## Shipbuilding

**Shipbuilding is key to the economy, and competitiveness**

**NDU,06**

“National Defense Univeristy” The Industrial College of the Armed SHIPBUILDING 2006Forceshttp://www.dtic.mil/dtic/tr/fulltext/u2/a475378.pdf, accessed 12/2/12,WYO/JF

**The U.S. shipbuilding industry is at a crossroads** – **it produces the best ships in the world, but at exorbitant prices that make the commercial sector uncompetitive** and limit the number of ships the U.S. Navy can afford. Since the industry is complex and has multiple constituencies, there are diverse economic, political, and military solutions that have competing interests. In order to provide a recommendation, the study team first considered the fundamental issue of whether **the U.S. needs to maintain an indigenous capability to manufacture ships**. Because of **the importance of the maritime domain to the nation, the U.S. should maintain an indigenous capability to build naval vessels. In addition to ensuring capability, keeping the industry in the U.S. provides economic and employment benefits, somewhat abating concerns over higher prices for U.S. built vessel**s. Thus, the team does not recommend laissez-faire. Based on discussions with personnel in Australia and consideration of the historical results achieved with government control of the “commanding heights,” the team does not recommend nationalization (one exception is that the U.S. should “nationalize” critical capabilities in danger of being lost, as the Portsmouth Navy Shipyard did for electric motor rewinding). Recommendations for each segment follow. Defense The primary recommendation for the defense segment is consolidation into two “super yards” for the construction of all naval vessels. To achieve this within ten years, officials should discuss the issue with industry representatives, and the USG should provide financial, contractual, and tax incentives to consolidate and reduce overhead and fixed costs. In addition, the government should oversee these efforts and all government support provided to the industry in order to ensure the best use of incentives to achieve desired results. The government should also consider consolidation of remaining U.S. Navy yards and maintenance facilities. In order to address industry’s concern with the lack of a stable procurement plan, the U.S. Navy, DoD, and Congress must commit to improvement. As a start, the U.S. should fully fund the CNO’s 313-ship initiative, and the U.S. Navy, government, and industry should use it as a foundation on which to develop a long-term business plan. To address the issues of change orders and technology insertion, the USN and industry should continue to develop the interchangeable mission modules concept (see Essay 1) and increase research and development funding in order to provide more mature technologies during construction. **Commercial Although not required for naval ship production or national security, a healthy commercial sector supports local economies, helps develop a supplier base, and sustains a skilled workforce.** The team recommends that the USG provide targeted support, such as tax incentives and use of government real estate, and fully fund the Title XI loan guarantee program for ten years. The government should also encourage expanded demand and production by implementing the U. S. Maritime Administration’s short sea shipping initiative. This initiative involves changing the current tax structure, which discourages movement of cargo by sea, and establishing a national maritime system with multi-mode ports. **If successful, this would create a new market for smaller vessels than those produced overseas. To support this, the U.S. should maintain the Jones Act for ten years to allow U.S. yards to become more competitive. In addition, the USG should not intervene if market forces cause further consolidation**.

## T

### 2AC A2 Regulations Aren’t Restrictions

#### First, we meet- plan in a vacuum is topical.

#### Second, counter-interpretation- a restriction is a regulatory constraint

Farlex, ’12 (Farlex collection, Princeton University, 2012, WordNet 3.0, Print)//CC

restriction - an act of limiting or restricting (as by regulation)

#### Third, we meet- restrictions on leasing range from out-right bans to stipulations- NEPA review is right in the middle

USDI, USDA, DOE 2008

[“Inventory of Onshore Federal Oil and Natural Gas Resources and Restrictions to Their Development”, <http://www.blm.gov/pgdata/etc/medialib/blm/wo/MINERALS__REALTY__AND_RESOURCE_PROTECTION_/energy/0.Par.68195.File.dat/EPCA2008lo_1.pdf> //wyo-tjc]

2.3.1 Categorization of Oil and Gas Access Constraints The main factors that affect access to oil and gas resources on Federal lands are land availability (Section 2.1.1) and leasing and drilling restrictions (Sections 2.1.2 and 2.1.3). To simplify the analysis and present meaningful results, these factors were categorized into a hierarchy that represents varying levels of access as shown in Table 2-9. This categorization was necessary to enable a reasonable quantitative analysis, given the fact that approximately 3,125 individual stipulations from 128 Federal land use plans (LUPs) exist for the study areas within the Inventory. The hierarchy of categories was formulated to ensure that the constraints on oil and gas development could be appropriately assessed (especially for areas of multiple, overlapping stipulations), and to ensure that the cumulative impacts on access would be examined. In addition, the hierarchy was formulated based upon the accessibility of the lands for leasing, and for areas where leasing is permitted, the impacts relative to the difficulty for conducting drilling operations. The Federal lands categorization hierarchy is ordered from “No Leasing” (most constrained) to “Leasing with Standard Lease Terms” (least constrained) as follows: 1. No Leasing (Statutory/Executive Order) (NLS) are lands that cannot be leased due to Congressional or Presidential action. Examples include national parks, national monuments, and wilderness areas. 2. No Leasing (Administrative) (NLA) are lands that are withheld from leasing based on discretionary decisions made by the Federal land management agency. The NLA areas can include endangered species habitat and historical sites. 3. No Leasing (Administrative), Pending Land Use Planning or NEPA Compliance (NLA/LUP) are lands that have not yet undergone or are currently undergoing land use planning or NEPA analysis, and that are generally not available for leasing. In the cases where there is no land use plan in effect, non-Federal mineral estate underlying Federal land is categorized as NLA/LUP to reflect the fact that access to mineral estate can be allowed through the NEPA process. 4. Leasing, No Surface Occupancy (NSO) (Net NSO for Oil & Gas Resources) are lands that can be leased but ground-disturbing oil and natural gas exploration and development activities are prohibited. These stipulations protect identified resources such as special status plant species habitat. Their surface areas are mapped as described by the LUPs. However, at least some of the resources can be accessed by directional drilling from nearby lands where surface occupancy is allowed. This is accounted for by creating an extended drilling zone (EDZ, as described in Appendix 9) that reduces the size of the NSO area. The area removed is then placed in the next most restrictive resource access category (5 through 9, below) that would otherwise apply in the absence of the NSO stipulation. Within the EDZ area the underlying resource is considered accessible even though the surface above it cannot be occupied by drilling equipment. After the EDZ is removed, the NSO area that remains is referred to as “Net NSO” (NNSO) and the resources under it are therefore considered inaccessible. 5. Leasing, Cumulative Timing Limitations (TLs) on drilling of >9 Months are lands that can be leased, but stipulations and/or COAs limit the time of the year when oil and gas exploration and drilling can take place to less than 3 months. Timing limitations prohibit surface use during specified time intervals to protect identified resources such as sage grouse habitat or elk calving areas. 6. Leasing, Cumulative Timing Limitations (TLs) on drilling of >6 to ≤9 Months are lands that can be leased, but stipulations and/or COAs limit the time of the year when oil and gas exploration and drilling can take place from 3 to 6 months. 7. Leasing, Cumulative Timing Limitations (TLs) on drilling of >3 to ≤6 Months are lands that can be leased, but stipulations and/or COAs limit the time of the year when oil and gas exploration and drilling can take place from 6 to 9 months. 8. Leasing, Controlled Surface Use (CSU) are lands where stipulations and/or COAs control the surface location of natural gas and oil exploration and development activities by excluding them from portions of the lease. For example, a CSU stipulation could require an operator to develop a specialized mitigation plan based on the presence of moderately steep slopes. This category also includes the minimal areas that have timing limitations of less than three months. 9. Leasing, Standard Lease Terms (SLTs) areas are lands that can be leased and where no additional stipulations are added to the standard lease form. Standard lease terms, however, still dictate that the lessee must comply with many environmental standards and other requirements (see Section 2.1.2, above). Categorizations were made on the basis of LUPs and discussions with Federal land management agencies. In most cases categorization is relatively straightforward; in other cases judgments were made based upon experience with stipulation datasets. For the FS, FPs standards and guidelines are both included in the definition of “Management Direction” at 36 CFR 219.3 (Forest Planning), and were used synonymously without distinction in evaluating FS stipulations. All categorizations were made available to field offices for review and comment.

#### Fourth, prefer our interp:

#### There is no difference between a legal prohibition and an environmental review

Hagerty 10

[Curry L. Hagerty, Specialist in Energy and Natural Resources Policy Outer Continental Shelf Moratoria on Oil and Gas Development, CRS Reports, June 15, 2010, p. <http://crs.ncseonline.org/nle/crsreports/10Jul/R41132.pdf> //wyo-tjc]

Policy makers seeking to reach a compromise to resolve environmental concerns have focused on a range of proposals, including proposals to substitute a combination of other measures as a replacement for moratoria. Such efforts have tended to reach an impasse, however, as advocates remain largely divided on what environmental precautions would constitute adequate protection for the marine and coastal environments. Advocates opposed to OCS oil and gas development often associate oil and gas consumption with harmful greenhouse gas emissions and other global climate change concerns. From this perspective, only permanently restricting the offshore development of conventional energy sources would protect against these risks to the domestic and global environment. This perception complicates efforts to reach a compromise involving a combination of possible restrictions designed to tailor OCS development activities. Advocates in support of conventional OCS development view environmental risk on a different scale and largely reject global climate change as a basis for defining the risk. These advocates claim that compliance with current environmental laws and regulations can be an adequate substitute for moratoria, and that new technologies are emerging to manage harmful greenhouse gas emissions and other global climate change concerns. Improvements in offshore technology are broadly viewed by the Obama Administration as potential measures to bridge the impasse over environmental risk in shaping OCS policy.17

#### Education and predictability- the NEPA process is the most direct and significant statutory restriction on production

USDI, USDA, DOE 2008

[“Inventory of Onshore Federal Oil and Natural Gas Resources and Restrictions to Their Development”, <http://www.blm.gov/pgdata/etc/medialib/blm/wo/MINERALS__REALTY__AND_RESOURCE_PROTECTION_/energy/0.Par.68195.File.dat/EPCA2008lo_1.pdf> //wyo-tjc]

Additional statutory and discretionary requirements beyond lease stipulations impact Federal land access for oil and gas development. Many of these impacts were not quantified because GIS data do not exist, or they are issues that are not amenable to quantitative analysis. Many of these requirements can be considered restrictions on drilling because they have effects similar to stipulations on oil and gas development activities. These issues can directly or indirectly impact Federal land accessibility for oil and gas development. Tables 4-1 through 4-16 present office-specific issues that were recorded from discussions with BLM and FS staff during field visits. Average APD processing time was calculated for each office using input from the offices supplemented by an analysis of BLM’s Automated Fluid Minerals Support System (AFMSS).47 4.1 Issues Directly Impacting Access The National Environmental Policy Act of 1969. The NEPA is the nation’s central environmental statute. It requires Federal agencies to consider environmental impacts before an action is taken. The NEPA process is intended to help public officials make better decisions based on an understanding of their environmental consequences. The NEPA is embedded into the fabric of Federal land management decision-making and has become the most important procedural public land management statute because it requires agencies to comply with its processes in all situations where major actions are contemplated. When an activity or action is proposed on Federal lands, an interdisciplinary review of the environmental effects of the proposal is conducted and made available to citizens and public officials. The review can take one of four forms: • a categorical exclusion (CX) • documentation of NEPA adequacy (DNA) • an environmental assessment (EA) • an environmental impact statement (EIS) The NEPA process can impact oil and gas development in terms of cost and time delays. Typically an EIS or EA is drafted in consultation with the cooperating agencies, presented for public comment, and reviewed by multiple agencies. A simple EIS can take 24 to 36 months to complete, while those with more complex issues may require three to six years to complete. The land use planning process as a whole takes in excess of 36 months, particularly if there is oil and gas involved. The NEPA documents analyze alternatives to the proposed action and must include a “no action” alternative. Impacts are classified as direct, indirect, and cumulative, and include the evaluation of economic impacts to counties and states to be considered, as well as impacts on resources. When considering oil and gas leasing, the BLM has identified the need to obtain additional data on such issues as air quality and clean water as a part of the cumulative impact analysis required by the NEPA and land use planning processes. This has been cited as an overarching issue that affects oil and gas lease parcel nominations. This lack of data can result in leasing delays when existing documents are deemed inadequate. The net result is that potential applicants are often aware of the problem and make decisions not to develop in areas that will be or could be held up by the NEPA process. With respect to the NEPA process itself, concern was expressed by some government officials that individual documents provide “piecemeal” information and that better environmental decisions could be made based on larger scale studies that look at the “bigger picture.” For example, wildlife habitat fragmentation is better characterized when it is examined in the context of larger rather than smaller areas. Delays can increase costs for oil and gas operations because, rather than waiting for the Federal agency to complete the work, operators frequently pay a third-party contractor to perform the necessary work. Section 366 of Energy Policy Act of 2005 (EPAct 2005) sets a deadline for the consideration of applications for permits. The permit must be issued within 30 days (if NEPA and other legal requirements have been met), or defer the decision and provide a notice to the applicant.

#### Breadth outweighs- prefer ground that wasn’t explored on previous energy topics like leasing policy and environmental reviews because it is unique.

#### Fifth, their interp is bad:

#### It conflates restrictions and bans- those are distinct according to DOI

BLM 7

[Dept of Interior, “Energy Policy and Conservation Act Assessment Phase III”, <http://www.blm.gov/wo/st/en/prog/energy/oil_and_gas/EPCA_III/EPCA_III_faq.print.html> //wyo-tjc]

Q: What does “Accessible with Restrictions” mean? A: “Accessible with Restrictions” is a combination of Categories 5-8: 5. Leasing, Cumulative Timing Limitations (TLs) on drilling of >9 Months 6. Leasing, Cumulative Timing Limitations (TLs) on drilling of >6 to ≤9 Months 7. Leasing, Cumulative Timing Limitations (TLs) on drilling of >3 to ≤6 Months are lands that can be leased, but stipulations and/or COAs limit the time of the year when oil and gas exploration and drilling can take place. Timing limitation stipulations prohibit surface use during specified time intervals to protect identified resources such as sage grouse habitat or elk calving areas. 8. Leasing, Controlled Surface Use (CSU) are lands where stipulations and/or COAs control the surface location of natural gas and oil exploration and development activities by excluding them from portions of the lease. For example, a CSU stipulation could require an operator to develop a specialized mitigation plan based on the presence of moderately steep slopes. This category also includes the minimal areas that have timing limitations of less than three months. Q: What do the “Inaccessible” categories include? A: “Inaccessible” is a combination of Categories 1-4: 1. No Leasing (Statutory/Executive Order) (NLS) are lands that cannot be leased due to Congressional or Presidential action. Examples include national parks, national monuments, and wilderness areas. 2.No Leasing (Administrative) (NLA) are lands that are withheld from leasing based on discretionary decisions made by the Federal land management agency. NLA areas can include endangered species habitat and historical sites.

#### B- Sets a bad limit- eviscerates almost all restrictions aff because there are no real prohibitions on production because no topic energies are banned.

#### C- It’s not exclusive

Hagerty 10

[Curry L. Hagerty, Specialist in Energy and Natural Resources Policy Outer Continental Shelf Moratoria on Oil and Gas Development, CRS Reports, June 15, 2010, p. <http://crs.ncseonline.org/nle/crsreports/10Jul/R41132.pdf> //wyo-tjc]

Expiration of moratoria has created the potential for oil and gas exploration and production in areas of the OCS along the Atlantic and Pacific Coasts, parts of Alaska, and the Gulf of Mexico that had been restricted since 1982. These areas include some parts of the OCS that are largely unexplored. Although the annual congressional moratorium was not the only restriction to leasing these offshore areas, it was a significant bar on development. In the absence of the annual congressional moratoria, new OCS policy alternatives emerge for Congress and for the states.

#### Sixh, Err affirmative—the topic is massively neg-biased because of a lack of fed-key warrants and the states counterplan, and breaking a regulation is just as illegal as breaking a prohibition so there is no difference that’s not semantic

#### Seventh, Competing interpretations is bad—comparisons are just as subjective as reasonability and their frame encourages a race to the bottom. We shouldn’t lose if our aff makes debate harder as long as it is still possible and educational.

## Courts

#### First, Perm do both. [if applicable]- It solves their internal net-benefit because…

#### Second, Solvency Deficits:

#### Court action destroys certainty- also offers a platform for delay that tacks on millions of dollars to OSW developer costs

Puliafico 11

[Amy, J.D. 2011, Suffolk University Law School, Journal of High Technology Law, “Offshore wind: what steps need to be taken to ensure it has a future in America”, p. online//wyo-tjc]

Cape Wind has fought and won numerous courtroom battles, but has spent millions of dollars and years in the process. (291) The first judicial problem is sorting out when a legal issue is ripe for court determination. (292) A Massachusetts superior court believes that "allowing the administrative process to run its course before permitting judicial review gives the agency in question 'a full and fair opportunity to apply its expertise to the statutory scheme which, by law, it has the primary responsibly of enforcing.'" (293) Unless it is clearly not within the agency's powers, it is best to wait until the process is finished, rather than intermittently halting the process to decide legal issues. (294) Some commentators advocate limiting access to courts entirely and leaving the process to agency review. (295) By restricting provisions within most environmental statutes that allow citizen suits, organizations would not have as much power to delay the project. (296) Yet, those same enabling statutes allow groups to fight against environmentally hazardous projects such as heavy logging, and therefore need to be protected. (297)

#### Congress is key- too many overlapping agencies for there to be clarity absent a policy

Puliafico 11

[Amy, J.D. 2011, Suffolk University Law School, Journal of High Technology Law, “Offshore wind: what steps need to be taken to ensure it has a future in America”, p. online//wyo-tjc]

The first issue with the current federal regulatory scheme is the lack of uniformity and clarity of procedure and policy across the government branches and agencies. (237) According to the Department of Energy, there are at least six other government organizations with policies on wind siting. (238) The Department of the Interior, the Environmental Protection Agency, and the United States Army Corps of Engineers are the key players involved in the process. (239) The sheer amount of agencies with an opinion and regulatory authority over offshore wind creates a complicated problem. (240) In addition to the agencies and departments, other federal opinions have a significant impact on wind energy development. (241) President Obama, in his 2011 State of the Union address, made green energy a priority. (242) He set an ambitious goal of producing eighty percent of America's electricity from clean energy sources by 2035. (243) In order to achieve that goal, there will need to be a clear government permitting and development plan for this type of energy. As a first step the Department of the Interior and the Department of Energy signed a Memorandum of Understanding in June 2010. (244) The agreement focuses on commercial-scale offshore wind energy and provides the outline for a working relationship so the departments can develop it efficiently. (245) Noticeably absent from the discussion is Congress. (246) There is currently no federal legislation governing offshore wind energy development. (247) Cape Wind proves that Congress needs to enact a regulatory scheme including "an affirmative statement by Congress of its position on offshore wind energy development, a defined coordinate permitting procedure ... and an expedited regulatory process for future projects." (248) There are too many agencies with divergent objectives currently; Congress needs to outline the federal government's role and policies. (249)

#### Means they solve none of the aff- sufficient certainty is the key internal every aff advantage.

#### Third, links to the disad- the special session triggers immediate political shock waves

Mears, 12

(Bill- CNN Supreme Court Producer. “The Supreme Court and election-year blockbusters”, March 26, 2012. http://www.cnn.com/2012/03/25/politics/scotus-health-care-blockbusters/index.html//wyokb]

The justices on the Supreme Court know very well their rulings can send immediate political shock waves, and those just intensify in a presidential election year. So there is an unusual internal dynamic at work of what cases the court hears and when. Unlike the other parts of the judiciary, the Supreme Court is a discretionary body. They stingily pick which cases go on the docket and when. In fact, only about 1% of appeals are accepted and fully reviewed. But certain legal fights are so important and time-sensitive, this court of last resort is often powerless to refuse or delay. That is true of the current challenges to the health care reform law, which will be argued Monday through Wednesday. An expected June ruling in an election year will put the court front and center for voters come November. The justices by nature are loathe to get involved in such highly partisan disputes. But sometimes often have no choice.

#### Perm do both – shields the links to politics

Heise in 2k

(Michael, Professor of Law, Case Western Reserve University, “Education and the Constitution: Shaping each other and the nextcentury: Preliminary Thoughts on the Virtues of Passive Dialogue”, Akron Law Review, 34 Akron L. Rev. 73)

Second, active judicial participation in the school finance area might indirectly exacerbate one problem that it seeks to solve. One problem that arises in the school finance context involves legislative inertia. The question is how courts should approach and respond to instances of legislative inertia, assuming that such a condition is easily recognizable. By seeking to address an issue by actively and directly  [\*106]  engaging lawmakers, courts may ultimately "solve" one inertia problem, but they will do so in a manner that will fuel additional inertia problems in the future. Specifically, active judicial participation often provides political "cover" for lawmakers eager to avoid tough -- and possibly divisive -- political questions that sometimes occupy the center of the political process. Once lawmakers see that judges are willing to inject themselves into political debates, some lawmakers might be induced to become more, rather than less, complacent. Moreover, once the judiciary becomes engaged with a political problem, it becomes part of that problem. To the extent that such problems might not go away anytime soon or, for that matter, worsen, the judiciary's institutional credibility could become an issue.

#### links to the disad- the special session triggers immediate political shock waves

Mears, 12

(Bill- CNN Supreme Court Producer. “The Supreme Court and election-year blockbusters”, March 26, 2012. http://www.cnn.com/2012/03/25/politics/scotus-health-care-blockbusters/index.html//wyokb]

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## Nuclear CP

**Fast breeders cant solve- long Time frame, unproven technology**

**Dittmar, 2012**

[Michael, Institute of particle physics, “Nuclear energy: Status and future limitations.” Energy, Volume 37, Issue 1, January 2012, Pages 35–40, 7th Biennial International Workshop “Advances in Energy Studies” Accessed online via science direct] /Wyo-MB

Of course the above scenarios are totally unrealistic as uranium mining like any other mineral will follow some kind of Hubbert exploration curve. Nevertheless, **the problem of limited uranium supply and the limited resources is in general being accepted** also by pro nuclear energy scientists **and** has been summarized in the so called Generation IV nuclear power plant road map towards the **development of safe fast breeder reactors** [11]. According to the road map from the year 2001 **and if fuel shortages should be avoided**, the new reactors **should be ready** for commercial construction **around** the year **2030**. **Fast reactors are operated with** the prompt neutrons from the nuclear fission and can be considered as prototypes for future Generation IV reactors. Among them is the French Phenix reactor, originally a 0.2 GWe prototype breeder reactor, which started operation in 1974. This reactor was finally closed in October 2009 and officially terminated in February 2010. One might hope that a detailed review of its past operation, allowing verification of the **so-far unsubstantiated claims about nuclear fuel breeding**, will be published eventually. Another fast reactor is the Russian BN 600, a 0.56 GWe reactor, operated since 1981. This reactor has just received the permission to continue its operation for 10 more years. The construction of its newer and slightly larger version, the BN 800, was started during 2006 and, following some delays, is currently expected to begin operation in 2014 at earliest. According to the WNA document [12], both Russian reactors are now called “fast reactors” instead of “fast breeder reactors”. **The last “just functioning” fast breeder prototype is now the Japanese Monju reactor** with a capacity of 0.28 GWe. It **has, after a 15 year-long stop, officially begun to operate under test conditions in spring 2010 and is supposed to reach its normal operation only by 2014**. According to recent statements from the Japanese nuclear agency and from French Government officials **the earliest date for the construction of commercial fast breeders is now given as 2040** [13]. **Thus, the original timeline of 2030 for the Generation IV reactors appears to be totally outdated.**

**Nuke power trades off with renewable development**

**Williams, 2011**

[Chris Williams is a longtime environmental activist and an adjunct professor at Pace University, where he teaches courses in energy and the environment, physics and chemistry, “Why nuclear power must go.” Synthesis/Regeneration. .56 (Fall 2011): p7, Accessed online via academic onefile] /Wyo-MB

As **nuclear plants** have to be continuously operated as close to full capacity as possible to even come close to justifying their costs, they **directly displace clean renewable sources of energy such as wind and solar. If governments re-license nuclear plants for another 20 years and build new ones that operate for 60 years more, then there will be no "transition" to clean power** until almost the end of this century.¶ It's also a myth that nuclear power cannot be replaced by truly green energy. Many scientific studies show that it **is possible to construct wind, solar, geothermal and tidal sources of energy that don't generate radioactive waste, don't lead to resource wars, don't have big carbon footprints, and don't require massive amounts of farmland**, energy and water like agro-fuels such as corn-based ethanol.

## Politics

#### GOP is focused on EPA confirmation vote, restrictions talks are being discussed now

The Hill, 1/2

“EPA nominee would face uncertain path” <http://thehill.com/blogs/e2-wire/e2-wire/274851-epa-nominee-would-face-rocky-uncertain-senate-path>, accessed 1/2/13,WYO/JF

Senate Republicans are in no mood to allow easy confirmation of any replacement for Environmental Protection Agency (EPA) Administrator Lisa Jackson, who [announced Thursday](http://thehill.com/blogs/e2-wire/e2-wire/274641-epa-chief-lisa-jackson-to-step-down) that she’ll leave the agency’s top job early in 2013. Several said they want evidence a new administrator would change the direction of EPA, an agency that critics accuse of imposing overly aggressive rules that burden coal companies, manufacturers and other businesses. “There needs to be someone with a balanced approach, someone who understands that regulations needs to balanced so they don’t cost people jobs,” said Sen. Rand Paul (R-Ky.) on Friday. President Obama, who needs his political capital for fiscal battles and looming fights over gun control and immigration, didn’t immediately launch the EPA confirmation effort.

#### Immigrations and tax reform thump the disad, includes energy policies

Davenport, 12

(Coral, “How Obama and Congress Could Find Common Ground on Energy,” http:~/~/www.nationaljournal.com/magazine/[com/magazine/how-obama-and-congress-could-find-common-ground-on-energy-20121206](http://opencaselist.paperlessdebate.com/xwiki/bin/create/%2F%2Fwww.nationaljournal/com%2Fmagazine%2Fhow-obama-and-congress-could-find-common-ground-on-energy-20121206?parent=Mary+Washington.McCleary%2DMcElhinny+Aff), accessed 1/3/12,WYO/JF

One big obstacle is time. A second-term president has about two years to push through major legislation before the next presidential campaign begins. In addition, two huge issues are already on the docket: immigration and tax reform. A sweeping overhaul of the nation’s tax code, which could easily absorb Congress through 2014, offers the first opportunity for major energy reform. Some lawmakers will probably insert a carbon-tax swap proposal in a broader tax-reform package, although for now the carbon tax seems unlikely to succeed. Democrats will also try to end tax breaks for the oil industry while extending those for renewable energy. But if the tax-reform debate ends without comprehensive new energy provisions, it may be too late to enact an energy overhaul. “If President Obama has victories on immigration and the deficit, that’s two potentially momentous victories for the president in a second term, where victories are not typical,” says historian Alfred Zacher, author of Trial and Triumph: Presidential Power in the Second Term. “It’s difficult to believe he’d win three.”

#### Non-unique PTC just got an extension takes out the Link to the disad

Recharge News, 1-1

“'Fiscal cliff' deal includes lifeline for wind power PTC, say reports”, <http://www.rechargenews.com/business_area/politics/article330152.ece>, accessed 1-1-13,WYO/JF

The wind production tax credit (PTC) could survive under a deal hammered out by US politicians to stop the nation’s economy falling off the so-called “fiscal cliff”, according to reports in Washington. The PTC would be extended for one year to the end of 2013 under the agreement reached late on New Year's Eve, allowing projects that begin construction during that time to qualify for the incentive, says Reuters.

#### ITC just passed and Obama supports it—should have triggered the disad

Kessler 3 Jan

[Kessler, Richard A.: U.S. Online Editor at Recharge Newspaper. "In Depth: Tax credit may allow US offshore wind lift-off in 2013." *Recharge Politics*. Recharge, 3 Jan 2013. Web. 3 Jan 2013. <http://www.rechargenews.com/business\_area/politics/article330202.ece>. //Wyo-BF]

By extending the renewable energy investment tax credit (ITC) one year through 31 December on more favorable terms for developers, Congress has increased chances that construction of the first US offshore wind projects can begin in 2013, industry leaders tell Recharge. They believe that CapeWind, which has 77.5% of its proposed 468MW nameplate capacity under long-term contract, and Deepwater Wind’s 30MW Block Island demonstration project off Rhode Island with full output sold, will start being built this year. Developer Energy Management Inc. is believed to be scheduling a 2013 construction start. “Extension of the ITC is an extremely positive step for the wind industry in general and for Block Island,” says Deepwater Wind chief executive Jeffrey Grybowski. Last year, it submitted final state and federal permit applications for the project. He notes it is important that Congress recognizes offshore wind as a new industry that merits continued support through the tax code. Construction work is also possible this year on Fishermen’s Energy 25-30MW pilot project 2.8 miles (4.5km) off Atlantic City, New Jersey, if the developer can find a power buyer and win state eligibility for taxpayer financing through an offshore wind renewable energy credit (OREC) programme. Fishermen’s Energy spokeswoman Rhonda Jackson says the ITC extension helps give the project momentum and will allow the state to “capture the economic benefits of offshore wind at a significantly lower cost.” These include creation of hundreds of jobs and new manufacturing capacity. The move was part of a last-minute political compromise late Tuesday on fiscal measures that allow the US to avoid automatic and deep spending cuts by the deficit-ridden federal government. The bill, which President Barack Obama says he will sign into law, changes eligibility to offshore wind projects that begin construction before ITC expiration from those under the prior law that had been “placed in service.” The ITC, which provides developers with a credit equivalent to 30% their project costs, has been available since Obama took office in 2009. None have been able to qualify given long project lead times and lengthy federal permitting delays.

#### Regulation changes to coal and other power plants trigger the link

Reuters, 12/30

“EPA faces legal battles, might take easy confirmation road” <http://www.reuters.com/article/2012/12/30/epa-legal-idUSL1E8NS69Y20121230>, accessed 1/2/13,WYO/JF

Regardless of who takes the reins, the U.S. Environmental Protection Agency will likely face continued legal battles in President Barack Obama's second term as it tries to finalize pollution rules for power plants, analysts said. EPA Administrator Lisa Jackson, who spearheaded the [Obama](http://www.reuters.com/video/reuters-tv?videoId=237536565&videoChannel=118066&lc=int_mb_1001) administration's regulation of carbon emissions, said on Thursday she will step down after almost four years. Her tenure was marked by opposition from industry groups and Republican lawmakers to the EPA's first-ever crackdown on carbon emissions, as well as other anti-pollution measures. Analysts said whoever succeeds Jackson will probably face a spate of lawsuits to challenge rules that the EPA will finalize governing power plants, industrial sources and oil and gas production. "This is shaping up to be four years of litigation," said Christopher Guith, vice president for policy at the U.S. Chamber of Commerce's Energy Institute. Given the partisan divide, Guith said, legislators would struggle to draft laws that could serve as alternatives to the EPA's pending suite of carbon and air regulation.

#### No PC—Obama has alienated parts of his party and signaled that he will back down from debates in the fiscal cliff discussion

Kurtz 1 Jan

[Kurtz, Howard: The Daily Beast and *Newsweek*’s Washington bureau chief. "Obama Fiscal Cliff Victory Could Invite Years of Warfare With the GOP." *The Daily Beast*. The Daily Beast, 1 Jan 2013. Web. 2 Jan 2013. <http://www.thedailybeast.com/articles/2013/01/01/obama-fiscal-cliff-victory-could-invite-years-of-warfare-with-the-gop.html>. //Wyo-BF]

President Obama clearly won the fiscal cliff skirmish on Tuesday as he faced down the Republicans, forcing them despite years of fervent promises to raise tax rates on the wealthy. But he also made concessions over New Year’s weekend that could weaken his hand in future battles.

Beating back a conservative revolt in his party, Speaker John Boehner brought to the House floor the compromise bill passed in a predawn session in the Senate. The bill passed late Tuesday night, with Nancy Pelosi’s Democrats providing 172 votes, enough to offset substantial Republican defections. Eighty-five Republicans voted for the bill. The measure will restore the Bush tax cuts for individuals making less than $400,000 and families under $450,000 a year, while also extending unemployment insurance for a year and reviving an inheritance tax exemption for estates under $5 million. During several tense hours, with Majority Leader Eric Cantor opposing his own speaker, it appeared the House would amend the bill to include $300 billion in spending cuts—which, if it had passed, would have required further negotiations with the Senate that probably would have run out the clock. But the leadership decided to stick with the “clean” version, knowing full well that Democrats would get the ball across the finish line. At the same time, Obama has left some in his party disaffected as well. By raising the income threshold at which higher taxes kick in from $250,000 to $400,000, the president did more than back off his constantly repeated campaign vow. He gave away a huge amount of future revenue that will make it more difficult to fund the entitlement and social programs dear to Democratic hearts. Obama also signaled that when push comes to shove, when the final deadline is at hand, he will retreat from his line-in-the-sand position, although the White House would call it reasonable compromise that spared most people a nasty tax hike.

#### Offshore wind is bi-partisan

NAW, 11

North American Wind “New Bipartisan Legislation Proposes Offshore Wind Energy Tax Credit” <http://www.nawindpower.com/e107_plugins/content/content.php?content.8790>, accessed 11/7/12,WYO/JF

U.S. Reps. Bill Pascrell Jr., D-N.J., and Frank LoBiondo, R-N.J., [have introduced](http://pascrell.house.gov/list/press/nj08_pascrell/pr101820112.shtml) bipartisan legislation to encourage offshore wind power investment off the coast of New Jersey. The Incentivizing Offshore Wind Power Act (H.R.3238) proposes to provide a 30%tax credit on investment in the first 3,000 MW of offshore wind. The secretary of the Treasury would have to consult with the secretaries of Energy and the Interior when establishing this credit.

**Winners win**

**Marshall and Prins 11**

(BRYAN W, Miami University and BRANDON C, University of Tennessee & Howard H. Baker, Jr. Center for Public Policy, “Power or Posturing? Policy Availability and Congressional Influence on U.S. Presidential Decisions to Use Force”, Sept, Presidential Studies Quarterly 41, no. 3)

Presidents rely heavily on Congress in converting their political capital into real policy success. Policy success not only shapes the reelection prospects of presidents, but it also builds the president’s reputation for political effectiveness and fuels the prospect for subsequent gains in political capital (Light 1982). Moreover, the president’s legislative success in foreign policy is correlated with success on the domestic front. On this point, some have largely disavowed the two-presidencies distinction while others have even argued that foreign policy has become a mere extension of domestic policy (Fleisher et al. 2000; Oldfield and Wildavsky 1989) Presidents implicitly understand that there exists a linkage between their actions in one policy area and their ability to affect another. The use of force is no exception; in promoting and protecting U.S. interests abroad, presidential decisions are made with an eye toward managing political capital at home (Fordham 2002).

#### Economic collapse does not cause war—their historical arguments are wrong

Ferguson 6

(Niall, MA, D.Phil., is the Laurence A. Tisch Professor of History at Harvard University. He is a resident faculty member of the Minda de Gunzburg Center for European Studies. He is also a Senior Reseach Fellow of Jesus College, Oxford University, and a Senior Fellow of the Hoover Institution, Stanford University, Foreign Affairs, Sept/Oct)

**Nor can economic crises explain** the **bloodshed**. What may be **the most familiar causal chain in modern historiography links the Great Depression to** the rise of **fascism and** the outbreak of **World War II. But** that simple story leaves too much out. **Nazi Germany started the war** in Europe **only after its economy** had **recovered. Not all** the **countries affected by the** Great **Depression were taken over by fascist regimes, nor did all such regimes start wars** of aggression. In fact, **no general relationship between economics and conflict is discernible** for the century as a whole. **Some wars came after periods of growth, others were the causes rather than the consequences of economic catastrophe, and some severe economic crises were not followed by wars.**

## K

**The Role of ballot is to say yes or no to the action and outcomes of the plan.**

**Second, is reasons to prefer:**

**(\_\_\_) A. Aff Choice, any other framework or role of the ballot moots 9 minutes of the 1ac**

**(\_\_\_) B. It is predictable, the resolution demands USFG action**

**(\_\_\_) C. It is fair, Weigh Aff Impacts and the method of the Affirmative versus the Kritik, it’s the only way to test competition and determine the desirability of one strategy over another**

#### Finally, It is a voter for competitive equity

**Technology is sustainable**

**Wolfgram, 2005**

Ann F. Wolfgram, junior fellow at Massey College and Phd in history from Toronto, 1-1-2005, “Population, Resources & Environment: A Survey of the Debate”, <http://www.voxfux.com/features/malthusian_theory/malthusian_theory.htm>

The resource category of minerals is, by nature, varied and broad, encompassing minerals such as copper and coal. In recent years, the mineral that has drawn the most public attention has been petroleum, particularly in reference to consumption and perceived scarcity. Because it is such a well-known mineral, let us take petroleum as a case-in-point for minerals as related to the population-resources question. Neo-Malthusian approach: In years past, the main concern coming from this sector was fear of total mineral resource depletion. In an on-going public debate between Lester Brown, of the Neo-Malthusian school, and Julian Simon, Simon wagered that mineral resources were not being depleted, because price, which reflects scarcity, did not rise but declined in the long-term. Simon won the wager. (Simon’s position will be discussed later in this section.) In recent years, the neo-Malthusian argument, especially with regard to petroleum has shifted from concern over resource depletion to effects of mining and mineral usage on the environment. Fears over land degradation due to mining, air pollution due to burning petroleum, water pollution due to oil spills and industry waste, among other things, are now the main thrust of the neo-Malthusian argument with regard to minerals resources, petroleum in particular. These will be discussed in a later section devoted to population and environment. Scientific evidence: According to the U.S. Department of Energy (DOE), **domestic oil reserves have declined over the past decade. However, this should not naively be thought to be a sign that the world is rapidly running out of oil.** Rather, it means that less oil was being produced by oil companies. The DOE pointed to several economic and industry trends that impacted domestic reserves, such as the sharp decrease in drilling due to the collapse of crude oil prices in 1986, the shift within the petroleum industry to drilling for natural gas, and restrictions on oil exploration in oil-prone places in the United States. (32) Domestic and world oil resources are difficult to quantify in that, in addition to known high-grade resources, there are lower-grade oil **reserves which can be tapped using new technologies, as well as oil fields that have yet to be discovered**. In 1995, the Department of Interior’s estimate for undiscovered recoverable oil plus inferred resources of domestic crude oil was 132 billion barrels, which was six times larger than the 1995 proven reserves. (33) It must also be remembered that the most oil reserves lie outside of the United States. People-as-Problem-Solvers: Predictably, one of the responses of the human creativity/ technological advancement proponents is that **technological development will allow for a greater efficiency** in the use of minerals resources. However, there is a second dimension to technological development that they point to: **technological advancements may also mean less dependence on a given resource**. For instance, historically, wood and steam were the primary sources of energy prior to oil. With the advent of the internal combustion engine, petroleum became the primary energy resource. Thus, the development of new technologies caused a shift in the demand for certain resources. In the future, our sources of energy may be nuclear power, solar power or wind power. As Julian Simon, a self-described optimist in these matters, argues, # **trends in energy costs and scarcity have been downward over the entire period for which we have data. And such trends are usually the most reliable bases for forecasts. From these data we may conclude with considerable confidence that energy will be less costly and more available in the future** than in the past. The reason that the cost of energy has declined in the long-run is the fundamental process of (1) increased **demand due to growth of population and income, which raises prices and hence constitutes opportunity to entrepreneurs and inventors;** (2) the search for new ways of supplying the demand for energy; (3) the eventual discovery of methods which leave us better off than if the original problem had not appeared. (34) Thus, according to Simon theory based on historical data, **either new technologies will develop, thereby lessening the need for more petroleum, or scarcity will eventually arise, thus spurring invention and development of new technologies.**

**No mindset shift**

**Mumford, 10**

Lewis Mumford, Technics and Civilization, <http://sciencepolicy.colorado.edu/students/envs_5110/tecnics_and_civilization.pdf>

**While people often call our period the “Machine Age,” very few have any perspective on modern technics or any clear notion as to its origins**. Popular historians usually date the great transformation in modern industry from Watt’s supposed invention of the steam engine; and in the conventional economics textbook the application of automatic machinery to spinning and weaving is often treated as an equally critical turning point. But the fact is that in Western Europe the machine had been developing steadily for at least seven centuries before the dramatic changes that accompanied the “industrial revolution” took place. **Men had become mechanical before they perfected complicated machines to express their new bent and interest; and the will-to-order had appeared once more in the monastery and the army and the counting-house before it finally manifested itself in the factory.** **Behind all the great material inventions of the last century and a half was not merely a long internal development of technics: there was also a change of mind. Before the new industrial processes could take** hold on a great scale, **a reorientation of wishes, habits, ideas, goals was necessary.**

**Biotechnology is key to avoid super volcanoes and ext**

**Trewavas, 00**

(Anthony Trewavas, Professor at the Institute of Cell and Molecular Biology at the University of Edinburgh, “GM Is the Best Option We Have”, http://www.agbioworld.org/biotech-info/articles/biotech-art/best\_option.html, June 5,2000)

In 535A.D**. a volcano** near the present Krakatoa **exploded with the force of 200 million Hiroshima A bombs. The dense cloud of dust so reduced the intensity of the sun that for at least two years thereafter, summer turned to winter and crops here and elsewhere in the Northern hemisphere failed completely. The population survived by hunting a rapidly vanishing population of edible animals.** The after-effects continued for a decade and human history was changed irreversibly. But the planet recovered. Such examples of benign nature's wisdom, in full flood as it were, dwarf and make miniscule the tiny modifications we make upon our environment. **There are apparently 100 such volcanoes round the world that could at any time unleash forces as great. And even smaller volcanic explosions change our climate and can easily threaten the security of our food supply**. Our hold on this planet is tenuous**. In the present day an equivalent 535A.D. explosion would destroy much of our civilisation. Only those with agricultural technology sufficiently advanced would have a chance at survival.** Colliding asteroids are another problem that requires us to be forward-looking accepting that technological advance may be the only buffer between us and annihilation. When people say to me they do not need GM, I am astonished at their prescience, their ability to read a benign future in a crystal ball that I cannot. **Now is the time to experiment**; not when a holocaust is upon us and it is too late. **GM is a technology whose time has come and just in the nick of time.** With each billion that mankind has added to the planet have come technological advances to increase food supply. In the 18th century, the start of agricultural mechanisation; in the 19th century knowledge of crop mineral requirements, the eventual Haber Bosch process for nitrogen reduction. In the 20th century plant genetics and breeding, and later the green revolution. Each time population growth has been sustained without enormous loss of life through starvation even though crisis often beckoned. For the 21st century, **genetic manipulation is our primary hope to maintain developing and complex technological civilisations. When the climate is changing in unpredictable ways, diversity in agricultural technology is a strength and a necessity not a luxury**. Diversity helps secure our food supply. We have heard much of the precautionary principle in recent years; my version of it is "be prepared".

**Imagining future nuclear scenarios enables criticism of nuclear weapons ability to destroy all humankind**

**Foard, Associate Professor of Religion, Arizona State, 1997**

(James, “Imagining Nuclear Weapons: Hiroshima, Armageddon, and the Annihilation of the Students of Ichijo School,” Journal of the American Academy of Religion, http://jaar.oxfordjournals.org/cgi/reprint/LXV/1/1.pdf)

This ambivalence about Hiroshima has been partially ameliorated by displacing it with Armageddon in our imagination of nuclear weapons In Amenca the images of the atomic bomb, particularly after the Soviet Union's successful test in 1949 (Boyer.341), were pressed into the service of apocalyptic speculations, both scientific and otherwise, a process which has until recently assigned the horror that Hiroshima represented

to a superpower war in an imagined future (cf. Pease'562). Specifically, **images of a nuclear Armageddon have helped us perform two sorts of cultural tasks** fundamental for imagining nuclear weapons: those involving difference and those involving representation. By "difference" I mean bot**h the articulation of what makes nuclear weapons different from other weapons and the consequent reflection on the different human situation engendered by them.** By "representation" I mean the **expressions which**

**seek to describe the use of nuclear weapons** and incorporate that description into structures of meaning Armageddon **permits us to define the difference of nuclear weapons by their capacity to destroy the human species in a war that no one will win**.

**Turn Nuclear war causes an authoritarian crackdown on civil liberties and derails long-term efforts at disarmament**

**Martin, Professor of Social Sciences in the School of Social Sciences, Media and Communication at the University of Wollongong, 1982**

(Brian, “How the Peace Movement Should be Preparing for Nuclear War,” *Bulletin of Peace Proposals*, Vol. 13, No. 2, 1982, pp. 149-159)

In addition to the important physical effects of nuclear war there would be important indirect political effects. It seems very likely that **there would be strong moves to maintain or establish authoritarian rule as a response to crises preceding or following nuclear war**. Ever since Hiroshima, **the threat of nuclear destruction has been used to prop up repressive institutions, under the pretext of defending against the 'enemy'. The actuality of nuclear war could easily result in the culmination of this trend.** Large segments of the population could be manipulated to support a repressive regime under the necessity to defend against further threats or to obtain revenge. A limited nuclear war might kill some hundreds of thousands or tens of millions of people, surely a major tragedy. But **another tragedy could also result: the establishment, possibly for decades, of repressive civilian or military rule** in countries such as Italy, Australia and the US, even if they were not directly involved in the war**. The possibility of grassroots mobilisation for disarmament and peace would be greatly reduced even from its present levels**. For such developments the people and the peace movements of the world are largely unprepared.