industry Bruised, www.nationaljournal.com/congress/influence/battle-over-wind-subsidy-leaves-industry-bruised-20130103

The battle to get Congress to renew the wind-energy production tax credit before year’s end strained relationships among utilities, splintered support within the industry’s biggest trade group and is setting up the industry—and its supporters in Congress—for a 2013 even more contentious than 2012.

Many utilities, environmental groups and lawmakers from both parties are cheering the news that the PTC was extended by one year as part of the fiscal cliff deal. But the bruising fight over the last year doesn’t bode well for the sector as it must now agree on how to ramp down the tax subsidy that was first created 21 years ago.

Xcel Energy, which is among the top 10 biggest utilities in the country and had the largest wind capacity of any utility in 2011, is reviewing its membership in AWEA largely because of how the trade group handled the PTC debate. A final decision from the company is expected soon about what, if anything, it plans to do.

"We are in the process of reviewing our relationship with AWEA,” Xcel lobbyist John O’Donnell told NJ. “It's our concern that they continue to represent the interests of developers to the exclusion of customers."

O’Donnell is referring to both individual households and businesses whose electricity bills from utilities are affected by the production tax credit either directly or indirectly. O’Donnell doesn’t think extending the PTC, which is a tax credit that goes to wind-energy developers, benefits customers paying electricity bills or the utilities buying wind from renewable-energy generators. He went so far to say that because Congress extended the PTC without any additional policies to benefit customers, the Minnesota-based Xcel may not buy more wind.

"As the largest provider of wind to customers by far, we feel this action doesn’t nearly enough for customers, and throws into immediate question any further plans we have to buy more wind on their behalf,” O’Donnell said.

Another bruise from last year’s fight that will wear on into 2013 is lobbying by Exelon, the country’s biggest nuclear generator, to eliminate the PTC altogether. The Chicago-based Exelon, which is also the 11th-ranked utility in terms of wind generation, has aggressively lobbied lawmakers to end right away the tax credit because the policy distorts electricity market prices and hurts the company’s bottom line.

Exelon spent $6.4 million on lobbying through October (fourth-quarter lobbying numbers are due out later this month). In response to Exelon’s lobbying push, which was first reported by National Journal in August, AWEA kicked the company out of its group in September. Exelon is going to keep up its push against the policy now that Congress renewed it.

“In the coming months Exelon will work with legislators to inform them of the unintended negative consequences to power markets and investments in other sources of generation from the continuation of the PTC,” Exelon lobbyist David Brown told National Journal in an e-mail.

The lobbying power of Exelon, whose position against the PTC aligns the company with deep-pocketed conservative tea-party groups like Americans for Prosperity and the American Energy Alliance, could be even more concerning to the wind industry moving forward.

“Most people supportive of renewable energy are concerned about all the money they’re putting into this,” said one wind-energy lobbyist who would speak on the condition of anonymity only. “The renewable energy and wind energy specifically need to come up with a much better defense and push back…You’re going to see industry hit back harder now.”

But for now, AWEA is regrouping. Amid internal claims that the group’s leadership on the PTC was lacking, its CEO and president of the past four years, Denise Bode, announced last month she was resigning to return to the private sector as a tax attorney. AWEA’s top lobbyist, Rob Gramlich, will serve as interim CEO as the group finds a new one.

AWEA spent $1.81 million on lobbying through October, which is much less than Exelon and a $1 million less than NextEra Energy, the biggest renewable-energy generator that was the most outspoken company supporting the PTC. NextEra, whose lobbyists have clashed with Exelon executives over the PTC, did not immediately have a comment in response to this article.

AWEA has publicly announced it supports phasing out the tax credit, but consensus within the industry doesn’t exist (yet) about how and for how long that should happen.

Sen. Mark Udall, D-Colo., who is the most outspoken supporter of the policy in Congress and gave almost 30 floor speeches on the issue over the last several months, said he remains committed on a way forward.

“I plan on pushing my colleagues this year to pursue a multiyear extension in conjunction with a well-crafted phase-out,” Udall said to National Journal. “Such a phase-out would need to provide market certainty, and I believe that is the direction we need to head.”

Toward the end of last year, Xcel lobbied lawmakers on a proposal that would have replaced the production tax credit with a combination of an investment tax credit and a customer renewable credit.

The investment tax credit would be given to renewable-energy developers to help finance projects, and the customer renewable credit would be awarded to utilities that integrate more wind and solar onto the grid in order to incentivize such renewable-energy integration. The two credits combined would cost the government between $6 billion and $7 billion over 10 years. The one-year extension will cost taxpayers about $12 billion over 10 years.

“There is some merit to that,” said the wind-energy lobbyist about Xcel’s proposal. “Maybe that is a way to compromise and get utilities more supportive of tax credits for renewable energy.”

Udall expressed initial support for the proposal last month, but at that point he—and all other congressional wind backers—was focused chiefly on extending the PTC.

Another big problem lurking in the background for the wind industry is what, if any, legislative vehicle they can use to advance their proposal, if and when the industry can agree on a way forward. But that’s a fight for another day.

**Hold all of their link UQ to a very high threshold---issues don’t cost PC until they’re at the finish line---if they can’t cite a bill discount them**

Drum, 10 (Kevin, Political Blogger, Mother Jones, http://motherjones.com/kevin-drum/2010/03/immigration-coming-back-burner)

Not to pick on Ezra or anything, but this attitude betrays a surprisingly common misconception about political issues in general. The fact is that political dogs never bark until an issue becomes an active one. Opposition to Social Security privatization was pretty mild until 2005, when George Bush turned it into an active issue. Opposition to healthcare reform was mild until 2009, when Barack Obama turned it into an active issue. Etc. I only bring this up because we often take a look at polls and think they tell us what the public thinks about something. But for the most part, they don't.1 That is, they don't until the issue in question is squarely on the table and both sides have spent a couple of months filling the airwaves with their best agitprop. Polling data about gays in the military, for example, hasn't changed a lot over the past year or two, but once Congress takes up the issue in earnest and the Focus on the Family newsletters go out, the push polling starts, Rush Limbaugh picks it up, and Fox News creates an incendiary graphic to go with its saturation coverage — well, that's when the polling will tell you something. And it will probably tell you something different from what it tells you now. Immigration was bubbling along as sort of a background issue during the Bush administration too until 2007, when he tried to move an actual bill. Then all hell broke loose. The same thing will happen this time, and without even a John McCain to act as a conservative point man for a moderate solution. The political environment is worse now than it was in 2007, and I'll be very surprised if it's possible to make any serious progress on immigration reform. "Love 'em or hate 'em," says Ezra, illegal immigrants "aren't at the forefront of people's minds." Maybe not. But they will be soon.

### a/t: relations resilient

**we have a consensus of academics – provides a shot in the arm for relations**

**Visa policy is dragging down US-India relations now – only CIR can reaffirm our alliance with India**

Zee News 12 [“Krishna, Hillary to discuss visa fee hike in NY”, October 1st, 2012, http://zeenews.india.com/news/nation/krishna-hillary-to-discuss-visa-fee-hike-in-ny\_802978.html]

New York: The issue of US visa fee hike, which has hurt several Indian IT firms, is expected to come up for discussion when External Affairs Minister SM Krishna meets US Secretary of State Hillary Clinton here on Monday on the sidelines of the UN General Assembly session. India has "consistently" taken up the issue of the visa fee hike with the US and the issue will figure in talks between Krishna and Clinton, official sources said. The US had raised visa fee in 2010 to fund its enhanced costs on securing border with Mexico under the Border Security Act. Some of the top Indian companies TCS, Infosys, Wipro and Mahindra Satyam were affected by the US action and India is expected to soon seek consultations with the US at the World Trade Organization (WTO) on the issue. The sources said that young Indian professionals working in the US have been the "cornerstone" of India-US relations and are a pillar in the improved bilateral relations that has brought the two countries closer. Hiking visa fees or limiting the number of work visas available to Indian companies is tantamount to "undermining that pillar and growth in India-US relations," they added. "Raising visa fees and putting other barriers is not in consonance with the forward thinking of growing bilateral ties," the sources said. This will be the third bilateral meeting between Krishna and Clinton this year. They had previously met in India in April and again in June in Washington. The sources said that the two countries have a fairly elaborate agenda and the visa issue is one of the issues in a broader relationship. Krishna will also address the 67th session of the UN General Assembly today.

part of the world are essential to the peace and prosperity of the world.

Their ev concedes trades a key pillar which we obvi have an internal to

**h-1b’s are key to indian relations.**

Economic Times ’09 [Oct. 19, “India to ask US for more H-1B visas,” http://economictimes.indiatimes.com/news/news-by-industry/services/travel/visa-power/India-to-ask-US-for-more-H-1B-visas/articleshow/5137427.cms]

India is likely to ask the United States to raise the cap on visas for skilled workers at the bilateral trade forum meeting to be held in New Delhi later this month, a government official told ET. India may also push for a special mechanism for Indian professionals travelling to the US for short-term assignments arising out of contractual obligations. The issue of a more liberal and simple US visa regime for professionals will be high on India’s agenda at the bilateral meeting to be chaired by Indian commerce minister Anand Sharma and the US trade representative Ron Kirk, the official said. H-1B visas, which are non-immigrant US visas for skilled professionals, given for up to six years, are highly popular with Indian IT companies such as Infosys, Wipro, TCS and Satyam, which usually corner a big chunk of such visas issued by the US. The subsidiaries of these companies in the US usually employ H-1B visa professionals to deliver services at customer’s location. “The number of world-wide H-1B visas issued to professionals was reduced by more than half to 65,000 per year about two years back. This has affected the functioning of Indian companies in the US, especially ones in the IT sector,” the official said. He added that India was keen on taking up with the new US government the issue of a possible increase in the cap on such visas. Although, this year, the entire quota of 65,000 H-1B visas has not yet been utilised because of the on-going global economic slow down, the official pointed out that it was a temporary phase and the demand for US work visas would soar the moment the global economy began to look up.